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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.

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

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,	)	<i>In Re: Asbestos Personal Injury Litigation</i>
	)	Coordinated Docket
	)	
Plaintiffs,	)	<u>JOHNSON & JOHNSON DEFENDANTS'</u>
	)	<u>REPLY IN SUPPORT OF MOTION IN</u>
vs.	)	<u>LIMINE NO. 5 TO EXCLUDE</u>
	)	<u>PLAINTIFFS' SUMMARY EVIDENCE</u>
AMERICAN INTERNATIONAL INDUSTRIES, ET AL.,	)	<u>CHARTS</u>
	)	
Defendants.	)	

Defendants Johnson & Johnson, Inc. ("J&J"); LLT Management, LLC ("LLT"); Johnson & Johnson Holdco (NA), Inc. ("Holdco"); and Kenvue, Inc. (collectively, the "J&J Defendants") submit this reply in support of their motion *in limine* No. 5 to exclude Plaintiffs' Summary Evidence Charts.¹

Plaintiffs' opposition does not even attempt to address the fundamental problems with their proposed "Decades of Evidence of Asbestos Content in Johnson & Johnson Products" chart (hereinafter the "Decades of Evidence chart"), which make the chart inadmissible. Specifically, Plaintiffs fail to address that entries on the chart either (1) misstate that asbestos was detected when the testing summarized expressly state the exact opposite, (2) concern findings of non-toxic minerals that are mislabeled as asbestos on the chart, (3) concern NON-J&J products (despite the chart title stating otherwise), and documents that were never even in J&J Defendants' possession, (4) findings of asbestos in industrial talc or talc mines, which were never used in Johnsons Baby Powder, or (5) refer to talc samples taken from parts of mines that never made it into Johnson's Baby Powder. Mot. at 3-4.

¹ Plaintiffs' Opposition to J&J Defendants Motion to Exclude Summary Evidence Charts references the corresponding MIL as "No. 4". The correct MIL number associated with J&J Defendants summary evidence motion is MIL No. 5.

As established in J&J Defendants' motion, these deficiencies alone (which are unaddressed by Plaintiffs' opposition) warrant excluding the chart under either Rule 1006 or Rule 403 of the South Carolina Rules of Evidence. Mot. at 5-6.

In one of the versions Plaintiffs are now proffering for their Decades of Evidence chart, they claim to summarize 204 documents and include a "tally" of the purported asbestos findings of 1087. Pl.'s Opp., Ex. 2. Counsel for Plaintiffs used a different version of the alleged Decades of Evidence chart in another trial this year. *See* J&J Defendants' Mot., Ex. A. In that version, counsel for Plaintiffs purported to summarize the same 204 documents, yet the "tally" was 1085. *Compare* Pl.'s Opp., Ex 2 with J&J Defendants' Mot., Ex A. And in yet *another* version of the Plaintiffs' Decade of Evidence chart, they purport to summarize 222 documents with a different tally number. Pl.'s Opp., Ex. 3. Plaintiffs accurately state that, with respect to summary charts, "care must be taken to omit argumentative nature in their preparation." Pl.'s Opp. At 5. But, as highlighted by even counsel for Plaintiffs inability to establish a consistent "tally", the "tally" is not a "fair inference" or "conclusion" from the documents.² The conclusions from the documents are contested and represent pure argument, rendering the summaries impermissible under Rule 1006. *See State v. Warner*, 430 S.C. 76, 96, 842 S.E.2d 361, 370 (Ct. App. 2020), *aff'd in part and remanded*, 436 S.C. 395, 872, S.E.2d 638 (2022).

Plaintiffs also do not dispute that, as a matter of law, it is their burden to establish that the underlying documents summarized under Rule 1006 are admissible in evidence. Pl.'s Opp., at 4. As established in J&J Defendants' motion, however, many of the entries on the Decades of Evidence chart reflect documents from non-parties whose authenticity has not been established and that are not subject to any recognized hearsay exception. J&J Defendants' Mot. at 3-4. Plaintiffs' blanket assertions of admissibility do not satisfy their burden to establish authenticity or an exception to the hearsay rule.

² Indeed, this issue with the "tally" was recently magnified by Plaintiff's Motion to Pre-Admit Exhibits, filed on July 26. That filing seeks to admit an as of yet undisclosed "Decades of Evidence" chart with an entirely different purported tally of 1,025.

Similarly problematic, many of the underlying documents identified in Plaintiffs' Decades of Evidence chart are litigation reports authored by hired experts in talc litigation (*e.g.*, Pl.'s Opp., Ex. 2 at Nos. 193-199, 202 – 204), many of which are not even retained experts in this case and are clearly inadmissible hearsay.

Instead of addressing these fundamental problems with the "Decades of Evidence" chart, Plaintiffs' opposition does two things.

First, Plaintiffs suggest that Defendants' corporate representative, Dr. Edward Kuffner, agreed that the Decades of Evidence chart is accurate. Pl.'s 10-11. This is false. The corporate representative testimony attached to Plaintiffs' opposition primarily concerned Johnson & Johnson's responses to interrogatories concerning the specific entries in the Decades of Evidence chart. *See generally* Pl.'s Opp, Exs. 17 and 19. During his testimony, Dr. Kuffner could not have been clearer concerning Defendants' position on the accuracy of the chart:

Q: Dr. Kuffner, recognizing that you've not gone back and looked at it, but based upon your familiarity with Johnson & Johnson's responses, do you consider the chart to be an accurate summary of the information in Johnson & Johnson's responses with respect to those documents?

A: No.

Q: Why not?

A: Because, in instances, it appears there is missing information. It hadn't taken into consideration the responses themselves. I mentioned last time when I was talking about this that, you know, where someone alleges that it's asbestos and you read the additional documents, you can understand that it's not – it's not asbestos.

Ex. A, January 6, 2024, Kuffner *Eggers* Dep., 40:24 – 41:15. J&J Defendants dispute is not just as to Plaintiffs' interpretation of the various documents referenced in the chart; as set forth in J&J Defendants' verified interrogatory responses, the summaries do not accurately report the contents of the underlying documents. Ex. B, Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s March 2021 Supplemental Responses to Plaintiff's (*Eggers*) First set of Interrogatories and Requests for Production of Documents.

Second, Plaintiffs attach five other purported summary charts. Pl.'s Opp., Exs. 5, 9, 13, 15, 3. But these additional charts suffer from the same issues as Plaintiffs' larger Decades of Evidence chart. Indeed, the vast majority of the documents referenced in these additional charts are documents referenced in the "Decades of Evidence" chart. The documents referenced on Plaintiffs' "Batelle Memorial testing chart" (Pl.'s Opp, Ex. 15) are just a smaller subset of the Batelle testing documents referenced on the Decades of Evidence chart (Ex. 2 at Nos. 3-18.)

The documents referenced in Plaintiffs' proposed "Pfizer testing" summary (Pl.'s Opp., Ex. 9) are identical to the documents referenced in entry number 118 of Plaintiffs' Decades of Evidence chart (Pl.'s Opp., Ex. 2 at No. 118). These documents purport to be testing of talc conducted by a non-party, Pfizer, which Plaintiffs' retained experts contend show findings of asbestos fibers. As an initial matter, there is no evidence that these documents were ever provided to Johnson & Johnson at any time prior to this litigation. Regardless, Plaintiffs' opposition and the proposed Pfizer chart fail to mention that Pfizer's corporate representative testified that the fibers identified include non-asbestiform minerals, and that Pfizer never found asbestos in any of its test results. Ex. C, August 11, 2022, *Payne* Pfizer Dep., 91:2 – 91:11, 94:5 – 94:21. Accordingly, as in the Decades of Evidence chart, the proposed Pfizer summaries inaccurately summarize the evidence concerning that testing.

Finally, the vast majority of the documents referenced in Plaintiffs' summary of "J&J internal documentation" (Pl.'s Opp., Ex. 5) are also referenced in Plaintiffs' Decades of Evidence chart. *Compare* Pl.'s Opp., Ex 5 *with* Pl.'s Opp., Ex 2. The former suffers from the same deficiencies as the latter, as established in Defendants' motion and unaddressed by Plaintiffs' opposition.

CONCLUSION

For the foregoing reasons, and those stated in Defendants' motion, the Defendants respectfully request that the Court exclude Plaintiffs' purported summary charts pursuant to Rules 403 and 1006 of the South Carolina Rules of Evidence.

Respectfully submitted,

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Columbia, South Carolina

July 29, 2024

Exhibit A

In the Matter Of:
EMILY T. CARTER, et al.
VS
JOHNSON AND JOHNSON, et al.

Johnson and Johnson (Edwin K. Kuffner, MD, Vol III)
January 06, 2024



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

EMILY T. CARTER, as the :
special administrator of :
Estates of BARBARA EGGERS :
and VERNON EGGERS, Deceased :
Plaintiffs : CASE NO.
v. : CJ-18-4739
JOHNSON & JOHNSON; :
LTL MANAGEMENT, LLC :
Defendants. :

Video-Recorded Deposition of
JOHNSON & JOHNSON and LTL MANAGEMENT LLC
(fka LTL MANAGEMENT, LLC),
through their designated representative
EDWIN K. KUFFNER, MD

Via Zoom Videoconferencing

Saturday, January 6, 2024
10:46 a.m.

Reported by:
Adam D. Miller, Registered Professional Reporter

1 Exhibit 1 referenced here. 3 is the 122
2 documents. Can you just repeat what
3 Exhibit 2 is.

4 ATTORNEY DEAN: Sure. So Exhibits 2,
5 3, and 4 are the decades of evidence chart
6 in different forms.

7 Exhibit 2 is identifying each entry
8 from 1 to 205 in chronological order
9 without reference to the internal Eggers
10 chart number.

11 Exhibit 3 are the same 205 entries
12 but referencing the Eggers chart number.

13 And Exhibit 4 is all 122 Eggers
14 Exhibit A documents in chronological
15 order. And I'll show all of these.

16 ATTORNEY BERNARDO: That's what I was
17 going to ask. This is very challenging
18 without seeing them. But if you're about
19 to show them, that will address what I was
20 going to ask.

21 ATTORNEY DEAN: It is the same format
22 we did in Hirshberg, but I will show so
23 everybody's on the same page.

24 And then Exhibit 5 is just the
25 testing that J&J references in their

January 5, 2024 verified discovery
responses as Exhibit 1.

ATTORNEY BERNARDO: I think I'm with
you. But if you show us the exhibits,
that will give Dr. Kuffner an opportunity
to make sure he understands and give me an
opportunity to object if I feel I need to.

BY ATTORNEY DEAN:

Q Dr. Kuffner, you know that today you
are here not as Dr. Kuffner but as the company
representative for a large corporation that has
a lot of moving parts and a lot of people;
right?

A Yes.

Q And so there is another capacity that
individuals can come in that isn't as a fact
witness speaking for a company or speaking for
yourself but as an expert. And you have been an
expert witness in litigation before; correct?

A Correct.

Q You understand that is not the
capacity you're here in today?

A Correct.

Q And I want to spend some time -- I'm
hoping it won't be a long time -- but just

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.

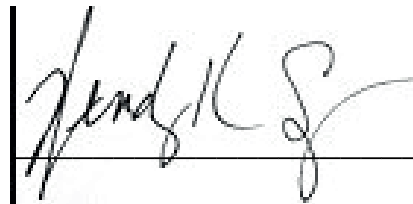


/s/ Adam D. Miller
Registered Professional Reporter
And Notary Public

CERTIFICATE

I, Wendy Sawyer, do hereby certify that I was
authorized to and transcribed the foregoing recorded
proceedings, and that the transcript is a true record, to
the best of my ability.

DATED this 22nd day of January, 2024.

A handwritten signature in black ink, appearing to read "Wendy Sawyer", is written over a horizontal line.

WENDY SAWYER, CDLT

Exhibit B

IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

VERNON EGGERS, Individually and
as the Personal Representative of the Estate
of Barbara Eggers, Deceased

Plaintiff,

vs.

Case No. CJ-2018-4739

COLGATE-PALMOLIVE
COMPANY, et al.,

Defendants.

**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**

Preliminary Statement

Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc. (collectively, "Defendants") respond to Plaintiff's First Set of Interrogatories ("Interrogatories") and Requests for Production of Documents ("Requests")¹ as follows.

In connection with prior discovery requests in this and other talc personal injury actions, Defendants have conducted reasonable searches at various times over the course of many years to identify, collect and produce documents that relate in a reasonably direct manner to allegations concerning Johnson's® Baby Powder ("JBP") and Shower to Shower® ("STS") cosmetic talc

¹ In an effort to streamline Plaintiff's ongoing examination of Defendants' corporate representative regarding the more than 140 documents that are the subject of Plaintiff's Interrogatories and Requests, Defendants agreed to respond to the Interrogatories and Requests after an extensive meet-and-confer process between counsel for Plaintiff and counsel for the Defendants, without waiver of their position that certain of the discovery sought is not appropriate for the reasons described in their Responses.

products sold in the United States (collectively, “JBP/STS” or “cosmetic talc products”).² Defendants have made available their Document Production to Plaintiff’s counsel and Defendants may refer to such materials in these Responses.

Plaintiff’s Interrogatories and Requests seek a broad array of information from Defendants, including but not limited to their positions regarding complex scientific issues, pertaining to documents dating back to a period more than 70 years ago. Many such documents were not authored by Defendants and/or are not from the files of Defendants. Nevertheless, Defendants state that they have made a good-faith effort to identify with specificity information and documents sought by each of the Interrogatories and Requests, which are set out in the Responses.

Defendants do not concede (and as set forth herein, expressly disagree with) the characterizations contained in Exhibit A to Plaintiff’s Interrogatories and Requests. Defendants further state that certain document descriptions and/or references contained in Exhibit A to the Interrogatories and Requests are vague and ambiguous and/or appear to be incorrect based on Defendants’ good-faith efforts to identify such documents. To address these issues, Defendants have specifically identified the dates and Bates numbers of the documents to which they are responding.

In addition, Defendants state that by referring to, relying on, or producing documents in connection with responding to the Interrogatories and Requests, they do not waive their right to object to the use of such documents (including but not limited to documents that are not included within Defendants’ Document Production) at trial on any and all grounds, including, but not

² Defendants state the cosmetic talc products have been manufactured and sold at various periods of time by one or more of the Defendants and/or their predecessors, subsidiaries and affiliates (the “J&J Companies”). In collectively responding to the Interrogatories and Requests, including by referring to “Johnson & Johnson” in the Responses, Defendants do not waive any argument with respect to which of the J&J Companies had responsibility for the cosmetic talc product during a particular time period.

limited to, authenticity, relevance, hearsay, and unfair prejudice. Defendants further state, that while they and their corporate representative may refer to, rely on, or produce documents that were not located among Defendants' business records, Defendants do so without waiver of their position that Defendants and their corporate representative will respond subject to the limitations of applicable discovery rules.

Responses to Requests For Production of Documents

REQUEST FOR PRODUCTION NO. 1:

Produce all documents referred to or relied upon to answer the above Interrogatories.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Subject to the qualifications set forth in the Preliminary Statement, Defendants refer to and incorporate herein their Responses to the Interrogatories, which identifies documents responsive to this Request. Defendants further state that they have a reasonable and good-faith belief that such documents previously have been made available to Plaintiff's counsel.

Responses to Interrogatories

CHART NO. 1: JNJ 000331298 (10/6/1948)

INTERROGATORY NO. 1.1:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.1:

The document at issue in Chart No. 1 lists “tremolite” as a mineral present in a sample identified as “NY talc.” It also lists “serpentine asbestos,” which is chrysotile, as a mineral present in an unidentified sample. The document does not identify the presence of anthophyllite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.1 and 4.1.

INTERROGATORY NO. 2.1:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.1:

The document at issue in Chart No. 1 lists “serpentine asbestos,” which is chrysotile (i.e. fibrous), as a mineral present in an unidentified sample. The document does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.1 and 4.1.

INTERROGATORY NO. 3.1:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.1:

The document at issue in Chart No. 1 lists “tremolite” as a mineral present in a sample identified as “NY talc.” It does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms. It also lists “serpentine asbestos,” which is chrysotile, as a mineral present in an unidentified sample that is not identified as talc. The three samples identified in the document as Vermont talc samples are not listed as having any amphibole or serpentine minerals. In addition, Defendants refer to their response to Interrogatory Nos. 4.1 and 5.1.

INTERROGATORY NO. 4.1:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.1:

Defendants have a reasonable and good faith belief that the samples identified in the document at issue in Chart No. 1 do not relate to cosmetic talc products sold by Defendants. There is no indication in the document that any of the samples were Johnson & Johnson’s cosmetic talc products or cosmetic talc source ore. In addition, based on their review of the documents described in the Preliminary Statement, “NY talc” was never used by Johnson & Johnson in the manufacture of its cosmetic talc products and the single finding in the unidentified sample, which is not described as talc, is inconsistent with the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic

talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely.

INTERROGATORY NO. 5.1:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.1:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.1 through 4.1 and the documents identified therein.

CHART NO. 2: JNJ 000087868 (10/15/1957)**INTERROGATORY NO. 1.2:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.2:

The document at issue in Chart No. 2 states trace amphiboles were present in the Italian talc studied. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.2 and 4.2.

INTERROGATORY NO. 2.2:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.2:

The document at issue in Chart No. 2 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.2 and 4.2.

INTERROGATORY NO. 3.2:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.2:

The document at issue in Chart No. 2 states trace amphiboles were present in the Italian talc studied. It does not show or demonstrate the presence of asbestos because amphibole minerals can exist in both non-asbestos and asbestos forms and no Battelle report ever concluded that there was asbestos in any Johnson & Johnson cosmetic talc ore source or cosmetic talc product. To the

contrary, Battelle reported that Italian talc was “regarded as very good quality.” JNJ 000087077. Johnson & Johnson’s conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJTALC000289268; JNJTALC000359710; JNJTALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.2 and 5.2.

INTERROGATORY NO. 4.2:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.2:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 2 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 2 is a study, which was one of many carried out by the Battelle Memorial Institute regarding Italian talc. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.2:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.2:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.2 through 4.2 and the documents identified therein.

CHART NO. 3: JNJ 000087077 (5/23/1958)**INTERROGATORY NO. 1.3:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.3:

The document at issue in Chart No. 3 states tremolite is a mineral present in a number of different talc samples, including samples of Italian talc. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.3 and 4.3.

INTERROGATORY NO. 2.3:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.3:

The document at issue in Chart No. 3 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.3 and 4.3.

INTERROGATORY NO. 3.3:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.3:

The document at issue in Chart No. 3 states tremolite is a mineral present in a number of different talc samples, including samples of Italian talc. It does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms and because no Battelle report ever concluded that there was asbestos in any Johnson & Johnson

cosmetic talc ore source or cosmetic talc product. To the contrary, Battelle reported that Italian talc was “regarded as very good quality.” Johnson & Johnson’s conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJTALC000289268; JNJTALC000359710; JNJTALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.3 and 5.3.

INTERROGATORY NO. 4.3:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.3:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 3 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 3 is a study, which was one of many carried out by the Battelle Memorial Institute regarding Italian talc. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.3:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the

person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.3:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.3 through 4.3 and the documents identified therein.

CHART NO. 4: JNJ 000087231 (7/18/1958)**INTERROGATORY NO. 1.4:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.4:

The document at issue in Chart No. 4 states trace tremolite is present in samples of Italian talc. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.4 and 4.4.

INTERROGATORY NO. 2.4:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.4:

The document at issue in Chart No. 4 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.4 and 4.4.

INTERROGATORY NO. 3.4:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.4:

The document at issue in Chart No. 4 states trace tremolite is present in samples of Italian talc. In addition, in a discussion of “abrasiveness,” Battelle states in the document that certain minerals are undesirable in talc because they can “scratch or otherwise irritate the skin.” Among these are “acicular and fibrous particles of talc and amphibole” and “shard and granules of amphibole.” The foregoing statements do not show or demonstrate the presence of asbestos

because tremolite can exist in both non-asbestos and asbestos forms; because terms like “fibrous” and “acicular,” which have been used in different ways by different people do not mean asbestos; and because no Battelle report ever concluded that there was asbestos in any Johnson & Johnson cosmetic talc ore source or cosmetic talc product. To the contrary, Battelle reported that Italian talc was “regarded as very good quality.” *See* JNJ 000087077. Johnson & Johnson’s conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJTALC000289268; JNJTALC000359710; JNJTALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.4 and 5.4.

INTERROGATORY NO. 4.4:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.4:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 4 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 4 is a study, which was one of many carried out by the Battelle Memorial Institute regarding Italian talc. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.4:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.4:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.4 through 4.4 and the documents identified therein.

CHART NO. 5: JNJ 000087166 (7/31/1959)**INTERROGATORY NO. 1.5:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.5:

The document at issue in Chart No. 5 states tremolite is a mineral present in various samples of Italian talc. The document further identifies “largely fine, acicular particles” in certain samples. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.5 and 4.5.

INTERROGATORY NO. 2.5:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.5:

The document at issue in Chart No. 5 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.5 and 4.5.

INTERROGATORY NO. 3.5:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.5:

The document at issue in Chart No. 5 states tremolite is a mineral present in various samples of Italian talc. The document further identifies “largely fine, acicular particles” in certain samples. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. The foregoing statements do not show or demonstrate the presence of asbestos because tremolite

can exist in both non-asbestos and asbestos forms; because terms like “largely fine, acicular particles” do not mean asbestos; and because no Battelle report ever concluded that there was asbestos in any Johnson & Johnson cosmetic talc ore source or cosmetic talc product. To the contrary, Battelle reported that Italian talc was “regarded as very good quality.” *See* JNJ 000087077. Johnson & Johnson’s conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJTALC000289268; JNJTALC000359710; JNJTALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.5 and 5.5.

INTERROGATORY NO. 4.5:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.5:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 5 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 5 is a study, which was one of many carried out by the Battelle Memorial Institute regarding Italian talc. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.5:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.5:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.5 through 4.5 and the documents identified therein.

CHART NO. 6: JNJ 000087105 (8/31/1959)**INTERROGATORY NO. 1.6:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.6:

The document at issue in Chart No. 6 states tremolite is a mineral present in various samples of Italian talc. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.6 and 4.6.

INTERROGATORY NO. 2.6:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.6:

The document at issue in Chart No. 6 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.6 and 4.6.

INTERROGATORY NO. 3.6:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.6:

The document at issue in Chart No. 6 states tremolite is a mineral present in various samples of Italian talc. It does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms and because no Battelle report ever concluded that there was asbestos in any Johnson & Johnson cosmetic talc ore source or cosmetic talc product. To the contrary, Battelle reported that Italian talc was “regarded as very good quality.” See JNJ

000087077. Johnson & Johnson's conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJALC000289268; JNJALC000359710; JNJALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.6 and 5.6.

INTERROGATORY NO. 4.6:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.6:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 6 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 6 is a study, which was one of many carried out by the Battelle Memorial Institute regarding Italian talc. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.6:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.6:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.6 through 4.6 and the documents identified therein.

CHART NO. 7: JNJTALC000668937 (9/15/1959)**INTERROGATORY NO. 1.7:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.7:

The document at issue in Chart No. 7 states tremolite is a mineral present in a “pressed-carbonate test pellet,” which was created as part of the Battelle Memorial Institute studies on Italian talc. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.7 and 4.7.

INTERROGATORY NO. 2.7:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.7:

The document at issue in Chart No. 7 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.7 and 4.7.

INTERROGATORY NO. 3.7:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.7:

The document at issue in Chart No. 7 states tremolite is a mineral present in a “pressed-carbonate test pellet,” which was created as part of the Battelle Memorial Institute studies on Italian talc. It does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms and because no Battelle report ever concluded that there was

asbestos in any Johnson & Johnson cosmetic talc ore source or cosmetic talc product. To the contrary, Battelle reported that Italian talc was “regarded as very good quality.” *See* JNJ 000087077. Johnson & Johnson’s conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJTALC000289268; JNJTALC000359710; JNJTALC000294753; JNJ 000314361). However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.7 and 5.7.

INTERROGATORY NO. 4.7:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.7:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 7 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 7 is a study, which was one of many carried out by the Battelle Memorial Institute regarding Italian talc. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.7:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the

person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.7:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.7 through 4.7 and the documents identified therein.

CHART NO. 8: JNJ 000087123 (12/31/1959)**INTERROGATORY NO. 1.8:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.8:

The document at issue in Chart No. 8 states tremolite is a mineral present in various samples of Italian talc. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.8 and 4.8.

INTERROGATORY NO. 2.8:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.8:

The document at issue in Chart No. 8 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.8 and 4.8.

INTERROGATORY NO. 3.8:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.8:

The document at issue in Chart No. 8 states tremolite is a mineral present in various samples of Italian talc. It does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms and no Battelle report ever concluded that there was asbestos in any Johnson & Johnson cosmetic talc ore source or cosmetic talc product. To the contrary, Battelle reported that Italian talc was “regarded as very good quality.” See JNJ

000087077. Johnson & Johnson's conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJALC000289268; JNJALC000359710; JNJALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.8 and 5.8.

INTERROGATORY NO. 4.8:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.8:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 8 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 8 is a study, which was one of many carried out by the Battelle Memorial Institute regarding Italian talc. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.8:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.8:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.8 through 4.8 and the documents identified therein.

CHART NOS. 9 & 10: JNJ 000086877 (3/8/1960)**INTERROGATORY NO. 1.9 AND 1.10:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.9 AND 1.10:

The document at issue in Chart Nos. 9 and 10 states tremolite is a mineral present in various samples of Italian talc and a 1958 “Johnson & Johnson shelf product.” The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.9, 3.10, 4.9 and 4.10.

INTERROGATORY NO. 2.9 AND 2.10:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.9 AND 2.10:

The document at issue in Chart Nos. 9 and 10 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.9, 3.10, 4.9 and 4.10.

INTERROGATORY NO. 3.9 AND 3.10:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.9 AND 3.10:

The document at issue in Chart Nos. 9 and 10 states tremolite is a mineral present in various samples of Italian talc and a 1958 “Johnson & Johnson shelf product.” It does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms and no Battelle report ever concluded that there was asbestos in any Johnson & Johnson

cosmetic talc ore source or cosmetic talc product. To the contrary, Battelle reported that Italian talc was “regarded as very good quality.” *See* JNJ 000087077. Johnson & Johnson’s conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJTALC000289268; JNJTALC000359710; JNJTALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.9, 4.10, 5.9 and 5.10.

INTERROGATORY NO. 4.9 AND 4.10:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.9 AND 4.10:

Defendants state the following: to the extent the sample identified in the document at issue in Chart Nos. 9 and 10 is a 1958 “Johnson & Johnson shelf product,” the sample relates to cosmetic talc product sold by Defendants; to the extent the samples identified in the document at issue in Chart Nos. 9 and 10 are of Italian talc, Defendants do not dispute that the samples generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart Nos. 9 and 10 is a study, which was one of many carried out by the Battelle Memorial Institute regarding Italian talc. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.9 AND 5.10:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.9 AND 5.10:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.9 and 1.10 through 4.9 and 4.10 and the documents identified therein.

CHART NO. 11: JNJ 000087723 (4/12/1960)**INTERROGATORY NO. 1.11:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.11:

The document at issue in Chart No. 11 states tremolite is a mineral present in various samples of Italian talc. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.11 and 4.11.

INTERROGATORY NO. 2.11:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.11:

The document at issue in Chart No. 11 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.11 and 4.11.

INTERROGATORY NO. 3.11:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.11:

The document at issue in Chart No. 11 states tremolite is a mineral present in various samples of Italian talc. It does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms and no Battelle report ever concluded that there was asbestos in any Johnson & Johnson cosmetic talc ore source or talc product. To the contrary, Battelle reported that Italian talc was “regarded as very good quality.” See JNJ 000087077.

Johnson & Johnson's conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJALC000289268; JNJALC000359710; JNJALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.11 and 5.11.

INTERROGATORY NO. 4.11:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.11:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 11 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 11 is a study, which was one of many carried out by the Battelle Memorial Institute regarding Italian talc. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.11:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.11:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.11 through 4.11 and the documents identified therein.

CHART NO. 12: JNJTALC000129140 (6/6/1961)**INTERROGATORY NO. 1.12:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.12:

The document at issue in Chart No. 12 states trace amounts of “altered amphiboles” were present in flotation concentrate from the Hammondsville ore. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.12 and 4.12.

INTERROGATORY NO. 2.12:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.12:

The document at issue in Chart No. 12 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.12 and 4.12.

INTERROGATORY NO. 3.12:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.12:

The document at issue in Chart No. 12 states trace amounts of “altered amphiboles” were present in flotation concentrate from the Hammondsville ore. It does not show or demonstrate the presence of asbestos because amphibole minerals can exist in both non-asbestos and asbestos forms and no Battelle report ever concluded that there was asbestos in any Johnson & Johnson

cosmetic talc ore source or talc product. To the contrary, Battelle used Johnson's Baby Powder in animal studies and reported it contained "no asbestos fibres." *See* JNJ 000000267. Johnson & Johnson's conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.12 and 5.12.

INTERROGATORY NO. 4.12:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.12:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 12 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 12 relates to one of the many studies carried out by Battelle Memorial Institute on Vermont talc. Johnson & Johnson used talc from Vermont from 1964-2003 for its cosmetic talc products.

INTERROGATORY NO. 5.12:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the

person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.12:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.12 through 4.12 and the documents identified therein.

CHART NO. 13: JNJ 000087716 (8/25/1961)**INTERROGATORY NO. 1.13:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.13:

The document at issue in Chart No. 13 states trace amounts of “altered amphiboles” were present in core ore samples taken during exploration work done on the Hammondsville talc deposit. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.13 and 4.13.

INTERROGATORY NO. 2.13:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.13:

The document at issue in Chart No. 13 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.13 and 4.13.

INTERROGATORY NO. 3.13:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.13:

The document at issue in Chart No. 13 states trace amounts of “altered amphiboles” were present in core ore samples taken during exploration work done on the Hammondsville talc deposit. It does not show or demonstrate the presence of asbestos because amphibole minerals can exist in both non-asbestos and asbestos forms and no Battelle report ever concluded that there was

asbestos in any Johnson & Johnson cosmetic talc ore source or talc product. To the contrary, Battelle used Johnson's Baby Powder in animal studies and concluded it contained "no asbestos fibres." *See* JNJ 000000267. Johnson & Johnson's conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJ TALC000294753; JNJ 000314361; JNJ 000273154). However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.13 and 5.13.

INTERROGATORY NO. 4.13:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.13:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 13 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 13 relates to one of the many studies carried out by Battelle Memorial Institute on Vermont talc. Johnson & Johnson used talc from Vermont from 1964-2003 for its cosmetic talc products.

INTERROGATORY NO. 5.13:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the

person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.13:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.13 through 4.13 and the documents identified therein.

CHART NO. 14: JNJ 000868183 (10/13/1961)**INTERROGATORY NO. 1.14:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.14:

The document at issue in Chart No. 14 is not a test of any talc ore or talc product and does not include any test results. This document lists standards for the mineral purity of talc suitable for Johnson's Baby Powder. The standards include trace "tremolite, other amphiboles." The document also states that talc ores can include contaminants such as serpentine and amphibole minerals. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.14 and 4.14.

INTERROGATORY NO. 2.14:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.14:

The document at issue in Chart No. 14 is not a test of any talc ore or talc product and does not include any test results. The document at issue in Chart No. 14 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.14 and 4.14.

INTERROGATORY NO. 3.14:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.14:

The document at issue in Chart No. 14 is not a test of any talc ore or talc product and does not include any test results. This document lists standards for the mineral purity of talc suitable for Johnson's Baby Powder. The standards include trace "tremolite, other amphiboles." The document also states that talc ores can include contaminants such as serpentine and amphibole minerals. The foregoing statements do not show or demonstrate the presence of asbestos because serpentine and amphibole minerals can exist in both non-asbestos and asbestos forms. In addition, there is no conclusion in the document that there was asbestos in any Johnson & Johnson cosmetic talc ore source or cosmetic talc product. To the contrary, the document states that talc mined in Val Chisone, Pinerolo, Italy, where Johnson & Johnson sourced talc for its cosmetic talc products from 1926-1973 and in 1980, was "high-grade." Johnson & Johnson's conclusion that the document at issue in Chart No. 14 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJALC000289268; JNJALC000359710; JNJALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.14 and 5.14.

INTERROGATORY NO. 4.14:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.14:

Defendants state that the document at issue in Chart No. 14 relates to cosmetic talc product sold by Defendants. The document is not a test of any talc ore or talc product and does not include any test results. The document lists standards for the mineral purity of talc suitable for Johnson's Baby Powder.

INTERROGATORY NO. 5.14:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.14:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.14 through 4.14 and the documents identified therein.

CHART NO. 15: JNJ 000087425 (5/27/1963)**INTERROGATORY NO. 1.15:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.15:

The document at issue in Chart No. 15 states that traces of “amphiboles, chlorite, and others” were found in a Vermont talc product, which is not identified in the document. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.15 and 4.15.

INTERROGATORY NO. 2.15:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.15:

The document at issue in Chart No. 15 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.15 and 4.15.

INTERROGATORY NO. 3.15:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.15:

The document at issue in Chart No. 15 states that traces of “amphiboles, chlorite, and others” were found in a Vermont talc product, which is not identified in the document. It does not show or demonstrate the presence of asbestos because amphibole minerals can exist in both non-asbestos and asbestos forms. Johnson & Johnson’s conclusion that the document at issue in Chart

No. 15 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.15 and 5.15.

INTERROGATORY NO. 4.15:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.15:

Defendants cannot determine if the samples identified in the document at issue in Chart No. 15 relate to cosmetic talc sold by Johnson & Johnson. Johnson & Johnson used talc from Vermont from 1964-2003 for its cosmetic talc products, however, there is no indication this document refers to a test of Johnson & Johnson's cosmetic talc ore or cosmetic talc products.

INTERROGATORY NO. 5.15:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.15:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.15 through 4.15 and the documents identified therein.

CHART NO. 16: JNJTALC000301073 (4/7/1966)**INTERROGATORY NO. 1.16:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.16:

The document at issue in Chart No. 16 states that serpentine minerals were present in samples of talc flotation tailings from the West Windsor talc plant. The document further states that some of the Hammondsville talc ore is associated with serpentine minerals and rare or trace amounts of “altered amphibole.” The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.16 and 4.16.

INTERROGATORY NO. 2.16:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.16:

The document at issue in Chart No. 16 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.16 and 4.16.

INTERROGATORY NO. 3.16:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.16:

The document at issue in Chart No. 16 states that serpentine minerals were present in samples of talc flotation tailings from the West Windsor talc plant. The document further states

that some of the Hammondsville talc ore is associated with serpentine minerals and rare or trace amounts of “altered amphibole.” The foregoing statements do not show or demonstrate the presence of asbestos because serpentine and amphibole minerals can exist in both non-asbestos and asbestos forms and no Battelle report ever concluded that there was asbestos in any Johnson & Johnson cosmetic talc ore source or cosmetic talc product. To the contrary, Battelle used Johnson’s Baby Powder in animal studies and concluded it contained “no asbestos fibres.” *See* JNJ 000000267. Johnson & Johnson’s conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.16 and 5.16.

INTERROGATORY NO. 4.16:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.16:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 16 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 16 is a study, which was one of many carried out by the Battelle Memorial Institute on

Vermont talc. Johnson & Johnson used talc from Vermont from 1964-2003 for its cosmetic talc products.

INTERROGATORY NO. 5.16:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.16:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.16 through 4.16 and the documents identified therein.

CHART NO. 17: JNJ 000085374 (7/13/1966)**INTERROGATORY NO. 1.17:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.17:

The document at issue in Chart No. 17 refers to a microscopic examination of “Museum Baby Powder Samples.” The document states that two samples from 1910-1930, comprised of unidentified “domestic” or “Italian” talc, contain tremolite. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.17 and 4.17.

INTERROGATORY NO. 2.17:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.17:

The document at issue in Chart No. 17 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.17 and 4.17.

INTERROGATORY NO. 3.17:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.17:

The document at issue in Chart No. 17 states that two samples from 1910-1930, comprised of unidentified “domestic” or “Italian” talc, contain tremolite. It does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms. Johnson

& Johnson's conclusion that the document at issue in Chart No. 17 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.17 and 5.17.

INTERROGATORY NO. 4.17:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.17:

Defendants cannot determine if the samples identified in the document at issue in Chart No. 17 relate to cosmetic talc sold by Defendants. The document at issue in Chart No. 17 refers to a microscopic examination of "Museum Baby Powder Samples," which are not identified.

INTERROGATORY NO. 5.17:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.17:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.17 through 4.17 and the documents identified therein.

CHART NO. 18: JNJ 000235800 (1/30/1967)**INTERROGATORY NO. 1.18:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.18:

The document at issue in Chart No. 18 states the Baby-Mate Baby Powder product contained “fibrous tremolite.” The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.18 and 4.18.

INTERROGATORY NO. 2.18:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.18:

The document at issue in Chart No. 18 states Baby-Mate Baby Powder product contained “fibrous tremolite.” The document at issue in Chart No. 18 does not establish the presence of the fibrous form of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.18 and 4.18.

INTERROGATORY NO. 3.18:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.18:

The document at issue in Chart No. 18 states Baby-Mate Baby Powder product contained “fibrous tremolite.” It does not show or demonstrate the presence of asbestos because tremolite can be non-asbestos tremolite or asbestos tremolite and because terms like “fibrous” which have

been used in different ways by different people do not mean asbestos. In addition, Defendants refer to their response to Interrogatory Nos. 4.18 and 5.18.

INTERROGATORY NO. 4.18:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.18:

The samples identified in the document at issue in Chart No. 18 do not relate to cosmetic talc products sold by Defendants. The document at issue in Chart No. 18 relates to testing of a product called “Baby-Mate Baby Powder,” which was never a Johnson & Johnson cosmetic talc product.

INTERROGATORY NO. 5.18:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.18:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.18 through 4.18 and the documents identified therein.

**CHART NO. 19: JNJTALC000588518; JNJTALC000588519; JNJTALC000588522;
JNJTALC000588523; JNJTALC000588524; JNJTALC000588525;
JNJTALC000588526 (11/1/1967)**

INTERROGATORY NO. 1.19:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.19:

The documents at issue in Chart No. 19 state the Metropolitan Talc contained 1% or less of tremolite. The documents also state that “trace” amounts of tremolite and serpentine were detected in a sample identified as “Vermont Talc S4-23,” “trace” amounts of tremolite and “4” of serpentine were detected in a sample identified as “Vermont Talc Batch 944,” and “1-2” of tremolite was detected in a sample identified as “Italian Talc.” The documents do not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.19 and 4.19.

INTERROGATORY NO. 2.19:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.19:

The documents at issue in Chart No. 19 do not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.19 and 4.19.

INTERROGATORY NO. 3.19:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.19:

The documents at issue in Chart No. 19 state the Metropolitan Talc contained 1% or less of tremolite. The documents also state that “trace” amounts of tremolite and serpentine were detected in a sample identified as “Vermont Talc S4-23,” “trace” amounts of tremolite and “4” of serpentine were detected in a sample identified as “Vermont Talc Batch 944,” and “1-2” of tremolite was detected in a sample identified as “Italian Talc.” The foregoing statements do not show or demonstrate the presence of asbestos because tremolite and serpentine minerals can exist in both non-asbestos and asbestos forms. Johnson & Johnson’s conclusion that the documents at issue in Chart No. 19 do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont and Italian talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJ TALC000359710; JNJ TALC000289268; JNJ TALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.19 and 5.19.

INTERROGATORY NO. 4.19:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.19:

Defendants state the following: to the extent the samples identified in the documents at issue in Chart No. 19 are “Metropolitan Talc” from Ontario, Canada, the samples do not relate to

cosmetic talc products sold by Defendants; to the extent the samples identified in the documents at issue in Chart No. 19 are of Vermont or Italian talc, Defendants do not dispute that the samples generally relate to cosmetic talc product sold by Defendants. The documents at issue in Chart No. 19 refer to a preliminary evaluation of “Metropolitan Talc” from Ontario, Canada, which was never used by Johnson & Johnson in the manufacture of its cosmetic talc products.

INTERROGATORY NO. 5.19:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.19:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.19 through 4.19 and the documents identified therein.

CHART NO. 20: JNJ 000087825 (1/24/1968)**INTERROGATORY NO. 1.20:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.20:

The document at issue in Chart No. 20 states tremolite was present in various samples, including Italian talc. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.20 and 4.20.

INTERROGATORY NO. 2.20:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.20:

The document at issue in Chart No. 20 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.20 and 4.20.

INTERROGATORY NO. 3.20:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.20:

The document at issue in Chart No. 20 states tremolite was present in various samples, including Italian talc. It does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms and no Battelle report ever concluded that there was asbestos in any Johnson & Johnson cosmetic talc ore source or cosmetic talc product. To the contrary, Battelle reported that Italian talc was “regarded as very good quality.” See JNJ

000087077. Johnson & Johnson's conclusion that the Battelle reports do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJALC000289268; JNJALC000359710; JNJALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.20 and 5.20.

INTERROGATORY NO. 4.20:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.20:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 20 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 20 refers to one of the many studies done by the Battelle Memorial Institute on Italian talc. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.20:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.20:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.20 through 4.20 and the documents identified therein.

CHART NO. 21: JNJ 000308591 (12/4/1970)**INTERROGATORY NO. 1.21:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.21:

The document at issue in Chart No. 21 states tremolite-actinolite was identified in several core drilling samples of Vermont talc. The document does not identify the presence of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.21 and 4.21.

INTERROGATORY NO. 2.21:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.21:

The document at issue in Chart No. 21 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. Further, the analysis technique used, which is X-ray diffraction, is not capable of determining whether minerals are in a “fibrous form.” In addition, Defendants refer to their response to Interrogatory Nos. 3.21 and 4.21.

INTERROGATORY NO. 3.21:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.21:

The document at issue in Chart No. 21 states tremolite-actinolite was identified in several core drilling samples of Vermont talc. It does not show or demonstrate the presence of asbestos because tremolite and actinolite can exist in both non-asbestos and asbestos forms. Johnson &

Johnson's conclusion that the document at issue in Chart No. 21 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.21 and 5.21.

INTERROGATORY NO. 4.21:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.21:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 21 generally relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 21 is a report, which is one of many by Colorado School of Mines Research Institute regarding Vermont talc. Johnson & Johnson used talc from Vermont from 1964-2003 for its cosmetic talc products.

INTERROGATORY NO. 5.21:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.21:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.21 through 4.21 and the documents identified therein.

CHART NO. 22: IMERYS 238596 (4/14/1971)**INTERROGATORY NO. 1.22:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.22:

This version of the document at issue in Chart No. 22 is not from Johnson & Johnson's files. The document states trace tremolite-actinolite was found by X-ray diffraction in one "Vermont final product" sample. The document also states that "some needle-like particles," which were "tentatively identified as tremolite-actinolite," were found by microscopic examination of two "Vermont final product samples." The document does not identify the presence of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.22 and 4.22.

INTERROGATORY NO. 2.22:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.22:

This version of the document at issue in Chart No. 22 is not from Johnson & Johnson's files. The document at issue in Chart No. 22 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. Further, the analysis technique used, which is X-ray diffraction, is not capable of determining whether minerals are in a "fibrous form." In addition, Defendants refer to their response to Interrogatory Nos. 3.22 and 4.22.

INTERROGATORY NO. 3.22:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.22:

This version of the document at issue in Chart No. 22 is not from Johnson & Johnson's files. The document at issue in Chart No. 22 states trace tremolite-actinolite was found by X-ray diffraction in one "Vermont final product" sample. The document also states that "some needle-like particles," which were "tentatively identified as tremolite-actinolite," were found by microscopic examination of two "Vermont final product samples." The foregoing statements do not show or demonstrate the presence of asbestos because tremolite and actinolite can exist in both non-asbestos and asbestos forms and because terms like "needle-like" which have been used in different ways by different people do not mean asbestos. Johnson & Johnson's conclusion that the document at issue in Chart No. 22 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.22 and 5.22.

INTERROGATORY NO. 4.22:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.22:

This version of the document at issue in Chart No. 22 is not from Johnson & Johnson's files. Defendants do not dispute that the samples identified in the document at issue in Chart No. 22 generally relate to cosmetic talc product sold by Defendants. This report is one of many by Colorado School of Mines Research Institute regarding Vermont talc. Johnson & Johnson used talc from Vermont from 1964-2003 for its cosmetic talc products.

INTERROGATORY NO. 5.22:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.22:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.22 through 4.22 and the documents identified therein.

CHART NO. 23: JNJALC000291146 (5/14/1971); JNJALC000291142 (6/30/1971)**INTERROGATORY NO. 1.23:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.23:

The documents at issue in Chart No. 23 relate to initial tests conducted by Colorado School of Mines Research Institute (“CSMRI”) on sample 344-L, a Johnson & Johnson Vermont finished product sample. CSMRI initially identified “very trace amounts of tremolite-actinolite” in sample 344-L. CSMRI also initially identified “non-talc needles” in sample 344-L. The documents also include reference to a Johnson & Johnson internal test run on sample 344-L, which showed “tremolite-actinolite” as a mineral present. The documents do not identify the presence of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.23 and 4.23.

INTERROGATORY NO. 2.23:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.23:

The documents at issue in Chart No. 23 do not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. Further, the analysis technique used, which is X-ray diffraction, is not capable of determining whether minerals are in a “fibrous form.” In addition, Defendants refer to their response to Interrogatory Nos. 3.23 and 4.23.

INTERROGATORY NO. 3.23:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.23:

The documents at issue in Chart No. 23 relate to initial tests conducted by Colorado School of Mines Research Institute (“CSMRI”) on sample 344-L, a Johnson & Johnson Vermont finished product sample. It does not show or demonstrate the presence of asbestos. CSMRI initially identified “very trace amounts of tremolite-actinolite” in sample 344-L. CSMRI later determined that the samples were “prepared in a room that was not entirely ‘clean’” and “in conjunction with standard asbestos-type samples.” *See* JNJALC000091746. CSMRI conducted subsequent tests on sample 344-L, which did not show asbestos, and concluded that the initial findings were the result of sample contamination. *See* JNJALC000091746. CSMRI also initially identified “non-talc needles” in sample 344-L. CSMRI conducted subsequent tests on sample 344-L and concluded the “non-talc needles” originally identified “could actually have been rolled up plates that yielded anomalous shapes and optical properties.” *See* JNJALC000091746; *see also* JNJ 000234805; JNJ 000247079. CSMRI ultimately determined it could not identify “any asbestos-type mineral in the Vermont final product samples.” *See* JNJALC000091746. The documents also include reference to a Johnson & Johnson internal test run on sample 344-L, which showed “tremolite-actinolite” as a mineral present. Tremolite and actinolite can exist in both non-asbestos and asbestos forms. Johnson & Johnson’s conclusion that the documents at issue in Chart No. 23 do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing done on samples from lot 344-L that were found to be free of asbestos, including by Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJ 000274547; JNJ 000274548; JNJ 000260473. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1)

as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.23 and 5.23.

INTERROGATORY NO. 4.23:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.23:

Defendants state that the samples identified in the documents at issue in Chart No. 23 relate to cosmetic talc product sold by Defendants. The documents at issue in Chart No. 23 relate to initial tests conducted by Colorado School of Mines Research Institute (“CSMRI”) on sample 344-L, a Johnson & Johnson Vermont finished product sample.

INTERROGATORY NO. 5.23:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.23:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.23 through 4.23 and the documents identified therein.

CHART NO. 24: JNJ 000247079 (7/7/1971)**INTERROGATORY NO. 1.24:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.24:

The document at issue in Chart No. 24 relates to initial tests conducted by Colorado School of Mines Research Institute (“CSMRI”) on sample 344-L, a Johnson & Johnson Vermont finished product sample. CSMRI initially identified “essentially no anthophyllite and only minor amounts (below 1%) of tremolite-actinolite” in sample 344-L. The document does not identify the presence of chrysotile. In addition, Defendants refer to their response to Interrogatory Nos. 3.24 and 4.24.

INTERROGATORY NO. 2.24:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.24:

The document at issue in Chart No. 24 not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.24 and 4.24.

INTERROGATORY NO. 3.24:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.24:

The document at issue in Chart No. 24 relates to initial tests conducted by Colorado School of Mines Research Institute (“CSMRI”) on sample 344-L, a Johnson & Johnson Vermont finished

product sample. It does not show or demonstrate the presence of asbestos. CSMRI initially identified “essentially no anthophyllite and only minor amounts (below 1%) of tremolite-actinolite” in sample 344-L. CSMRI later determined that the samples were “prepared in a room that was not entirely ‘clean’” and “in conjunction with standard asbestos-type samples.” *See* JNJALC000091746. CSMRI conducted subsequent tests on sample 344-L, which did not show asbestos, and concluded that the initial findings were the result of sample contamination. *See* JNJALC000091746. CSMRI ultimately determined it could not identify “any asbestos-type mineral in the Vermont final product samples.” *See* JNJALC000091746. Moreover, Tremolite and actinolite can exist in both non-asbestos and asbestos forms. Johnson & Johnson’s conclusion that the documents at issue in Chart No. 24 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of samples from lot 344-L that were found to be free of asbestos, including by Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJ 000274547; JNJ 000274548; JNJ 000260473. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.24 and 5.24.

INTERROGATORY NO. 4.24:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.24:

Defendants state that the samples identified in the document at issue in Chart No. 23 relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 24 relates to initial tests conducted by Colorado School of Mines Research Institute (“CSMRI”) on sample 344-L, a Johnson & Johnson Vermont finished product sample.

INTERROGATORY NO. 5.24:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.24:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.24 through 4.24 and the documents identified therein.

CHART NO. 25: JNJ 000260510 (7/9/1971)**INTERROGATORY NO. 1.25:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.25:

The document at issue in Chart No. 25 states that Dr. Arthur Langer, Mount Sinai School of Medicine, claimed to identify chrysotile asbestos in Johnson's Baby Powder. The document further states that the author from Johnson & Johnson was of the opinion that Dr. Langer was actually identifying talc plate fragments and not asbestos. The document does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.25 and 4.25.

INTERROGATORY NO. 2.25:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.25:

The document at issue in Chart No. 25 states that Dr. Arthur Langer, Mount Sinai School of Medicine, claimed to identify chrysotile (i.e. fibrous) asbestos in Johnson's Baby Powder. The document further states that the author from Johnson & Johnson was of the opinion that Dr. Langer was actually identifying talc plate fragments and not asbestos. The document does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.25 and 4.25.

INTERROGATORY NO. 3.25:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.25:

The document at issue in Chart No. 25 states that Dr. Arthur Langer, Mount Sinai School of Medicine, claimed to identify chrysotile asbestos in Johnson's Baby Powder. However, it does not show or demonstrate the presence of asbestos because the document states that the author from Johnson & Johnson was of the opinion that Dr. Langer was actually identifying talc plate fragments and not asbestos. Dr. Langer himself later admitted that he "may have mistaken long talcum fibers for asbestos fibers." See JNJ 000244773. Dr. Langer subsequently published a peer-reviewed article regarding his testing of cosmetic talcum powder products, in which he reported finding no asbestos in Johnson's Baby Powder. See Rohl & Langer et al., *Consumer Talcums and Powders: Mineral and Chemical Characterization*, 2 J. Toxicology & Env'tl. Health 255 (1976); see also JNJ 000329803. Furthermore, the President of Mount Sinai Medical Center, Dr. Langer's institution, issued a public statement affirming that "the most commonly used baby talc has been consistently free of asbestos" and that it was "the opinion of Mount Sinai's Department of Pediatrics that baby talc is a useful and safe product." See JNJ 000026953. Johnson & Johnson's conclusion that the document at issue in Chart No. 25 do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (see Exhibit 1) as well as testimony of litigation experts and

the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.25 and 5.25.

INTERROGATORY NO. 4.25:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.25:

Defendants state that the samples identified in the document at issue in Chart No. 23 relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 25 relates to Dr. Arthur Langer's testing of Johnson's Baby Powder.

INTERROGATORY NO. 5.25:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.25:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.25 through 4.25 and the documents identified therein.

CHART NO. 26: JNJTALC000297477 (7/23/1971)**INTERROGATORY NO. 1.26:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.26:

The document at issue in Chart No. 26 states that “non-talc needles” were observed in a Vermont grade 66 final product sample and a Vermont grade 60 tails sample. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.26 and 4.26.

INTERROGATORY NO. 2.26:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.26:

The document at issue in Chart No. 26 states that “non-talc needles” were observed in a Vermont grade 66 final product sample and a Vermont grade 60 tails sample. The document does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.26 and 4.26.

INTERROGATORY NO. 3.26:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.26:

The document at issue in Chart No. 26 states that “non-talc needles” were observed in a Vermont grade 66 final product sample and a Vermont grade 60 tails sample. It does not show or demonstrate the presence of asbestos because terms like “needle-like” which have been used in

different ways by different people do not mean asbestos. Johnson & Johnson's conclusion that the document at issue in Chart No. 26 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.26 and 5.26.

INTERROGATORY NO. 4.26:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.26:

Defendants state the following: to the extent the sample identified in the document at issue in Chart No. 26 is a Vermont grade 66 final product sample, Defendants do not dispute that the sample generally relates to cosmetic talc product sold by Defendants; to the extent the sample identified in the document at issue in Chart No. 26 is a Vermont grade 60 tails sample, the sample does not relate to cosmetic talc product sold by Defendants. The document at issue in Chart No. 26 relates to one of many tests conducted by Colorado School of Mines Research Institute on Vermont talc. Johnson & Johnson used talc from the Vermont talc mines from 1964-2003 for its cosmetic talc products. Based on their review of the documents described in the Preliminary

Statement, Defendants state Vermont grade 60 was never used in Johnson & Johnson's cosmetic talc products.

INTERROGATORY NO. 5.26:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.26:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.26 through 4.26 and the documents identified therein.

CHART NO. 27: JNJ 000244833 (7/29/1971)**INTERROGATORY NO. 1.27:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.27:

The document at issue in Chart No. 27 states that the talc used in Johnson's Baby Powder is sourced from "a selected mine in Vermont," contains "only trace amounts of fibrous minerals (tremolite/actinolite)" and "is free of chrysotile fibers," as shown by three independent consulting laboratories. The document does not identify the presence of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.27 and 4.27.

INTERROGATORY NO. 2.27:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.27:

The document at issue in Chart No. 27 states that the talc used in Johnson's Baby Powder is sourced from "a selected mine in Vermont," contains "only trace amounts of fibrous minerals (tremolite/actinolite)." The document does not establish the presence of the fibrous form of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.27 and 4.27.

INTERROGATORY NO. 3.27:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.27:

The document at issue in Chart No. 27 states that the talc used in Johnson's Baby Powder is sourced from "a selected mine in Vermont," contains "only trace amounts of fibrous minerals (tremolite/actinolite)" and "is free of chrysotile fibers," as shown by three independent consulting laboratories. The foregoing statements do not show or demonstrate the presence of asbestos because tremolite and actinolite can exist in both non-asbestos and asbestos forms and because terms like "fibrous" which have been used in different ways by different people do not mean asbestos. Moreover, Colorado School of Mines Research Institute, the independent consulting laboratory that initially identified trace fibrous minerals in the Vermont talc, conducted subsequent testing and determined that its initial findings were due to laboratory contamination. *See* JNJTALC000091746. Indeed, the document at issue in Chart No. 27 references an "exhaustive examination of a sample of baby powder" by Professor Fred Pooley, University College, Cardiff, that showed no asbestos, as well as testing by Dartmouth College Geology Department and Walter C. McCrone Associates that confirmed the same. *See* JNJ 000274547; JNJ 000274548; JNJTALC000292635; JNJ 000286638; JNJ 000260473. Johnson & Johnson's conclusion that the document at issue in Chart No. 27 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the testing of Vermont talc conducted by independent investigators such as the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary document upon which Defendants rely regarding such testing is JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.27 and 5.27.

INTERROGATORY NO. 4.27:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.27:

Defendants state that the samples identified in the document at issue in Chart No. 27 relate to cosmetic talc product sold by Defendants.

INTERROGATORY NO. 5.27:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.27:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.27 through 4.27 and the documents identified therein.

CHART NO. 28: JNJTALC000291207 (8/6/1971)**INTERROGATORY NO. 1.28:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.28:

The document at issue in Chart No. 28 requests that Colorado School of Mines Research Institute test talc samples from the Crosetto mine in the Chisone Valley in Italy, the area from which “high grade Italian talc originates.” The document states that “the minerals which show in the valley” include chrysotile, tremolite, and actinolite. The document does not identify the presence of anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.28 and 4.28.

INTERROGATORY NO. 2.28:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.28:

The document at issue in Chart No. 28 requests that Colorado School of Mines Research Institute test talc samples from the Crosetto mine in the Chisone Valley in Italy and states that “the minerals which show in the valley” include chrysotile, tremolite, and actinolite. The document does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.28 and 4.28.

INTERROGATORY NO. 3.28:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.28:

The document at issue in Chart No. 28 requests that Colorado School of Mines Research Institute test talc samples from the Crosetto mine in the Chisone Valley in Italy, the area from which “high grade Italian talc originates.” The document states that “the minerals which show in the valley” include chrysotile, tremolite, and actinolite. Tremolite and actinolite can exist in both non-asbestos and asbestos forms. However, Colorado School of Mines tested the samples referenced in this document and found no amphibole or serpentine minerals. *See* JNJTALC000291229. In addition, Defendants refer to their response to Interrogatory Nos. 4.28 and 5.28.

INTERROGATORY NO. 4.28:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.28:

The samples identified in the document at issue in Chart No. 28 do not relate to cosmetic talc products sold by Defendants. There is no indication in the document that Johnson & Johnson sourced its talc from any part of the Chisone Valley containing chrysotile.

INTERROGATORY NO. 5.28:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.28:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.28 through 4.28 and the documents identified therein.

CHART NO. 29: JNJ 000087959 (8/9/1971)**INTERROGATORY NO. 1.29:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.29:

The document at issue in Chart No. 29 is not a testing report, nor does it relate to the testing of any cosmetic talc used in Johnson & Johnson's cosmetic talc products. The document states, "It is important we continue the processing work on the removal of the fines from our baby powder since this is the faction implicated in talcosis and asbestos toxicology." The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.29 and 4.29.

INTERROGATORY NO. 2.29:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.29:

The document at issue in Chart No. 29 is not a testing report, nor does it relate to the testing of any cosmetic talc used in Johnson & Johnson's cosmetic talc products. The document at issue in Chart No. 29 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.29 and 4.29.

INTERROGATORY NO. 3.29:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.29:

The document at issue in Chart No. 29 is not a testing report, nor does it relate to the testing of any cosmetic talc used in Johnson & Johnson's cosmetic talc products. It does not show or demonstrate the presence of asbestos. The document states, "It is important we continue the processing work on the removal of the fines from our baby powder since this is the faction implicated in talcosis and asbestos toxicology." Johnson & Johnson's conclusion that the document at issue in Chart No. 29 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products, (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.29 and 5.29.

INTERROGATORY NO. 4.29:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.29:

Defendants state that the document at issue in Chart No. 29 relates to cosmetic talc product sold by Defendants. However, the document is not a testing report, nor does it relate to the testing of any cosmetic talc used in Johnson & Johnson's cosmetic talc products.

INTERROGATORY NO. 5.29:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.29:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.29 through 4.29 and the documents identified therein.

CHART NO. 30: JNJTALC000290215 (8/9/1971)**INTERROGATORY NO. 1.30:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.30:

The document at issue in Chart No. 30 is not a testing report, nor does it relate to the testing of any cosmetic talc used in Johnson & Johnson's cosmetic talc products. The document states it would be "appropriate" to "upgrade the quality control" on talc and baby powder "particularly as to the potential asbestos content," possibly by evaluating the talc using X-ray diffraction. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.30 and 4.30.

INTERROGATORY NO. 2.30:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.30:

The document at issue in Chart No. 30 is not a testing report, nor does it relate to the testing of any cosmetic talc used in Johnson & Johnson's cosmetic talc products. The document at issue in Chart No. 30 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.30 and 4.30.

INTERROGATORY NO. 3.30:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.30:

The document at issue in Chart No. 30 is not a testing report, nor does it relate to the testing of any cosmetic talc used in Johnson & Johnson's cosmetic talc products. It does not show or demonstrate the presence of asbestos. The document states it would be "appropriate" to "upgrade the quality control" on talc and baby powder "particularly as to the potential asbestos content," possibly by evaluating the talc using X-ray diffraction. Johnson & Johnson consistently surpassed the industry standard by "exercis[ing] more extensive controls and testing" of its talc than "just meeting the J4-1 [industry] requirement." *See* JNJ 000237200. For example, Walter C. McCrone Associates analyzed Johnson & Johnson's talc using X-ray diffraction, light microscopy and transmission electron microscopy. *See* JNJ TALC000294753. Johnson & Johnson's conclusion that the document at issue in Chart No. 30 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of its cosmetic talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJ TALC000359710; JNJ TALC000289268; JNJ TALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.30 and 5.30.

INTERROGATORY NO. 4.30:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.30:

Defendants state that the document at issue in Chart No. 30 relates to cosmetic talc product sold by Defendants. However, the document is not a testing report, nor does it relate to the testing of any cosmetic talc used in Johnson & Johnson's cosmetic talc products.

INTERROGATORY NO. 5.30:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.30:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.30 through 4.30 and the documents identified therein.

CHART NO. 31: JNJ 000269814 (9/3/1971)**INTERROGATORY NO. 1.31:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.31:

The document at issue in Chart No. 31 consists of a letter, a preliminary report, and a final report regarding testing conducted by Walter C. McCrone Associates on three Johnson & Johnson talc products, Shower to Shower, Medicated Powder and Feminine Aerosol Spray. The Preliminary Report states initial findings of “one fiber of chrysotile” in the Medicated Powder sample and “one very small fiber which could have been chrysotile in a field of fine talc flakes” in the Shower to Shower sample. However, the Final Report concludes, “These products all seem to be quite clean, and we did not find any fibers of the asbestiform minerals in any of them.” The Final Report states that the initial “suspect fiber” in the Medicated Powder “gave an excellent electron diffraction pattern” which “differs from chrysotile.” The Final Report further states that of the three “suspect fibers” in the Shower to Shower sample, two were “very possibly contamination” and the third did not have a diffraction pattern of chrysotile. The document does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.31 and 4.31.

INTERROGATORY NO. 2.31:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.31:

The document at issue in Chart No. 31 states initial findings of “one fiber of chrysotile” (i.e. fibrous) in the Medicated Powder sample and “one very small fiber which could have been

chrysotile in a field of fine talc flakes” in the Shower to Shower sample. The Final Report concludes, “These products all seem to be quite clean, and we did not find any fibers of the asbestiform minerals in any of them.” The Final Report states that the initial “suspect fiber” in the Medicated Powder “gave an excellent electron diffraction pattern” which “differs from chrysotile.” The Final Report further states that of the three “suspect fibers” in the Shower to Shower sample, two were “very possibly contamination” and the third did not have a diffraction pattern of chrysotile. The document does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.31 and 4.31.

INTERROGATORY NO. 3.31:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.31:

The document at issue in Chart No. 31 consists of a letter, a preliminary report, and a final report regarding testing conducted by Walter C. McCrone Associates on three Johnson & Johnson talc products, Shower to Shower, Medicated Powder and Feminine Aerosol Spray. The Preliminary Report states initial findings of “one fiber of chrysotile” in the Medicated Powder sample and “one very small fiber which could have been chrysotile in a field of fine talc flakes” in the Shower to Shower sample. However, the Final Report concludes, “These products all seem to be quite clean, and we did not find any fibers of the asbestiform minerals in any of them.” The Final Report states that the initial “suspect fiber” in the Medicated Powder “gave an excellent electron diffraction pattern” which “differs from chrysotile.” The Final Report further states that of the three “suspect fibers” in the Shower to Shower sample, two were “very possibly

contamination” and the third did not have a diffraction pattern of chrysotile. Collectively, the documents do not show or demonstrate the presence of asbestos. Johnson & Johnson’s conclusion that the document at issue in Chart No. 31 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont and Italian talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000359710; JNJTALC000289268; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.31 and 5.31.

INTERROGATORY NO. 4.31:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.31:

Defendants state the following: to the extent the samples identified in the document at issue in Chart No. 31 are Shower to Shower, Medicated Powder and Feminine Aerosol Spray, Defendants state that the samples relate to cosmetic talc product sold by Defendants; to the extent the samples identified in the document at issue in Chart No. 31 are Grantham ore, Grantham ore composite and G-11 sample; the sample does not relate to cosmetic talc product sold by Defendants; to the extent the samples identified in the document at issue in Chart No. 31 are Vermont ore, Defendants cannot determine if the samples relate to cosmetic talc sold by

Defendants. Based on their review of the documents described in the Preliminary Statement, “Grantham ore” was never used by Johnson & Johnson in the manufacture of its cosmetic talc products. *See* JNJTALC000290267.

INTERROGATORY NO. 5.31:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.31:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.31 through 4.31 and the documents identified therein.

CHART NO. 32: JOJO-MA2546-00805 (10/12/1971)**INTERROGATORY NO. 1.32:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.32:

The version of the document at issue in Chart No. 32 is not from Johnson & Johnson's files. This document is a cover letter attaching final reports of testing conducted by Walter C. McCrone Associates on several cosmetic talc samples identified as 228-P, the Feminine Spray, Medicated Powder or Shower to Shower and two Italian talc samples. The document states, "It has been a pleasure working for you through these past few months and looking at the problems of talc and asbestos minerals." The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.32 and 4.32.

INTERROGATORY NO. 2.32:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.32:

The version of the document at issue in Chart No. 32 is not from Johnson & Johnson's files. The document at issue in Chart No. 32 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.32 and 4.32.

INTERROGATORY NO. 3.32:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.32:

The version of the document at issue in Chart No. 32 is not from Johnson & Johnson's files. The document at issue in Chart No. 32 is a cover letter attaching final reports of testing conducted by Walter C. McCrone Associates on several cosmetic talc samples identified as 228-P, the Feminine Spray, Medicated Powder or Shower to Shower and two Italian talc samples. It does not show or demonstrate the presence of asbestos. The document states, "It has been a pleasure working for you through these past few months and looking at the problems of talc and asbestos minerals." Indeed, McCrone Associates tested all of these samples and found no asbestos. *See* JOJO-MA2546-00812 ("We have examined samples of three Johnson & Johnson talc products, Shower to Shower, Medicated Powder and Feminine Aerosol Spray. These products all seem to be quite clean, and we did not find any fibers of the asbestiform minerals in any of them"); JOJO-MA2546-00830 ("Both the Italian ground and domestically ground samples of Italian talc are free of asbestiform minerals in either the massive or the fibrous form."); *id.* ("We have examined Johnson & Johnson commercial product 228-P and found that it contains no asbestiform minerals such as tremolite or chrysotile."). Johnson & Johnson's conclusion that the document at issue in Chart No. 32 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont and Italian talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJ TALC000359710; JNJ TALC000289268; JNJ TALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation

experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory No. 4.32 and 5.32.

INTERROGATORY NO. 4.32:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.32:

Defendants state the following: to the extent the samples identified in the document at issue in Chart No. 32 are Feminine Spray, Medicated Powder or Shower to Shower, Defendants state that the samples relate to cosmetic talc product sold by Defendants; to the extent the samples identified in the document at issue in Chart No. 32 are Italian talc samples, Defendants do not dispute that the samples generally relate to cosmetic talc product sold by Defendants. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.32:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.32:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.32 through 4.32 and the documents identified therein.

CHART NO. 33: JNJ 000260811 (10/21/1971)**INTERROGATORY NO. 1.33:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.33:

The document at issue in Chart No. 33 is a report of testing conducted by Walter C. McCrone Associates on three experimental talc samples for Windsor Mineral Company, as part of a study to examine the efficacy of the “Shear Disc” method of processing talc. The document states two samples “were found to contain several fibers of unknown mineralogical type,” some of which “appeared morphologically similar to chrysotile, but no positive identification was possible.” The document further states that the unidentified suspect fibers in the samples could “originate from some external source of contamination,” as “it is unlikely that isolated fibers of the dimensions which we are observing . . . would occur in a natural talc body.” The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.33 and 4.33.

INTERROGATORY NO. 2.33:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.33:

The document at issue in Chart No. 33 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.33 and 4.33.

INTERROGATORY NO. 3.33:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.33:

The document at issue in Chart No. 33 is a report of testing conducted by Walter C. McCrone Associates on three experimental talc samples for Windsor Mineral Company, as part of a study to examine the efficacy of the “Shear Disc” method of processing talc. It does not show or demonstrate the presence of asbestos. The document states two samples “were found to contain several fibers of unknown mineralogical type,” some of which “appeared morphologically similar to chrysotile, but no positive identification was possible.” The document further states that the unidentified suspect fibers in the samples could “originate from some external source of contamination,” as “it is unlikely that isolated fibers of the dimensions which we are observing . . . would occur in a natural talc body.” Johnson & Johnson’s conclusion that the document at issue in Chart No. 33 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are NJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.33 and 5.33.

INTERROGATORY NO. 4.33:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while

identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.33:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 33 generally relate to cosmetic talc product sold by Defendants. Indeed, two samples are identified as “shear disc” samples and one sample is identified as a “delaminator” sample, all of which were experimental samples. *See* JNJ 000867327; *see also* JNJTALC000864265 at 864332. There is no indication in the document that these were samples of talc used in any Johnson & Johnson cosmetic talc product.

INTERROGATORY NO. 5.33:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.33:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.33 through 4.33 and the documents identified therein.

CHART NO. 34: JNJ 000259771 (11/10/1971)**INTERROGATORY NO. 1.34:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.34:

The document at issue in Chart No. 34 is a letter from Dr. Arthur Langer of Mount Sinai School of Medicine, in which he claims to find “trace amounts of chrysotile asbestos” in a sample of Johnson’s Baby Powder “only when the talc was sonified and markedly dispersed.” Dr. Langer estimated the amount of chrysotile to be less than 0.01%. The document at issue in Chart No. 34 does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.34 and 4.34.

INTERROGATORY NO. 2.34:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.34:

The document at issue in Chart No. 34 is a letter from Dr. Arthur Langer of Mount Sinai School of Medicine, in which he claims to find “trace amounts of chrysotile asbestos” (i.e. fibrous) in a sample of Johnson’s Baby Powder “only when the talc was sonified and markedly dispersed.” Dr. Langer estimated the amount of chrysotile to be less than 0.01%. The document at issue in Chart No. 34 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.34 and 4.34.

INTERROGATORY NO. 3.34:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.34:

The document at issue in Chart No. 34 is a letter from Dr. Arthur Langer of Mount Sinai School of Medicine, in which he claims to find “trace amounts of chrysotile asbestos” in a sample of Johnson’s Baby Powder “only when the talc was sonified and markedly dispersed.” Dr. Langer estimated the amount of chrysotile to be less than 0.01%. However, the foregoing statements do not show or demonstrate the presence of asbestos. Dr. Langer further stated that “J&J baby talc is of quite high quality” and “the ‘purest’” of all the talc samples tested. Dr. Langer later questioned the validity of his alleged asbestos finding, admitting that he “may have mistaken long talcum fibers for asbestos fibers.” *See* JNJ 000244773. Moreover, Dr. Langer subsequently published a peer-reviewed article regarding his testing of cosmetic talcum powder products, in which he reported finding no asbestos in Johnson’s Baby Powder. *See* Rohl & Langer et al., *Consumer Talcums and Powders: Mineral and Chemical Characterization*, 2 J. Toxicology & Env’tl. Health 255 (1976); *see also* JNJ 000329803. Furthermore, the President of Mount Sinai Medical Center, Dr. Langer’s institution, issued a public statement affirming that “the most commonly used baby talc has been consistently free of asbestos” and that it was “the opinion of Mount Sinai’s Department of Pediatrics that baby talc is a useful and safe product.” *See* JNJ 000026953. Indeed, samples from the same lot analyzed by Dr. Langer, lot 344-L, were studied extensively and also found to be free of asbestos by Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, and Colorado School of Mines Research Institute. *See, e.g.*, JNJ 000274547; JNJ 000274548; JNJ 000260473; JNJ TALC000091746. Johnson & Johnson’s conclusion that the document at issue in Chart No. 34 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C.

McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.34 and 5.34.

INTERROGATORY NO. 4.34:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.34:

Defendants state that the samples identified in the document at issue in Chart No. 34 relate to cosmetic talc product sold by Defendants.

INTERROGATORY NO. 5.34:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.34:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.34 through 4.34 and the documents identified therein.

CHART NO. 35: JNJTALC000291239 (1/1972)**INTERROGATORY NO. 1.35:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.35:

The document at issue in Chart No. 35 is a study conducted by two geology graduate students and their professor at Bowling Green State University in which the authors claimed to identify “[s]ubstantial amounts of asbestosform mineral impurities” in eighteen commercial talcum powders, including Johnson’s Baby Powder. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite in the sample of Johnson’s Baby Powder. In addition, Defendants refer to their response to Interrogatory Nos. 3.35 and 4.35.

INTERROGATORY NO. 2.35:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.35:

The document at issue in Chart No. 35 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite in the sample of Johnson’s Baby Powder. Moreover, one of the analysis techniques used in the study, X-ray diffraction, is not capable of determining whether minerals are in a “fibrous form.” In addition, Defendants refer to their response to Interrogatory Nos. 3.35 and 4.35.

INTERROGATORY NO. 3.35:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.35:

The document at issue in Chart No. 35 is a study conducted by two geology graduate students and their professor at Bowling Green State University in which the authors claimed to identify “[s]ubstantial amounts of asbestosform mineral impurities” in eighteen commercial talcum powders, including Johnson’s Baby Powder. However, the document does not show or demonstrate the presence of asbestos. One of the analysis techniques used in the study, X-ray diffraction, is not capable of determining whether minerals are in a “fibrous form.” The study contained numerous scientific and methodological errors, as identified by Colorado School of Mines Research Institute, including misidentifying chlorite as serpentine and counting talc plate edges and shards as asbestiform minerals. *See* JNJTALC000286980. Indeed, the authors themselves admitted that they did a ““rush-job”” and probably made many errors relative to the identification and amount of asbestiform minerals. *Id.* In rejecting a citizen’s petition to place an asbestos warning on cosmetic talc products, the Food and Drug Administration reviewed this document and determined that the paper contained “a number of significant errors” that led the FDA “to question the accuracy of the findings that were reported.” *See* Letter from J.W. Swanson, Acting Assoc. Comm’r for Regulatory Affairs, to P. Douillet (July 11, 1986). Johnson & Johnson’s conclusion that the document at issue in Chart No. 35 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on as the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation

experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.35 and 5.35.

INTERROGATORY NO. 4.35:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.35:

Defendants state the following: to the extent the samples identified in the document at issue in Chart No. 35 are Johnson's Baby Powder, Defendants state that the samples relate to cosmetic talc product sold by Defendants; to the extent the samples identified in the document at issue in Chart No. 35 are other commercial talcum powders, the samples do not relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.35:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.35:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.35 through 4.35 and the documents identified therein.

CHART NO. 36: JNJTALC000289413 (2/16/1972); JNJTALC000289411 (2/1972)**INTERROGATORY NO. 1.36:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.36:

The documents at issue in Chart No. 36 state that no serpentine asbestos (chrysotile) or “amphibole asbestos like amosite or crocidolite” was found in the samples. JNJTALC000289411. The documents further state that “the only particles that occasionally occur are those ones showing the optical features of tremolite,” with a weight content of less than 0.02%. *Id.* The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.36 and 4.36.

INTERROGATORY NO. 2.36:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.36:

The documents at issue in Chart No. 36 do not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.36 and 4.36.

INTERROGATORY NO. 3.36:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.36:

The documents at issue in Chart No. 36 state that no serpentine asbestos (chrysotile) or “amphibole asbestos like amosite or crocidolite” was found in the samples. JNJTALC000289411.

The documents further state that “the only particles that occasionally occur are those ones showing the optical features of tremolite,” with a weight content of less than 0.02%. *Id.* The foregoing statements do not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms. Subsequent correspondence makes clear Johnson & Johnson’s understanding that this document shows no asbestos in Italian talc. *See* JOJO-MA2546-01165. Johnson & Johnson’s conclusion that the documents at issue in Chart No. 36 do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJALC000289268; JNJALC000359710; JNJALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.36 and 5.36.

INTERROGATORY NO. 4.36:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.36:

Defendants do not dispute that the samples identified in the documents at issue in Chart No. 36 generally relate to cosmetic talc product sold by Defendants. The documents at issue in Chart No. 36 relate to testing by The Mining Institute of The Polytechnical School of Torino of two pulverized talc samples from Val Chisone, Italy, produced by two different mills at different

times. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.36:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.36:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.36 through 4.36 and the documents identified therein.

CHART NO. 37: JNJ 000314643 (4/27/1972)**INTERROGATORY NO. 1.37:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.37:

The document at issue in Chart No. 37 lists partial results from a study of “Fiber Exposure During Use of Baby Powders” conducted by the National Institute for Occupational Safety and Health (“NIOSH”). *See* JNJTALC000021932. The document identifies “fibers” in samples of Johnson’s Baby Powder and Johnson & Johnson Medicated Powder, as well as other talc products. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.37 and 4.37.

INTERROGATORY NO. 2.37:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.37:

The document at issue in Chart No. 37 identifies “fibers” in samples of Johnson’s Baby Powder and Johnson & Johnson Medicated Powder, as well as other talc products. The document does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. The analysis technique used, phase contract microscopy, cannot identify the nature of the fibers. As the NIOSH report from this study states, “It must be emphasized that no positive identification of the fibers found in these powders has been made since the phase contrast microscope is not well suited for this purpose.” *Id.* at 21940. In addition, Defendants refer to their response to Interrogatory Nos. 3.37 and 4.37.

INTERROGATORY NO. 3.37:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.37:

The document at issue in Chart No. 37 lists partial results from a study of “Fiber Exposure During Use of Baby Powders” conducted by the National Institute for Occupational Safety and Health (“NIOSH”). *See* JNJTALC000021932. The document identifies “fibers” in samples of Johnson’s Baby Powder and Johnson & Johnson Medicated Powder, as well as other talc products. However, it does not show or demonstrate the presence of asbestos. The analysis technique used, phase contract microscopy, cannot identify the nature of the fibers. As the NIOSH report from this study states, “It must be emphasized that no positive identification of the fibers found in these powders has been made since the phase contrast microscope is not well suited for this purpose.” *Id.* at 21940. NIOSH tested Johnson & Johnson’s Vermont talc using petrographic microscopy analysis, transmission electron microscopy and X-ray diffraction and found no asbestos. *See* JNJ 000273154. Johnson & Johnson’s conclusion that the document at issue in Chart No. 37 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.37 and 5.37.

INTERROGATORY NO. 4.37:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.37:

Defendants state the following: to the extent the samples identified in the document at issue in Chart No. 37 are Johnson's Baby Powder and Johnson & Johnson Medicated Powder, Defendants state that the samples relate to cosmetic talc product sold by Defendants; to the extent the samples identified in the document at issue in Chart No. 37 are other talc products, the samples do not relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.37:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.37:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.37 through 4.37 and the documents identified therein.

CHART NO. 38: WCD 002478 (6/12/1972)**INTERROGATORY NO. 1.38:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.38:

The document at issue in Chart No. 38 is not a document from Johnson & Johnson's files. The document lists "serpentine clino chrysotile" and "amphibole anthophyllite" as materials present in three unknown Italian talc samples from Whittaker, Clark & Daniels. The document does not identify the presence of tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.38 and 4.38.

INTERROGATORY NO. 2.38:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.38:

The document at issue in Chart No. 38 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 38 lists "serpentine clino chrysotile" (i.e. fibrous) as material present in three unknown Italian talc samples from Whittaker, Clark & Daniels. The document does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. The analysis technique used, X-ray diffraction, is not capable of determining whether minerals are in a "fibrous form." In addition, Defendants refer to their response to Interrogatory Nos. 3.38 and 4.38.

INTERROGATORY NO. 3.38:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.38:

The document at issue in Chart No. 38 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 38 lists "serpentine clino chrysotile" and "amphibole anthophyllite" as materials present in three unknown Italian talc samples from Whittaker, Clark & Daniels. However, the analysis technique used, X-ray diffraction, is not capable of determining whether minerals are in a "fibrous form." In addition, Defendants refer to their response to Interrogatory Nos. 4.38 and 5.38.

INTERROGATORY NO. 4.38:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.38:

The document at issue in Chart No. 38 is not a document from Johnson & Johnson's files. The samples identified in the document at issue in Chart No. 38 do not relate to cosmetic talc products sold by Defendants. The document relates to three unknown Italian talc samples from Whittaker, Clark & Daniels, a talc supplier from which Johnson & Johnson never sourced cosmetic talc. There is no indication in the document that these talc samples were ever used in a Johnson & Johnson cosmetic talc product.

INTERROGATORY NO. 5.38:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.38:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.38 through 4.38 and the documents identified therein.

CHART NO. 39: 8/3/1972 Letter from Seymour Lewin to Dr. Alfred Weissler
(FOIA Document)

INTERROGATORY NO. 1.39:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.39:

The document at issue in Chart No. 39 is not a document from Johnson & Johnson's files. This document contains the results of Dr. Seymour Lewin's initial testing of 102 commercial products containing talc. The document states that "no detectable amounts of asbestiform minerals" were found in Johnson's Baby Powder and Johnson & Johnson Medicated Powder. The document further states that chrysotile (5% by weight) was found in Johnson & Johnson's Shower to Shower. The document at issue in Chart No. 39 does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.39 and 4.39.

INTERROGATORY NO. 2.39:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.39:

The document at issue in Chart No. 39 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 39 states that chrysotile (i.e. fibrous) (5% by weight) was found in Johnson & Johnson's Shower to Shower. The document at issue in Chart No. 39 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.39 and 4.39.

INTERROGATORY NO. 3.39:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.39:

The document at issue in Chart No. 39 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 39 contains the results of Dr. Seymour Lewin's initial testing of 102 commercial products containing talc. The document states that "no detectable amounts of asbestiform minerals" were found in Johnson's Baby Powder and Johnson & Johnson Medicated Powder. The document further states that chrysotile (5% by weight) was found in Johnson & Johnson's Shower to Shower. However, the foregoing statement does not show or demonstrate the presence of asbestos because Dr. Lewin retested the samples and found no detectable chrysotile in any of the Johnson & Johnson products and only "trace" tremolite in one sample. *See* JNJ 000247501; JNJ 000247507; JNJ 000247515. Based on his retesting, Dr. Lewin later corrected his initial findings, stating that, of the eleven Johnson & Johnson cosmetic talc samples he tested, he found no asbestos in nine samples and "inconclusive" results for the other two samples. *See* JNJ 000244743. Indeed, after a four-year investigation, the Food and Drug Administration was unable to confirm Dr. Lewin's initial findings and its own testing showed no asbestos in Johnson & Johnson's cosmetic talc products. *See* Memorandum from Ronald L. Yates, Prod. Composition Branch, Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Jan. 7, 1976) (not bates stamped); *see also* Memorandum from Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Feb. 14, 1975) (not bates stamped); Memorandum from John A. Wenninger, Deputy Dir., Div. of Cosmetics Tech., Food & Drug Admin., to Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin. (Feb. 21, 1975) (not bates stamped). Johnson & Johnson's

conclusion that the document at issue in Chart No. 39 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of the “Lewin sample,” as well as additional Shower to Shower samples, by X-ray diffraction, light microscopy and transmission electron microscopy, that were all found to be free of asbestos, including by Professor M.J. Buerger (Massachusetts Institute of Technology), Professor G.E. Brown (Princeton University), Walter C. McCrone Associates, Colorado School of Mines Research Institute, Professor Fred Pooley (University College, Cardiff), Professor S.S. Pollack (Carnegie-Mellon University), and J. Schelz (Johnson & Johnson). The primary documents upon which Defendants rely regarding such testing are JNJ 000317601; JNJ 000317603; JNJ 000317606; JNJ 000317617; JNJ TALC000437220; JNJ 000317621; JNJ 000317647; JNJ 000317649; JNJ 000317652; JNJ 000317653; JNJ 000317654; JNJ 000317656; JNJ 000317657; JNJ 000317658; JNJ 000272460; JNJ TALC000437173; JNJ 000248926. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.39 and 5.39.

INTERROGATORY NO. 4.39:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.39:

The document at issue in Chart No. 39 is not a document from Johnson & Johnson’s files. Defendants state the following: to the extent the samples identified in the document at issue in Chart No. 39 are Johnson’s Baby Powder, Johnson & Johnson Medicated Powder and Johnson & Johnson’s Shower to Shower, Defendants state that the samples relate to cosmetic talc products

sold by Defendants; to the extent the samples identified in the document at issue in Chart No. 39 are other commercial products containing talc, the samples do not relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.39:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.39:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.39 through 4.39 and the documents identified therein.

CHART NO. 40: JNJALC000437351 (8/9/1972); JNJALC000437349 (8/10/1972)**INTERROGATORY NO. 1.40:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.40:

The documents at issue in Chart No. 40 are unidentified handwritten notes that appear to relate to testing of “Shower to Shower QA Retained Samples,” and “Lewin Samples of Shower to Shower.” The documents list “trace tremolite” on a page entitled “Shower to Shower QA Retained samples.” JNJALC000437351. The documents further state “[a]bout 1 fiber or rod/needle every 500 particles” is present and “approximately one third of these are tremolite and two-thirds rolled talc or talc shards” on a page entitled “Lewin Samples of Shower to Shower.” JNJALC000437349. The documents at issue in Chart No. 40 do not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.40 and 4.40.

INTERROGATORY NO. 2.40:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.40:

The documents at issue in Chart No. 40 state “[a]bout 1 fiber or rod/needle every 500 particles” is present and “approximately one third of these are tremolite and two-thirds rolled talc or talc shards” on a page entitled “Lewin Samples of Shower to Shower.” JNJALC000437349. The documents do not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.40 and 4.40.

INTERROGATORY NO. 3.40:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.40:

The documents at issue in Chart No. 40 list “trace tremolite” on a page entitled “Shower to Shower QA Retained samples.” JNJALC000437351. The documents further state “[a]bout 1 fiber or rod/needle every 500 particles” is present and “approximately one third of these are tremolite and two-thirds rolled talc or talc shards” on a page entitled “Lewin Samples of Shower to Shower.” JNJALC000437349. The foregoing statements do not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms and because terms like “needle” which have been used in different ways by different people do not mean asbestos. Moreover, After conducting an extensive examination of these samples using X-ray diffraction, light microscopy, scanning electron microscopy, transmission electron microscopy and electron diffraction, Walter C. McCrone Associates concluded that the “product [wa]s free from asbestos or asbestiform minerals.” *See* JNJALC000437220. Indeed, after a four-year investigation, the Food and Drug Administration was unable to confirm Dr. Lewin’s initial findings and its own testing showed no asbestos in Johnson & Johnson’s cosmetic talc products. *See* Memorandum from Ronald L. Yates, Prod. Composition Branch, Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Jan. 7, 1976) (not bates stamped); *see also* Memorandum from Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Feb. 14, 1975) (not bates stamped); Memorandum from John A. Wenninger, Deputy Dir., Div. of Cosmetics Tech., Food & Drug Admin., to Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin.

(Feb. 21, 1975) (not bates stamped). Johnson & Johnson's conclusion that the documents at issue in Chart No. 40 do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of the sample of Shower to Shower obtained from Professor Lewin, as well as additional Shower to Shower samples, by X-ray diffraction, light microscopy and transmission electron microscopy, that were found to be free of asbestos, including by Professor M.J. Buerger (Massachusetts Institute of Technology), Professor G.E. Brown (Princeton University), Walter C. McCrone Associates, Colorado School of Mines Research Institute, Professor Fred Pooley (University College, Cardiff), Professor S.S. Pollack (Carnegie-Mellon University), and J. Schelz (Johnson & Johnson). The primary documents upon which Defendants rely regarding such testing are JNJ 000317601; JNJ 000317603; JNJ 000317606; JNJ 000317617; JNJ TALC000437220; JNJ 000317621; JNJ 000317647; JNJ 000317649; JNJ 000317652; JNJ 000317653; JNJ 000317654; JNJ 000317656; JNJ 000317657; JNJ 000317658; JNJ 000272460; JNJ TALC000437173; JNJ 000248926. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.40 and 5.40.

INTERROGATORY NO. 4.40:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.40:

Defendants state that the samples identified in the document at issue in Chart No. 40 relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.40:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.40:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.40 through 4.40 and the documents identified therein.

CHART NOS. 41 & 42: JNJTALC000289185 (8/24/1972)**INTERROGATORY NO. 1.41 AND 1.42:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.41 AND 1.42:

The document at issue in Chart Nos. 41 and 42 states that the Sperry Rand scanning electron microscope facility claimed to find chrysotile in the sample of Shower to Shower previously examined by Dr. Lewin of New York University. The document further states that tremolite could be present in trace amounts. The document does not identify the presence of anthophyllite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.41, 3.42, 4.41 and 4.42.

INTERROGATORY NO. 2.41 AND 2.42:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.41 AND 2.42:

The document at issue in Chart Nos. 41 and 42 claimed to find chrysotile (i.e. fibrous) in the sample of Shower to Shower previously examined by Dr. Lewin of New York University. The document at issue in Chart Nos. 41 and 42 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory No. 3.41, 3.42, 4.41 and 4.42.

INTERROGATORY NO. 3.41 AND 3.42:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.41 AND 3.42:

The document at issue in Chart Nos. 41 and 42 states that the Sperry Rand scanning electron microscope facility claimed to find chrysotile in the sample of Shower to Shower previously examined by Dr. Lewin of New York University. However, it does not show or demonstrate the presence of asbestos because Mr. John Wehrung, Director of Sperry Rand's Microanalysis Laboratory, subsequently admitted "the scanning electron microscope and energy dispersive x-ray analyzer" used to analyze the Shower to Shower sample were "not able to positively identify chrysotile or any form of asbestos." *See* JNJ 000248953. Mr. Wehrung explained what he initially called "asbestosform" should more correctly be called "fiberform." *See id.* The document further states that tremolite could be present in trace amounts. This statements also does not show or demonstrate asbestos because tremolite can exist in both non-asbestos and asbestos forms. After a four-year investigation, the Food and Drug Administration was unable to confirm Dr. Lewin's initial findings and the FDA's own testing showed no asbestos in Johnson & Johnson's cosmetic talc products. *See* Memorandum from Ronald L. Yates, Prod. Composition Branch, Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Jan. 7, 1976) (not bates stamped); *see also* Memorandum from Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Feb. 14, 1975) (not bates stamped); Memorandum from John A. Wenninger, Deputy Dir., Div. of Cosmetics Tech., Food & Drug Admin., to Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin. (Feb. 21, 1975) (not bates stamped). Johnson & Johnson's conclusion that the document at issue in Chart Nos. 41 and 42 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of the "Lewin sample", as well as additional Shower to Shower samples, by X-ray diffraction, light microscopy and transmission electron microscopy, that were all found to be free of asbestos,

including by Professor M.J. Buerger (Massachusetts Institute of Technology), Professor G.E. Brown (Princeton University), Walter C. McCrone Associates, Colorado School of Mines Research Institute, Professor Fred Pooley (University College, Cardiff), Professor S.S. Pollack (Carnegie-Mellon University), and J. Schelz (Johnson & Johnson). The primary documents upon which Defendants rely regarding such testing are JNJ 000317601; JNJ 000317603; JNJ 000317606; JNJ 000317617; JNJ TALC000437220; JNJ 000317621; JNJ 000317647; JNJ 000317649; JNJ 000317652; JNJ 000317653; JNJ 000317654; JNJ 000317656; JNJ 000317657; JNJ 000317658; JNJ 000272460; JNJ TALC000437173; JNJ 000248926,. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to and incorporate herein their response to Interrogatory Nos. 4.41, 4.42, 5.41 and 5.42.

INTERROGATORY NO. 4.41 AND 4.42:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.41 AND 4.42:

Defendants state that the samples identified in the document at issue in Chart Nos. 41 and 42 relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.41 AND 5.42:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.41 AND 5.42:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.41 and 1.42 through 4.41 and 4.42 and the documents identified therein.

CHART NO. 43: JNJTALC000169515 (8/31/1972)**INTERROGATORY NO. 1.43:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.43:

The document at issue in Chart No. 43 summarizes a trip to the Sperry Rand Microanalytical Laboratory by Johnson & Johnson employees and Walter C. McCrone Associates. The document states that Mr. Wehrung, Director of Sperry Rand's Microanalysis Laboratory, analyzed a sample of talc, presumably Shower to Shower, by scanning electron microscopy and X-ray diffraction, and found less than 1% of "fibers which had the general shape of [] chrysotile." The document further states that "no chemical identification of these particles could be made" and that "X-Ray Dispersive techniques were unsuccessful in identifying these fibers." Moreover, according to the document, Mr. Wehrung did not find any "asbestos form" fibers in the "Lewin sample" that Johnson & Johnson employees brought to the meeting. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.43 and 4.43.

INTERROGATORY NO. 2.43:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.43:

The document at issue in Chart No. 43 states that Mr. Wehrung, Director of Sperry Rand's Microanalysis Laboratory, analyzed a sample of talc, presumably Shower to Shower, by scanning electron microscopy and X-ray diffraction, and found less than 1% of "fibers which had the general shape of [] chrysotile." The document at issue in Chart No. 43 does not establish the presence of

the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. The document further states that “no chemical identification of these particles could be made” and that “X-Ray Dispersive techniques were unsuccessful in identifying these fibers.” Moreover, according to the document, Mr. Wehrung did not find any ““asbestos form”” fibers in the “Lewin sample” that Johnson & Johnson employees brought to the meeting. In addition, Defendants refer to their response to Interrogatory Nos. 3.43 and 4.43.

INTERROGATORY NO. 3.43:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.43:

The document at issue in Chart No. 43 summarizes a trip to the Sperry Rand Microanalytical Laboratory by Johnson & Johnson employees and Walter C. McCrone Associates. The document states that Mr. Wehrung, Director of Sperry Rand’s Microanalysis Laboratory, analyzed a sample of talc, presumably Shower to Shower, by scanning electron microscopy and X-ray diffraction, and found less than 1% of “fibers which had the general shape of [] chrysotile.” However, the foregoing statement does not show or demonstrate the presence of asbestos because the document further states that “no chemical identification of these particles could be made” and that “X-Ray Dispersive techniques were unsuccessful in identifying these fibers.” Moreover, according to the document, Mr. Wehrung did not find any ““asbestos form”” fibers in the “Lewin sample” that Johnson & Johnson employees brought to the meeting. Mr. Wehrung subsequently admitted that “the scanning electron microscope and energy dispersive X-ray analyzer” used to analyze the Shower to Shower sample were “not able to positively identify chrysotile or any form of asbestos.” See JNJ 000248953. Mr. Wehrung explained that what he initially called

“asbestosform” should more correctly be called “fiberform.” *See id.* Asbestos only includes specific minerals that formed in the asbestiform habit. Indeed, after a four-year investigation, the Food and Drug Administration was unable to confirm Dr. Lewin’s initial findings and the FDA’s own testing showed no asbestos in Johnson & Johnson’s cosmetic talc products. *See* Memorandum from Ronald L. Yates, Prod. Composition Branch, Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Jan. 7, 1976) (not bates stamped); *see also* Memorandum from Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Feb. 14, 1975) (not bates stamped); Memorandum from John A. Wenninger, Deputy Dir., Div. of Cosmetics Tech., Food & Drug Admin., to Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin. (Feb. 21, 1975) (not bates stamped). Johnson & Johnson’s conclusion that the document at issue in Chart No. 43 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of the “Lewin sample,” as well as additional Shower to Shower samples, by X-ray diffraction, light microscopy and transmission electron microscopy, that were all found to be free of asbestos, including by Professor M.J. Buerger (Massachusetts Institute of Technology), Professor G.E. Brown (Princeton University), Walter C. McCrone Associates, Colorado School of Mines Research Institute, Professor Fred Pooley (University College, Cardiff), Professor S.S. Pollack (Carnegie-Mellon University), and J. Schelz (Johnson & Johnson). The primary documents upon which Defendants rely regarding such testing are JNJ 000317601; JNJ 000317603; JNJ 000317606; JNJ 000317617; JNJ TALC000437220; JNJ 000317621; JNJ 000317647; JNJ 000317649; JNJ 000317652; JNJ 000317653; JNJ 000317654; JNJ 000317656; JNJ 000317657; JNJ 000317658; JNJ 000272460; JNJ TALC000437173; JNJ 000248926. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s

cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.43 and 5.43.

INTERROGATORY NO. 4.43:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.43:

Defendants state that the samples identified in the document at issue in Chart No. 43 relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.43:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.43:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.43 through 4.43 and the documents identified therein.

CHART NO. 44: JNJ 000086531 (9/25/1972)**INTERROGATORY NO. 1.44:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.44:

The document at issue in Chart No. 44 summarizes a meeting with the Food and Drug Administration and independent experts relating to Dr. Seymour Lewin's testing of a Shower to Shower sample. The document states that multiple independent experts analyzed the Lewin sample and found no chrysotile asbestos, including Professor M.J. Buerger (Massachusetts Institute of Technology), Professor G.E. Brown (Princeton University), Drs. Ian Stewart and Walter McCrone (Walter C. McCrone Associates), and Mr. J. Schelz (Johnson & Johnson). The document further states that Professor Fred Pooley, University College, Cardiff, "reviewed in detail his comprehensive examination of the Italian talc mine, showing that it contains no deposits of chrysotile asbestos and very minor amounts of tremolite." The document at issue in Chart No. 44 does not identify the presence of chrysotile, anthophyllite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.44 and 4.44.

INTERROGATORY NO. 2.44:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.44:

The document at issue in Chart No. 44 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.44 and 4.44.

INTERROGATORY NO. 3.44:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.44:

The document at issue in Chart No. 44 summarizes a meeting with the Food and Drug Administration and independent experts relating to Dr. Seymour Lewin's testing of a Shower to Shower sample. The document states that multiple independent experts analyzed the Lewin sample and found no chrysotile asbestos, including Professor M.J. Buerger (Massachusetts Institute of Technology), Professor G.E. Brown (Princeton University), Drs. Ian Stewart and Walter McCrone (Walter C. McCrone Associates), and Mr. J. Schelz (Johnson & Johnson). The document further states that Professor Fred Pooley, University College, Cardiff, "reviewed in detail his comprehensive examination of the Italian talc mine, showing that it contains no deposits of chrysotile asbestos and very minor amounts of tremolite." Professor Pooley ultimately concluded that, based on an examination of Italian talc that "ha[d] been in progress for over a year," "[n]o chrysotile was found at the mine or in the samples taken, some tremolite was located but was not asbestiform in character and ha[d] not been detected in 00000 talc imported into Great Britain for the past year, nor in shipments dating back to 1949." *See* JNJ TALC000289268. The document does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms. Indeed, after a four-year investigation, the Food and Drug Administration was unable to confirm Dr. Lewin's initial findings and the FDA's own testing showed no asbestos in Johnson & Johnson's cosmetic talc products. *See* Memorandum from Ronald L. Yates, Prod. Composition Branch, Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Jan. 7, 1976) (not bates stamped); *see also* Memorandum from Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin., to Heinz J.

Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Feb. 14, 1975) (not bates stamped); Memorandum from John A. Wenninger, Deputy Dir., Div. of Cosmetics Tech., Food & Drug Admin., to Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin. (Feb. 21, 1975) (not bates stamped). Johnson & Johnson's conclusion that the document at issue in Chart No. 44 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of the "Lewin sample," as well as additional Shower to Shower samples, by X-ray diffraction, light microscopy, and transmission electron microscopy, that were all found to be free of asbestos, including by Professor Buerger, (Massachusetts Institute of Technology), Professor Brown (Princeton University), Walter C. McCrone Associates, Colorado School of Mines Research Institute, Professor Pooley (University College, Cardiff), Professor S.S. Pollack (Carnegie-Mellon University), and Mr. Schelz (Johnson & Johnson). The primary documents upon which Defendants rely regarding such testing are JNJ 000317601; JNJ 000317603; JNJ 000317606; JNJ 000317617; JNJ TALC000437220; JNJ 000317621; JNJ 000317647; JNJ 000317649; JNJ 000317652; JNJ 000317653; JNJ 000317654; JNJ 000317656; JNJ 000317657; JNJ 000317658; JNJ 000272460; JNJ TALC000437173; JNJ 000248926. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (see Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.44 and 5.44.

INTERROGATORY NO. 4.44:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.44:

Defendants state the following: to the extent the samples identified in the document at issue in Chart No. 44 are Shower to Shower, Defendants state that the samples relate to cosmetic talc products sold by Defendants; to the extent the samples identified in the document at issue in Chart No. 44 are from Professor Pooley's examination of Italian talc, Defendants do not dispute that the samples generally relate to cosmetic talc products sold by Defendants. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.44:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.44:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.44 through 4.44 and the documents identified therein.

CHART NO. 45: New York University Document with handwritten dates of 4/4/1972 and 10/19/1972 (FOIA Document)

INTERROGATORY NO. 1.45:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.45:

The document at issue in Chart No. 45 is not a document from Johnson & Johnson's files. This document relates to Dr. Seymour Lewin's initial testing of a number of different cosmetic talc products, including Johnson's Baby Powder, Johnson & Johnson's Shower to Shower, and Johnson's Medicated Powder. The document identifies chrysotile in five samples and 4% tremolite in one sample of the Johnson & Johnson cosmetic talc products. The document at issue in Chart No. 45 does not identify the presence of anthophyllite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.45 and 4.45.

INTERROGATORY NO. 2.45:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.45:

The document at issue in Chart No. 45 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 45 identifies chrysotile (i.e. fibrous) in five samples and 4% tremolite in one sample of the Johnson & Johnson cosmetic talc products. The document at issue in Chart No. 45 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.45 and 4.45.

INTERROGATORY NO. 3.45:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.45:

The document at issue in Chart No. 45 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 45 relates to Dr. Seymour Lewin's initial testing of a number of different cosmetic talc products, including Johnson's Baby Powder, Johnson & Johnson's Shower to Shower, and Johnson's Medicated Powder. The document identifies chrysotile in five samples and 4% tremolite in one sample of the Johnson & Johnson cosmetic talc products. However, the foregoing statements do not show or demonstrate the presence of asbestos because Dr. Lewin retested the samples and found no detectable chrysotile in any of the Johnson & Johnson products and only "trace" tremolite in one sample. *See* JNJ 000247501; JNJ 000247507; JNJ 000247515. Based on his retesting, Dr. Lewin later corrected his initial findings, stating that, of the eleven Johnson & Johnson cosmetic talc samples he tested, he found no asbestos in nine samples and "inconclusive" results for the other two samples. *See* JNJ 000244743. Indeed, after a four-year investigation, the Food and Drug Administration was unable to confirm Dr. Lewin's initial findings and the FDA's own testing showed no asbestos in Johnson & Johnson's cosmetic talc products. *See* Memorandum from Ronald L. Yates, Prod. Composition Branch, Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Jan. 7, 1976) (not bates stamped); *see also* Memorandum from Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Feb. 14, 1975) (not bates stamped); Memorandum from John A. Wenninger, Deputy Dir., Div. of Cosmetics Tech., Food & Drug Admin., to Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin. (Feb. 21, 1975) (not bates stamped). Johnson & Johnson's conclusion that the

document at issue in Chart No. 45 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of the “Lewin sample,” as well as additional Shower to Shower samples, by X-ray diffraction, light microscopy and transmission electron microscopy, that were all found to be free of asbestos, including by Professor M.J. Buerger (Massachusetts Institute of Technology), Professor G.E. Brown (Princeton University), Walter C. McCrone Associates, Colorado School of Mines Research Institute, Professor Fred Pooley (University College, Cardiff), Professor S.S. Pollack (Carnegie-Mellon University), and J. Schelz (Johnson & Johnson). The primary documents upon which Defendants rely regarding such testing are JNJ 000317601; JNJ 000317603; JNJ 000317606; JNJ 000317617; JNJ TALC000437220; JNJ 000317621; JNJ 000317647; JNJ 000317649; JNJ 000317652; JNJ 000317653; JNJ 000317654; JNJ 000317656; JNJ 000317657; JNJ 000317658; JNJ 000272460; JNJ TALC000437173; JNJ 000248926. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.45 and 5.45.

INTERROGATORY NO. 4.45:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.45:

The document at issue in Chart No. 45 is not a document from Johnson & Johnson’s files. To the extent the samples identified in the document at issue in Chart No. 45 are Johnson’s Baby Powder, Johnson & Johnson’s Shower to Shower, and Johnson’s Medicated Powder, Defendants state that the samples relate to cosmetic talc products sold by Defendants; to the extent the samples

identified in the document at issue in Chart No. 45 are different cosmetic talc products, the samples do not relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.45:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.45:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.45 through 4.45 and the documents identified therein.

**CHART NO. 46: JNJ 000260833 (10/27/1972); JNJ 000260840 (10/27/1972);
JNJ 000286691 (10/27/1972)**

INTERROGATORY NO. 1.46:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.46:

The documents at issue in Chart No. 46 relate to a “a detailed examination” by Walter C. McCrone Associates of two samples of Johnson’s Baby Powder, 108T and 109T, which were initially evaluated by Dr. Seymour Lewin, New York University. One of the document states that “[b]oth samples contained an insignificant amount of tremolite,” later described as “tremolite rods,” and “[n]either sample contained chrysotile.” JNJ 000260840. The documents do not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.46 and 4.46.

INTERROGATORY NO. 2.46:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.46:

The documents at issue in Chart No. 46 state that “[b]oth samples contained an insignificant amount of tremolite,” later described as “tremolite rods,” and “[n]either sample contained chrysotile.” JNJ 000260840. The documents at issue in Chart No. 46 do not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.46 and 4.46.

INTERROGATORY NO. 3.46:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.46:

The documents at issue in Chart No. 46 relate to a “a detailed examination” by Walter C. McCrone Associates of two samples of Johnson’s Baby Powder, 108T and 109T, which were initially evaluated by Dr. Seymour Lewin, New York University. One of the document states that “[b]oth samples contained an insignificant amount of tremolite,” later described as “tremolite rods,” and “[n]either sample contained chrysotile.” JNJ 000260840. The foregoing statements do not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms and because terms like “rods” which have been used in different ways by different people do not mean asbestos. Indeed, Dr. Lewin retested the samples and found no detectable tremolite or chrysotile in either sample. *See* JNJ 000247501; JNJ 000247507; JNJ 000247515. Johnson & Johnson’s conclusion that the documents at issue in Chart No. 46 do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of the samples of Johnson’s Baby Powder, batch numbers 108T and 109T, obtained from Professor Lewin, including by the Food & Drug Administration, Professor G.E. Brown (Princeton University), Colorado School of Mines Research Institute, Professor Fred Pooley (University College, Cardiff), and J. Schelz (Johnson & Johnson). The primary documents upon which Defendants rely regarding such testing are JNJ 000317601; JNJ 000317603; JNJ 000317606; JNJ 000317617; JNJ 000317621; JNJ 000317647; JNJ 000317649; JNJ 000317652; JNJ 000317653; JNJ 000317654; JNJ 000317656; JNJ 000317657; JNJ 000317658; Memorandum from Ronald L. Yates, Prod. Composition Branch, Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Jan. 7, 1976) (not bates stamped);

Memorandum from Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Feb. 14, 1975) (not bates stamped); Memorandum from John A. Wenninger, Deputy Dir., Div. of Cosmetics Tech., Food & Drug Admin., to Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin. (Feb. 21, 1975) (not bates stamped). However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.46 and 5.46.

INTERROGATORY NO. 4.46:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.46:

Defendants state that the samples identified in the documents at issue in Chart No. 46 relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.46:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.46:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.46 through 4.46 and the documents identified therein.

CHART NO. 47: JNJ 000260836 (1972)**INTERROGATORY NO. 1.47:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.47:

The document at issue in Chart No. 47 includes an unidentified handwritten note that states that “[t]here are trace quantities present confirmed both by McCrone and Bill Ashton” and “[l]evels are extremely low.” The handwritten note is presumably referring to tremolite, which is referenced in the text above the note. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.47 and 4.47.

INTERROGATORY NO. 2.47:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.47:

The document at issue in Chart No. 47 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite.

INTERROGATORY NO. 3.47:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.47:

The document at issue in Chart No. 47 includes an unidentified handwritten note that states that “[t]here are trace quantities present confirmed both by McCrone and Bill Ashton” and “[l]evels are extremely low.” The handwritten note is presumably referring to tremolite, which is referenced

in the text above the note. The foregoing statements do not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms. Indeed, in 1987, Walter C. McCrone Associates stated that Windsor Minerals' "product is free of asbestos" and "[t]hat has always been our opinion and continues to be our opinion based on over 15 years of closely examining this product." *See* JNJ 000314361. Johnson & Johnson's conclusion that the document at issue in Chart No. 47 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.47 and 5.47.

INTERROGATORY NO. 4.47:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.47:

Defendants cannot determine if the samples identified in the document at issue in Chart No. 47 relate to cosmetic talc sold by Defendants.

INTERROGATORY NO. 5.47:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.47:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.47 through 4.47 and the documents identified therein.

CHART NO. 48: JOJO-MA2546-01282 (1972)**INTERROGATORY NO. 1.48:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.48:

The document at issue in Chart No. 48, which is not from Johnson & Johnson's files, is a report by Professor Thomas E. Hutchinson, University of Minnesota, regarding the testing of talc samples. At McCrone Associates' request, Professor Hutchinson conducted a scanning electron microscopy analysis on the samples, concluding that the "scanning electron microscope by itself [wa]s unable to make distinctions between asbestos fibers within samples of talc and other such fibers of wood, wool, and talc fibers." Given the "lack of success in obtaining definitive results by scanning electron microscopy," Professor Hutchinson tried examining the samples by transmission electron microscopy ("TEM"). Professor Hutchinson concluded, "Transmission electron microscopy shows less than 1/100th of 1 percent asbestos in the material given to us." However, Professor Hutchinson admitted this testing was "hectic," and his invoice shows he performed just two hours of TEM analysis and supposedly examined over 3,000 grid squares. *See* JOJO-MA2546-01365; JOJO-MA2546-01479; JOJO-MA2546-00144. In fact, McCrone Associates complained that it did not receive a more formal report from Professor Hutchinson and that "vital information" was missing from Professor Hutchinson's photographs, including identification of the samples from which they were taken and the magnification. *See* JOJO-MA2546-01482. Moreover, Professor Hutchinson's TEM findings could not be replicated. To the contrary, McCrone Associates performed a careful analysis of the sample examined by Dr. Seymour Lewin, as well as a number of retained batch samples of Shower to Shower, and concluded that "th[e] product [wa]s free from chrysotile" and that Dr. Lewin's original report was

“erroneous and most likely a misidentification for a form of chlorite.” *See* JNJTALC000437220.

The document at issue in Chart No. 48 does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.48 and 4.48.

INTERROGATORY NO. 2.48:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.48:

The document at issue in Chart No. 48, which is not from Johnson & Johnson’s files, does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.48 and 4.48.

INTERROGATORY NO. 3.48:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.48:

The document at issue in Chart No. 48, which is not from Johnson & Johnson’s files, is a report by Professor Thomas E. Hutchinson, University of Minnesota, regarding the testing of talc samples. It does not show or demonstrate the presence of asbestos. At McCrone Associates’ request, Professor Hutchinson conducted a scanning electron microscopy analysis on the samples, concluding that the “scanning electron microscope by itself [wa]s unable to make distinctions between asbestos fibers within samples of talc and other such fibers of wood, wool, and talc fibers.” Given the “lack of success in obtaining definitive results by scanning electron microscopy,” Professor Hutchinson tried examining the samples by transmission electron

microscopy (“TEM”). Professor Hutchinson concluded, “Transmission electron microscopy shows less than 1/100th of 1 percent asbestos in the material given to us.” However, Professor Hutchinson admitted this testing was “hectic,” and his invoice shows he performed just two hours of TEM analysis and supposedly examined over 3,000 grid squares. *See* JOJO-MA2546-01365; JOJO-MA2546-01479; JOJO-MA2546-00144. In fact, McCrone Associates complained that it did not receive a more formal report from Professor Hutchinson and that “vital information” was missing from Professor Hutchinson’s photographs, including identification of the samples from which they were taken and the magnification. *See* JOJO-MA2546-01482. Moreover, Professor Hutchinson’s TEM findings could not be replicated. To the contrary, McCrone Associates performed a careful analysis of the sample examined by Dr. Seymour Lewin, as well as a number of retained batch samples of Shower to Shower, and concluded that “th[e] product [wa]s free from chrysotile” and that Dr. Lewin’s original report was “erroneous and most likely a misidentification for a form of chlorite.” *See* JNJ TALC000437220. Johnson & Johnson’s conclusion that the document at issue in Chart No. 48 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of the “Lewin samples,” as well as additional Shower to Shower samples, by X-ray diffraction, light microscopy and transmission electron microscopy, that were all were found to be free of asbestos, including by Professor M.J. Buerger (Massachusetts Institute of Technology), Professor G.E. Brown (Princeton University), Walter C. McCrone Associates, Colorado School of Mines Research Institute, Professor Fred Pooley (University College, Cardiff), Professor S.S. Pollack (Carnegie-Mellon University), and J. Schelz (Johnson & Johnson). The primary documents upon which Defendants rely regarding such testing are JNJ 000317603; JNJ 000317606; JNJ 000317617; JNJ TALC000437220; JNJ 000317621; JNJ 000317647; JNJ 000317649; JNJ 000317652; JNJ

000317653; JNJ 000317654; JNJ 000317656; JNJ 000317657; JNJ 000317658; JNJ 000272460; JNJ TALC000437173; JNJ 000248926. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. Moreover, after a four-year investigation, the Food and Drug Administration was unable to confirm Dr. Lewin's initial findings and the FDA's own testing showed no asbestos in Johnson & Johnson's cosmetic talc products. *See* Memorandum from Ronald L. Yates, Prod. Composition Branch, Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Jan. 7, 1976) (not bates stamped); *see also* Memorandum from Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Feb. 14, 1975) (not bates stamped); Memorandum from John A. Wenninger, Deputy Dir., Div. of Cosmetics Tech., Food & Drug Admin., to Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin. (Feb. 21, 1975) (not bates stamped). In addition, Defendants refer to their response to Interrogatory Nos. 4.48 and 5.48.

INTERROGATORY NO. 4.48:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.48:

Defendants do not dispute that Professor Hutchinson was sent samples that relate to cosmetic talc product sold by Defendants; however Defendants cannot determine which samples in the document at issue in Chart No. 48 relate to a cosmetic talc product sold by Defendants. Professor Hutchinson's notes state that he tested a sample identified as "Lewin" and a sampled identified as "Shower to Shower." *See* JOJO-MA2546-00144. However, the letter from

McCrone Associates to Professor Hutchinson enclosing the two samples states that one sample was "talc (Lewin 16)" and the other sample was "chrysotile asbestos." *See* JNJ 000270084. Additionally, "vital information" was missing from Professor Hutchinson's photographs, including identification of the samples. *See* JOJO-MA2546-01482.

INTERROGATORY NO. 5.48:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.48:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.48 through 4.48 and the documents identified therein.

CHART NO. 49: JNJ 000245155 (4/19/1973)**INTERROGATORY NO. 1.49:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.49:

The document at issue in Chart No. 49 is a “preliminary screening” of twenty-five samples of Johnson’s Baby Powder using the Dispersion-Staining method. The document states four samples are “suspected of containing tremolite based on the finding of one or two ‘fibers’ per sample.” The document further states, “Many of the samples contain calcite which under the conditions of the study gives dispersion colors identical to tremolite.” The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.49 and 4.49.

INTERROGATORY NO. 2.49:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.49:

The document at issue in Chart No. 49 states four samples are “suspected of containing tremolite based on the finding of one or two ‘fibers’ per sample.” The document does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.49 and 4.49.

INTERROGATORY NO. 3.49:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.49:

The document at issue in Chart No. 49 states four samples are “suspected of containing tremolite based on the finding of one or two ‘fibers’ per sample.” The document further states, “Many of the samples contain calcite which under the conditions of the study gives dispersion colors identical to tremolite.” However, it does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms. Indeed, a subsequent analysis of these samples describes the particles found as “prismatic” and “columnar.” *See* JNJ 000273729. Prismatic and columnar are terms used to describe non-asbestiform crystals. Johnson & Johnson’s conclusion that the document at issue in Chart No. 49 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.49 and 5.49.

INTERROGATORY NO. 4.49:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.49:

Defendants state that the samples identified in the document at issue in Chart No. 49 relate to cosmetic talc products sold by Defendants. The document at issue in Chart No. 49 is a

“preliminary screening” of twenty-five samples of Johnson’s Baby Powder using the Dispersion-Staining method.

INTERROGATORY NO. 5.49:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.49:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.49 through 4.49 and the documents identified therein.

CHART NO. 50: JNJ 000273729 (4/27/1973)**INTERROGATORY NO. 1.50:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.50:

The document at issue in Chart No. 50 relates to a microscopic examination of four samples of Johnson's Baby Powder, previously examined by the Dispersion Staining method. *See* JNJ 000245155. The documents states that "optical microscopy revealed 'trace' amounts of amphibole" in each of the samples, estimated to be 0.001 to 0.01% by weight. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.50 and 4.50.

INTERROGATORY NO. 2.50:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.50:

The document at issue in Chart No. 50 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.50 and 4.50.

INTERROGATORY NO. 3.50:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.50:

The document at issue in Chart No. 50 relates to a microscopic examination of four samples of Johnson's Baby Powder, previously examined by the Dispersion Staining method. *See* JNJ

000245155. The document states that “optical microscopy revealed ‘trace’ amounts of amphibole” in each of the samples, estimated to be 0.001 to 0.01% by weight. However, it does not show or demonstrate the presence of asbestos because amphibole minerals can exist in both non-asbestos and asbestos forms. Indeed, the document at issue in Chart No. 50 states that the shape of the particles found was “prismatic” and “columnar,” which are terms used to describe non-asbestiform crystals. Johnson & Johnson’s conclusion that the document at issue in Chart No. 50 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJ TALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.50 and 5.50.

INTERROGATORY NO. 4.50:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.50:

Defendants state that the samples identified in the document at issue in Chart No. 50 relate to cosmetic talc products sold by Defendants. The document at issue in Chart No. 50 relates to a microscopic examination of four samples of Johnson’s Baby Powder, previously examined by the Dispersion Staining method. *See* JNJ 000245155.

INTERROGATORY NO. 5.50:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.50:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.50 through 4.50 and the documents identified therein.

CHART NO. 51: JNJ 000294872 (4/26/1973)**INTERROGATORY NO. 1.51:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.51:

The document at issue in Chart No. 51 summarizes discussions between Johnson & Johnson employees and employees of Windsor Minerals regarding potential future regulations concerning talc. The document states, “Our Baby Powder contains talc fragments classifiable as fiber.” The document further states, “Occasionally sub-trace quantities of tremolite or actinolite are identifiable . . . and these might be classified as asbestos fiber.” The document does not identify the presence of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.51 and 4.51.

INTERROGATORY NO. 2.51:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.51:

The document at issue in Chart No. 51 states, “Our Baby Powder contains talc fragments classifiable as fiber.” The document does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.51 and 4.51.

INTERROGATORY NO. 3.51:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.51:

The document at issue in Chart No. 51 summarizes discussions between Johnson & Johnson employees and employees of Windsor Minerals regarding potential future regulations concerning talc. The document states, “Our Baby Powder contains talc fragments classifiable as fiber.” The document further states, “Occasionally sub-trace quantities of tremolite or actinolite are identifiable . . . and these might be classified as asbestos fiber.” The foregoing statements do not show or demonstrate the presence of asbestos because tremolite and actinolite can exist in both non-asbestos and asbestos forms. Johnson & Johnson’s conclusion that the document at issue in Chart No. 51 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.51 and 5.51.

INTERROGATORY NO. 4.51:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.51:

Defendants state the following: to the extent the samples identified in the document at issue in Chart No. 51 are “Our Baby Powder,” Defendants state that the samples relate to cosmetic talc products sold by Defendants; to the extent the samples identified in the document at issue in Chart

No. 51 are from parts of mines that Defendants did not use, the samples do not relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.51:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.51:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.51 through 4.51 and the documents identified therein.

CHART NO. 52: JNJ 000270588 (4/30/1973)**INTERROGATORY NO. 1.52:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.52:

The document at issue in Chart No. 52 is a report from Dr. Umberto Stefano documenting the “non-existence of any carcinogenic factor related to long term exposure to Italian talc,” as noted in the cover letter accompanying the report. *See* JNJ 000270587. The document lists “0.02% tremolite” as materials present in “Pinerolo Talc” from the Fontana mine. The document also states that “tremolite[] [wa]s the only asbestos mineral found in a very small amount in this talc.” The document further states, “Other more dangerous asbestos compounds such as chrysotile, amesite and crocidolite are absolutely absent.” The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.52 and 4.52.

INTERROGATORY NO. 2.52:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.52:

The document at issue in Chart No. 52 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.52 and 4.52.

INTERROGATORY NO. 3.52:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.52:

The document at issue in Chart No. 52 is a report from Dr. Umberto Stefano documenting the “non-existence of any carcinogenic factor related to long term exposure to Italian talc,” as noted in the cover letter accompanying the report. *See* JNJ 000270587. The document lists “0.02% tremolite” as materials present in “Pinerolo Talc” from the Fontana mine. The document also states that “tremolite[] [wa]s the only asbestos mineral found in a very small amount in this talc.” The document further states, “Other more dangerous asbestos compounds such as chrysotile, amesite and crocidolite are absolutely absent.” The foregoing statements do not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms. Johnson & Johnson’s conclusion that the document at issue in Chart No. 52 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJTALC000289268; JNJTALC000359710; JNJTALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.52 and 5.52.

INTERROGATORY NO. 4.52:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.52:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 52 generally relate to cosmetic talc products sold by Defendants. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.52:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.52:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.52 through 4.52 and the documents identified therein.

CHART NO. 53: JNJ 000232679 (5/16/1973)**INTERROGATORY NO. 1.53:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.53:

The document at issue in Chart No. 53 states that Professor Fred Pooley found “0.05% of a tremolite-type in Vermont,” using X-ray diffraction. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.53 and 4.53.

INTERROGATORY NO. 2.53:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.53:

The document at issue in Chart No. 53 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. Furthermore, X-ray diffraction is not capable of determining whether minerals are in a “fibrous form.” In addition, Defendants refer to their response to Interrogatory Nos. 3.53 and 4.53.

INTERROGATORY NO. 3.53:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.53:

The document at issue in Chart No. 53 states that Professor Fred Pooley found “0.05% of a tremolite-type in Vermont,” using X-ray diffraction. It does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms.

Furthermore, X-ray diffraction is not capable of determining whether minerals are in a “fibrous form.” Indeed, after any extensive examination of Vermont talc, including by transmission electron microscopy, Professor Pooley concluded, “The amphibole minerals were found in discrete locations and not disseminated throughout the talc ore and were not asbestiform in character.” JNJ 000303042. Johnson & Johnson’s conclusion that the document at issue in Chart No. 53 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc by independent investigators such as Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.53 and 5.53.

INTERROGATORY NO. 4.53:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.53:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 53 generally relate to cosmetic talc products sold by Defendants. Johnson & Johnson used talc from Vermont from 1964-2003 for its cosmetic talc products.

INTERROGATORY NO. 5.53:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the

person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.53:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.53 through 4.53 and the documents identified therein.

CHART NO. 54: JNJTALC000286971 (6/4/1973)**INTERROGATORY NO. 1.54:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.54:

The document at issue in Chart No. 54 states that Professor Fred Pooley has tested Italian talc for “chrysotile and other asbestos contaminants” and has found none. The document further states that the author believes that “our Vermont talc will from time to time show traces of tremolite.” The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.54 and 4.54.

INTERROGATORY NO. 2.54:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.54:

The document at issue in Chart No. 54 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. Furthermore, the type of analysis discussed in this document, X-ray diffraction, is not capable of determining whether minerals are in a “fibrous form.” In addition, Defendants refer to their response to Interrogatory Nos. 3.54 and 4.54.

INTERROGATORY NO. 3.54:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.54:

The document at issue in Chart No. 54 states that Professor Fred Pooley has tested Italian talc for “chrysotile and other asbestos contaminants” and has found none. The document further

states that the author believes that “our Vermont talc will from time to time show traces of tremolite.” The foregoing statements do not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms. Furthermore, the type of analysis discussed in this document, X-ray diffraction, is not capable of determining whether minerals are in a “fibrous form.” Indeed, after any extensive examination of Vermont talc, including by transmission electron microscopy, Professor Pooley concluded, “The amphibole minerals were found in discrete locations and not disseminated throughout the talc ore and were not asbestiform in character.” *See* JNJ 000303042. Johnson & Johnson’s conclusion that the document at issue in Chart No. 54 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.54 and 5.54.

INTERROGATORY NO. 4.54:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.54:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 54 generally relate to cosmetic talc products sold by Defendants. Johnson & Johnson used talc

from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products. In addition, Johnson & Johnson used talc from Vermont from 1964-2003 for its cosmetic talc products.

INTERROGATORY NO. 5.54:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.54:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.54 through 4.54 and the documents identified therein.

CHART NO. 55: HHS000000197 (7/31/1973)**INTERROGATORY NO. 1.55:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.55:

The document at issue in Chart No. 55 is not a document from Johnson & Johnson's files. This document provides the Food and Drug Administration's "Summary and Comments on Prof. Lewin's Analytical Results for Asbestos in Talc" and attaches Dr. Seymour Lewin's final report, reflecting a "retest" of many products which he initially claimed to find asbestos. Of the eleven Johnson & Johnson cosmetic talc product samples tested by Dr. Lewin, he found no asbestos in nine samples and "inconclusive" results for the other two samples. *See* JNJ 000244743. The document at issue in Chart No. 55 does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.55 and 4.55.

INTERROGATORY NO. 2.55:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.55:

The document at issue in Chart No. 55 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 55 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.55 and 4.55.

INTERROGATORY NO. 3.55:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.55:

The document at issue in Chart No. 55 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 55 provides the Food and Drug Administration's "Summary and Comments on Prof. Lewin's Analytical Results for Asbestos in Talc" and attaches Dr. Seymour Lewin's final report, reflecting a "retest" of many products which he initially claimed to find asbestos. It does not show or demonstrate the presence of asbestos. Of the eleven Johnson & Johnson cosmetic talc product samples tested by Dr. Lewin, he found no asbestos in nine samples and "inconclusive" results for the other two samples. *See* JNJ 000244743. Indeed, after a four-year investigation, the Food and Drug Administration was unable to confirm Dr. Lewin's initial findings and its own testing showed no asbestos in Johnson & Johnson's cosmetic talc products. *See* Memorandum from Ronald L. Yates, Prod. Composition Branch, Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Jan. 7, 1976) (not bates stamped); *see also* Memorandum from Robert M. Schaffner Assoc. Dir. for Tech., Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Feb. 14, 1975) (not bates stamped); Memorandum from John A. Wenninger, Deputy Dir., Div. of Cosmetics Tech., Food & Drug Admin., to Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin. (Feb. 21, 1975) (not bates stamped). Johnson & Johnson's conclusion that the document at issue in Chart No. 55 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of the samples tested by Dr. Lewin, as well as additional Shower to Shower samples, by X-ray diffraction, light microscopy and transmission electron microscopy, that were all were found to be free of asbestos, including by Professor M.J.

Buerger (Massachusetts Institute of Technology), Professor G.E. Brown (Princeton University), Walter C. McCrone Associates, Colorado School of Mines Research Institute, Professor Fred Pooley (University College, Cardiff), Professor S.S. Pollack (Carnegie-Mellon University), and J. Schelz (Johnson & Johnson). The primary documents upon which Defendants rely regarding such testing are JNJ 000317601; JNJ 000317603; JNJ 000317606; JNJ 000317617; JNJALC000437220; JNJ 000317621; JNJ 000317647; JNJ 000317649; JNJ 000317652; JNJ 000317653; JNJ 000317654; JNJ 000317656; JNJ 000317657; JNJ 000317658; JNJ 000272460; JNJALC000437173; JNJ 000248926. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.55 and 5.55.

INTERROGATORY NO. 4.55:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.55:

The document at issue in Chart No. 55 is not a document from Johnson & Johnson's files. Defendants state that the samples identified in the document at issue in at issue in Chart No. 55 relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.55:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.55:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.55 through 4.55 and the documents identified therein.

CHART NOS. 56 & 57: CRMC-Talc-Micro-001371 (8/28/1973)**INTERROGATORY NO. 1.56 AND 1.57:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.56 AND 1.57:

The document at issue in Chart Nos 56 and 57 is not a document from Johnson & Johnson's files. This document relates to Johns-Manville's testing of fourteen commercial talc samples. The document states 1000 ppm or less of chrysotile was found in two Johnson & Johnson samples, "Johnson and Johnson, Vermont" and "Johnson and Johnson Baby Powder," and was determined to be caused by contamination. The document further states 3000 ppm of chrysotile and "trace?" amounts of tremolite, which appeared as "log-like fibers," were found in a third sample identified as "Italian Cosmetic Talc." However, Johns-Manville later acknowledged its intention to rerun the sample of "Italian Cosmetic Talc" and "augment our findings with electron diffraction work since there is the possibility that the 'chrysotile' fibers may be sepiolite or other morphologically analogous minerals." *See* JNJ TALC000128503. In fact, subsequent extensive testing of the same samples by transmission electron microscope by Walter C. McCrone Associates, Materials Evaluation Laboratory, and Colorado School of Mines Research Institute, all confirmed that no asbestos was present and that the chrysotile-like fibers identified by Johns-Manville were actually fibers of talc. *See* JNJ 000086280; JNJ TALC000128496; JNJ 000086211. Additionally, Dr. Fred Pooley, University College, Cardiff, conducted testing on the samples with electron diffraction analysis along with an electron microscope microprobe analyser, and found no chrysotile. *See* JNJ 000233727; JNJ 000233728. Other testing, including by Johnson & Johnson, similarly confirmed the lack of serpentine or amphibole minerals in these samples. *See* JNJ 000086234. The document

at issue in Chart Nos. 56 and 57 does not identify the presence of anthophyllite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.56, 3.57, 4.56 and 4.57.

INTERROGATORY NO. 2.56 AND 2.57:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.56 AND 2.57:

The document at issue in Chart Nos 56 and 57 is not a document from Johnson & Johnson's files. The document at issue in Chart Nos. 56 and 57 states 1000 ppm or less of chrysotile (i.e. fibrous) was found in two Johnson & Johnson samples, "Johnson and Johnson, Vermont" and "Johnson and Johnson Baby Powder," and was determined to be caused by contamination. The document further states 3000 ppm of chrysotile and "trace?" amounts of tremolite, which appeared as "log-like fibers," were found in a third sample identified as "Italian Cosmetic Talc." However, Johns-Manville later acknowledged its intention to rerun the sample of "Italian Cosmetic Talc" and "augment our findings with electron diffraction work since there is the possibility that the 'chrysotile' fibers may be sepiolite or other morphologically analogous minerals." *See* JNJ TALC000128503. In fact, subsequent extensive testing of the same samples by transmission electron microscope by Walter C. McCrone Associates, Materials Evaluation Laboratory, and Colorado School of Mines Research Institute, all confirmed that no asbestos was present and that the chrysotile-like fibers identified by Johns-Manville were actually fibers of talc. *See* JNJ 000086280; JNJ TALC000128496; JNJ 000086211. Additionally, Dr. Fred Pooley, University College, Cardiff, conducted testing on the samples with electron diffraction analysis along with an electron microscope microprobe analyser, and found no chrysotile. *See* JNJ 000233727; JNJ 000233728. Other testing, including by Johnson & Johnson, similarly confirmed the lack of

serpentine or amphibole minerals in these samples. *See* JNJ 000086234. The document at issue in Chart Nos. 56 and 57 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.56, 3.57, 4.56 and 4.57.

INTERROGATORY NO. 3.56 AND 3.57:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.56 AND 3.57:

The document at issue in Chart Nos 56 and 57 is not a document from Johnson & Johnson's files. The document at issue in Chart Nos. 56 and 57 states 1000 ppm or less of chrysotile (i.e. fibrous) was found in two Johnson & Johnson samples, "Johnson and Johnson, Vermont" and "Johnson and Johnson Baby Powder," and was determined to be caused by contamination. The document further states 3000 ppm of chrysotile and "trace?" amounts of tremolite, which appeared as "log-like fibers," were found in a third sample identified as "Italian Cosmetic Talc." However, Johns-Manville later acknowledged its intention to rerun the sample of "Italian Cosmetic Talc" and "augment our findings with electron diffraction work since there is the possibility that the 'chrysotile' fibers may be sepiolite or other morphologically analogous minerals." *See* JNJTALC000128503. In fact, subsequent extensive testing of the same samples by transmission electron microscope by Walter C. McCrone Associates, Materials Evaluation Laboratory, and Colorado School of Mines Research Institute, all confirmed that no asbestos was present and that the chrysotile-like fibers identified by Johns-Manville were actually fibers of talc. *See* JNJ 000086280; JNJTALC000128496; JNJ 000086211. Additionally, Dr. Fred Pooley, University College, Cardiff, conducted testing on the samples with electron diffraction analysis along with an

electron microscope microprobe analyser, and found no chrysotile. *See* JNJ 000233727; JNJ 000233728. Other testing, including by Johnson & Johnson, similarly confirmed the lack of serpentine or amphibole minerals in these samples. *See* JNJ 000086234. Johnson & Johnson's conclusion that the document at issue in Chart Nos. 56 and 57 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of the University College Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJTALC000289268; JNJTALC000359710; JNJTALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.56, 4.57, 5.56 and 5.57.

INTERROGATORY NO. 4.56 AND 4.57:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.56 AND 4.57:

The document at issue in Chart Nos 56 and 57 is not a document from Johnson & Johnson's files. Defendants state the following: to the extent the samples identified in the document at issue in Chart Nos. 55 and 56 are "Johnson and Johnson Baby Powder," Defendants state that the samples relate to cosmetic talc products sold by Defendants; to the extent the samples identified in the document at issue in Chart Nos. 55 and 56 are "Johnson and Johnson, Vermont" and "Italian Cosmetic Talc," Defendants cannot determine if the samples at issue in Chart Nos. 56 and 57 relate to cosmetic talc sold by Defendants.

INTERROGATORY NO. 5.56 AND 5.57:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.56 AND 5.57:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.56 and 1.57 through 4.56 and 4.57 and the documents identified therein.

CHART NO. 58: 9/6/1973 Technical Plan re: Asbestos and Other Contaminants in Talc
(FOIA Document)

INTERROGATORY NO. 1.58:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.58:

The document at issue in Chart No. 58 is not a document from Johnson & Johnson's files. The document relates to the Food and Drug Administration's testing of the 200 commercial talc samples analyzed by Dr. Seymour Lewin of New York University by X-ray diffraction, the results of which "were in disagreement with those obtained by others through microscopy." The document states that "107 fibers of tremolite/actinolite per mg" were found in a sample identified by Dr. Lewin as "Sample #84." The document at issue in Chart No. 58 does not identify the presence of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.58 and 4.58.

INTERROGATORY NO. 2.58:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.58:

The document at issue in Chart No. 58 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 58 states that "107 fibers of tremolite/actinolite per mg" were found in a sample identified by Dr. Lewin as "Sample #84." The document does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.58 and 4.58.

INTERROGATORY NO. 3.58:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.58:

The document at issue in Chart No. 58 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 58 relates to the Food and Drug Administration's testing of the 200 commercial talc samples analyzed by Dr. Seymour Lewin of New York University by X-ray diffraction, the results of which "were in disagreement with those obtained by others through microscopy." The document states that "107 fibers of tremolite/actinolite per mg" were found in a sample identified by Dr. Lewin as "Sample #84." According to Dr. Lewin, Sample 84 was a sample of Shower to Shower. *See* JNJ 000232996; John W. Stuart, Food & Drug Admin, Analyst Work Sheet, Johnson & Johnson Talc Powder – Lewin Sample (Dec. 7, 1973) (not bates stamped); John W. Stuart, Food & Drug Admin., Analyst Work Sheet, Johnson's Baby Powder Talcum Powder (Sept. 18, 1974) (not bates stamped). The foregoing statements do not show or demonstrate the presence of asbestos because tremolite and actinolite can exist in both non-asbestos and asbestos forms. Additionally, Dr. Lewin retested the samples and found no detectable chrysotile in any of the Johnson & Johnson products and only "trace" tremolite in one sample. *See* JNJ 000247501; JNJ 000247507; JNJ 000247515. Based on his retesting, Dr. Lewin later corrected his initial findings, stating that, of the eleven Johnson & Johnson cosmetic talc product samples he tested, he found no asbestos in nine samples and "inconclusive" results for the other two. *See* JNJ 000244743. Indeed, after a four-year investigation, the Food and Drug Administration was unable to confirm Dr. Lewin's initial findings and its own testing showed no asbestos in Johnson & Johnson's cosmetic talc products. *See* Memorandum from Ronald L. Yates, Prod. Composition Branch, Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics

Tech., Food & Drug Admin. (Jan. 7, 1976) (not bates stamped); *see also* Memorandum from Robert M. Schaffner Assoc. Dir. for Tech., Food & Drug Admin., to Heinz J. Eierman, Dir., Div. of Cosmetics Tech., Food & Drug Admin. (Feb. 14, 1975) (not bates stamped); Memorandum from John A. Wenninger, Deputy Dir., Div. of Cosmetics Tech., Food & Drug Admin., to Robert M. Schaffner, Assoc. Dir. for Tech., Food & Drug Admin. (Feb. 21, 1975) (not bates stamped). Johnson & Johnson's conclusion that the document at issue in Chart No. 58 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of the samples tested by Dr. Lewin, as well as additional Shower to Shower samples, by X-ray diffraction, light microscopy and transmission electron microscopy, that were all found to be free of asbestos, including by Professor M.J. Buerger (Massachusetts Institute of Technology), Professor G.E. Brown (Princeton University), Walter C. McCrone Associates, Colorado School of Mines Research Institute, Professor Fred Pooley (University College, Cardiff), Professor S.S. Pollack (Carnegie-Mellon University), and J. Schelz (Johnson & Johnson). The primary documents upon which Defendants rely regarding such testing are JNJ 000317601; JNJ 000317603; JNJ 000317606; JNJ 000317617; JNJ TALC000437220; JNJ 000317621; JNJ 000317647; JNJ 000317649; JNJ 000317652; JNJ 000317653; JNJ 000317654; JNJ 000317656; JNJ 000317657; JNJ 000317658; JNJ 000272460; JNJ TALC000437173; JNJ 000248926. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.58 and 5.58.

INTERROGATORY NO. 4.58:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while

identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.58:

The document at issue in Chart No. 58 is not a document from Johnson & Johnson's files. Defendants state that the sample identified by Dr. Lewin as "Sample #84" relates to cosmetic talc products sold by Defendants. According to Dr. Lewin, Sample 84 was a sample of Shower to Shower. *See* JNJ 000232996; John W. Stuart, Food & Drug Admin, Analyst Work Sheet, Johnson & Johnson Talc Powder – Lewin Sample (Dec. 7, 1973) (not bates stamped); John W. Stuart, Food & Drug Admin., Analyst Work Sheet, Johnson's Baby Powder Talcum Powder (Sept. 18, 1974) (not bates stamped).

INTERROGATORY NO. 5.58:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.58:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.58 through 4.58 and the documents identified therein.

CHART NOS. 59 & 60: JNJ 000264500 (9/13/1973)**INTERROGATORY NO. 1.59 AND 1.60:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.59 AND 1.60:

The document at issue in Chart Nos. 59 and 60 appears to be part of a document entitled “Summary Papers Prepared by Professor Pooley for His Meeting on September 12, 1973.” *See* JNJ 000264500; JNJ 000264510. The document references “spectra for the tremolite found in the Italian mine and the actinolite found in the Vermont mine.” The document further states that “[a] large number of fibrous particles in both powders have so far been analysed with no positive identification of an amphibole or chrysotile particle” and “[t]he examination of several hundred particles in both the Vermont and Italian powders has so far proved negative.” The document does not identify the presence of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.59, 3.60, 4.59 and 4.60.

INTERROGATORY NO. 2.59 AND 2.60:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.59 AND 2.60:

The document at issue in Chart Nos. 59 and 60 appears to be part of a document entitled “Summary Papers Prepared by Professor Pooley for His Meeting on September 12, 1973.” *See* JNJ 000264500; JNJ 000264510. The document at issue in Chart Nos. 59 and 60 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.59, 3.60, 4.59 and 4.60.

INTERROGATORY NO. 3.59 AND 3.60:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.59 AND 3.60:

The document at issue in Chart Nos. 59 and 60 appears to be part of a document entitled “Summary Papers Prepared by Professor Pooley for His Meeting on September 12, 1973.” *See* JNJ 000264500; JNJ 000264510. The document at issue in Chart Nos. 59 and 60 references “spectra for the tremolite found in the Italian mine and the actinolite found in the Vermont mine.” It does not show or demonstrate the presence of asbestos because tremolite and actinolite can exist in both non-asbestos and asbestos forms. The document further states that “[a] large number of fibrous particles in both powders have so far been analysed with no positive identification of an amphibole or chrysotile particle” and “[t]he examination of several hundred particles in both the Vermont and Italian powders has so far proved negative.” Indeed, another document summarizing the September 12, 1973, meeting with Professor Fred Pooley states, “Preliminary examinations (several hundred particles) of Vermont and Italian talcs has revealed no asbestiform fibers.” *See* JNJ 000274706. Johnson & Johnson’s conclusion that the document at issue in Chart Nos. 59 and 60 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont and Italian talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJ TALC000359710; JNJ TALC000289268; JNJ TALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson

& Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.59, 4.60, 5.59 and 5.60.

INTERROGATORY NO. 4.59 AND 4.60:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.59 AND 4.60:

The document at issue in Chart Nos. 59 and 60 appears to be part of a document entitled "Summary Papers Prepared by Professor Pooley for His Meeting on September 12, 1973." *See* JNJ 000264500; JNJ 000264510. Defendants do not dispute that the samples identified in the document at issue in Chart Nos. 59 and 60 generally relate to cosmetic talc products sold by Defendants. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products. In addition, Johnson & Johnson used talc from Vermont from 1964-2003 for its cosmetic talc products.

INTERROGATORY NO. 5.59 AND 5.60:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.59 AND 5.60:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.59 and 1.60 through 4.59 and 4.60 and the documents identified therein.

CHART NOS. 61 & 62: LoGiudice-WCD-0170 (10/16/1973)**INTERROGATORY NO. 1.61 AND 1.62:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.61 AND 1.62:

The version of the document at issue in Chart Nos. 61 and 62 is not from Johnson & Johnson's files. The document relates to testing conducted by Ernest F. Fullam Incorporated on behalf of Whittaker, Clark & Daniels, Inc. as part of a larger effort to study the accuracy of the Food and Drug Administration's proposed optical method for testing talc, which was never adopted. According to the document, the Ernest F. Fullam Incorporated laboratory identified chrysotile and amphibole-type asbestos particles in all six samples of talc tested, including a sample identified as "Italian 1615" and a sample identified as "Vermont." However, at least five other laboratories tested the same samples according to the FDA's proposed optical method and none replicated Ernest F. Fullam Incorporated's findings. *See* JNJ 000472208. Based on these results, the Cosmetic, Toiletry & Fragrance Association Talc Subcommittee "concluded that the proposed method does not provide a reliable means for the detection of asbestos in talc." *See* JNJ 000257980. The document at issue in Chart Nos. 61 and 62 does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.61, 3.62, 4.61 and 4.62.

INTERROGATORY NO. 2.61 AND 2.62:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.61 AND 2.62:

The version of the document at issue in Chart Nos. 61 and 62 is not from Johnson & Johnson's files. The document at issue in Chart Nos. 61 and 62 identified chrysotile (i.e. fibrous) and amphibole-type asbestos particles in all six samples of talc tested, including a sample identified as "Italian 1615" and a sample identified as "Vermont." However, at least five other laboratories tested the same samples according to the FDA's proposed optical method and none replicated Ernest F. Fullam Incorporated's findings. *See* JNJ 000472208. Based on these results, the Cosmetic, Toiletry & Fragrance Association Talc Subcommittee "concluded that the proposed method does not provide a reliable means for the detection of asbestos in talc." *See* JNJ 000257980. The document at issue in Chart Nos. 61 and 62 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.61, 3.62, 4.61 and 4.62.

INTERROGATORY NO. 3.61 AND 3.62:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.61 AND 3.62:

The version of the document at issue in Chart Nos. 61 and 62 is not from Johnson & Johnson's files. The document at issue in Chart Nos. 61 and 62 relates to testing conducted by Ernest F. Fullam Incorporated on behalf of Whittaker, Clark & Daniels, Inc. as part of a larger effort to study the accuracy of the Food and Drug Administration's proposed optical method for testing talc, which was never adopted. According to the document, the Ernest F. Fullam Incorporated laboratory identified chrysotile and amphibole-type asbestos particles in all six samples of talc tested, including a sample identified as "Italian 1615" and a sample identified as "Vermont." However, at least five other laboratories tested the same samples according to the

FDA's proposed optical method and none replicated Ernest F. Fullam Incorporated's findings. *See* JNJ 000472208. Based on these results, the Cosmetic, Toiletry & Fragrance Association Talc Subcommittee "concluded that the proposed method does not provide a reliable means for the detection of asbestos in talc." *See* JNJ 000257980. In addition, Defendants refer to their response to Interrogatory Nos. 4.61, 4.62, 5.61 and 5.62.

INTERROGATORY NO. 4.61 AND 4.62:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.61 AND 4.62:

The version of the document at issue in Chart Nos. 61 and 62 is not from Johnson & Johnson's files. The samples at issue in Chart Nos. 61 and 62 do not relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.61 AND 5.62:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.61 AND 5.62:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.61 and 1.62 through 4.61 and 4.62 and the documents identified therein.

CHART NOS. 63 & 64: MTC 000563 (10/29/1973)**INTERROGATORY NO. 1.63 AND 1.64:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.63 AND 1.64:

The document at issue in Chart No. 63 and 64 is not a document from Johnson & Johnson's files. This document relates to testing conducted by Hazen Research, Inc. on behalf of Johns-Manville Research and Engineering Center on thirty-five talc samples in accordance with the Food and Drug Administration method described in "Microscopic Detection of Asbestos in Talc," by Arnold E. Schulze and William V. Eisenberg. The document states chrysotile is "Present (?)" in samples identified as "J&J Baby Powder (Vt)" and "J&J Green Mountain (Vt)." The document also states chrysotile is "Present" and tremolite is "Present (?)" in an Italian talc sample. However, the document also states that "(?) indicates trace amounts which could be attributed to contamination." Moreover, Hazen Research concluded that the FDA's method was not a "workable" way to test for chrysotile "[b]ecause of the great difficulty in distinguishing the difference in indices of refraction" and the "consequent subjectivity of interpretation," "no positive value can be attached to any given sample." In fact, the same samples were tested by Walter C. McCrone Associates and Professor Fred Pooley of University College, Cardiff, and both found no chrysotile. *See* JNJ 000086280; JNJ 000233727; JNJ 000233728. Other testing, including by Johnson & Johnson similarly confirmed the lack of serpentine minerals. *See* JNJ 000086234. The document does not identify the presence of anthophyllite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.63, 3.64, 4.63 and 4.64.

INTERROGATORY NO. 2.63 AND 2.64:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.63 AND 2.64:

The document at issue in Chart No. 63 and 64 is not a document from Johnson & Johnson's files. The document at issue in Chart Nos. 63 and 64 states chrysotile (i.e. fibrous) is "Present (?)" in samples identified as "J&J Baby Powder (Vt)" and "J&J Green Mountain (Vt)." The document also states chrysotile (i.e. fibrous) is "Present" and tremolite is "Present (?)" in an Italian talc sample. However, the document also states that "(?) indicates trace amounts which could be attributed to contamination." Moreover, Hazen Research concluded that the FDA's method was not a "workable" way to test for chrysotile "[b]ecause of the great difficulty in distinguishing the difference in indices of refraction" and the "consequent subjectivity of interpretation," "no positive value can be attached to any given sample." In fact, the same samples were tested by Walter C. McCrone Associates and Professor Fred Pooley of University College, Cardiff, and both found no chrysotile. *See* JNJ 000086280; JNJ 000233727; JNJ 000233728. Other testing, including by Johnson & Johnson similarly confirmed the lack of serpentine minerals. *See* JNJ 000086234. The document at issue in Chart Nos. 63 and 64 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite.

INTERROGATORY NO. 3.63 AND 3.64:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.63 AND 3.64:

The document at issue in Chart No. 63 and 64 is not a document from Johnson & Johnson's files. The document at issue in Chart Nos. 63 and 64 relates to testing conducted by Hazen

Research, Inc. on behalf of Johns-Manville Research and Engineering Center on thirty-five talc samples in accordance with the Food and Drug Administration method described in “Microscopic Detection of Asbestos in Talc,” by Arnold E. Schulze and William V. Eisenberg. The document states chrysotile is “Present (?)” in samples identified as “J&J Baby Powder (Vt)” and “J&J Green Mountain (Vt).” The document also states chrysotile is “Present” and tremolite is “Present (?)” in an Italian talc sample. However, the foregoing statements do not show or demonstrate the presence of asbestos. The document also states that “(?) indicates trace amounts which could be attributed to contamination.” Moreover, Hazen Research concluded that the FDA’s method was not a “workable” way to test for chrysotile “[b]ecause of the great difficulty in distinguishing the difference in indices of refraction” and the “consequent subjectivity of interpretation,” “no positive value can be attached to any given sample.” In fact, the same samples were tested by Walter C. McCrone Associates and Professor Fred Pooley of University College, Cardiff, and both found no chrysotile. *See* JNJ 000086280; JNJ 000233727; JNJ 000233728. Other testing, including by Johnson & Johnson similarly confirmed the lack of serpentine minerals. *See* JNJ 000086234. Tremolite can exist in both non-asbestos and asbestos forms. Johnson & Johnson’s conclusion that the document at issue in Chart Nos. 63 and 64 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc by independent investigators such as such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific

literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.63, 4.63, 5.63 and 5.64.

INTERROGATORY NO. 4.63 AND 4.64:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.63 AND 4.64:

The document at issue in Chart No. 63 and 64 is not a document from Johnson & Johnson's files. Defendants state the following: to the extent the samples identified in the document at issue in Chart Nos. 63 and 64 are "J&J Baby Powder (Vt)," Defendants state that the samples relate to cosmetic talc products sold by Defendants; to the extent the samples identified in the document at issue in Chart Nos. 63 and 64 are Vermont talc or Italian talc, Defendants cannot determine if the samples at issue in Chart Nos. 63 and 64 relate to cosmetic talc sold by Defendants.

INTERROGATORY NO. 5.63 AND 5.64:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.63 AND 5.64:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.63 and 1.64 through 4.63 and 4.64 and the documents identified therein.

CHART NOS. 65 & 66: JNJ 000267972 (11/20/1973)**INTERROGATORY NO. 1.65 AND 1.66:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.65 AND 1.66:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.61 and 1.62.

INTERROGATORY NO. 2.65 AND 2.66:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.65 AND 2.66:

Defendants refer Plaintiff to their Response to Interrogatory No. 2.61 and 2.62.

INTERROGATORY NO. 3.65 AND 3.66:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.65 AND 3.66:

Defendants refer Plaintiff to their Response to Interrogatory No. 3.61 and 3.62.

INTERROGATORY NO. 4.65 AND 4.66:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.65 AND 4.66:

Defendants refer Plaintiff to their Response to Interrogatory No. 4.61 and 4.62.

INTERROGATORY NO. 5.65 AND 5.66:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.65 AND 5.66:

Defendants refer Plaintiff to their Response to Interrogatory No. 5.61 and 5.62.

CHART NO. 67: JNJTALC000376583 (12/13/1973)**INTERROGATORY NO. 1.67:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.67:

The document at issue in Chart No. 67 refers to testing conducted by TNO Laboratories on behalf of the Dutch Consumer Organization that reported “asbestos,” ranging from 0.03% to 1.59%, in samples of Johnson’s Baby Powder. However, TNO Laboratories used an incorrect definition of asbestos that included “all needle and/or fibrous parts or composed units, consisting of magnesium and silicon.” *See* JNJTALC000291475. Under this definition, talc or chlorite that appears “fibrous” would be called asbestos even though it is not. *See id.*; *see also* JNJTALC000171588. Johnson & Johnson employees, along with Professor Fred Pooley, University College, Cardiff, visited TNO Laboratories and learned that although the laboratory found “long particles containing magnesium and silicon[,],” “the mineral identity of these particles was not determined.” *See* JNJ 000252636. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.67 and 4.67.

INTERROGATORY NO. 2.67:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.67:

The document at issue in Chart No. 67 reported “asbestos,” ranging from 0.03% to 1.59%, in samples of Johnson’s Baby Powder. However, TNO Laboratories used an incorrect definition of asbestos that included “all needle and/or fibrous parts or composed units, consisting of

magnesium and silicon.” *See* JNJTALC000291475. Under this definition, talc or chlorite that appears “fibrous” would be called asbestos even though it is not. *See id.*; *see also* JNJTALC000171588. Johnson & Johnson employees, along with Professor Fred Pooley, University College, Cardiff, visited TNO Laboratories and learned that although the laboratory found “long particles containing magnesium and silicon[,]” “the mineral identity of these particles was not determined.” *See* JNJ 000252636. The document at issue in Chart No. 67 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.67 and 4.67.

INTERROGATORY NO. 3.67:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.67:

The document at issue in Chart No. 67 refers to testing conducted by TNO Laboratories on behalf of the Dutch Consumer Organization that reported “asbestos,” ranging from 0.03% to 1.59%, in samples of Johnson’s Baby Powder. However, it does not show or demonstrate the presence of asbestos because TNO Laboratories used an incorrect definition of asbestos that included “all needle and/or fibrous parts or composed units, consisting of magnesium and silicon.” *See* JNJTALC000291475. Under this definition, talc or chlorite that appears “fibrous” would be called asbestos even though it is not. *See id.*; *see also* JNJTALC000171588. Johnson & Johnson employees, along with Professor Fred Pooley, University College, Cardiff, visited TNO Laboratories and learned that although the laboratory found “long particles containing magnesium and silicon[,]” “the mineral identity of these particles was not determined.” *See* JNJ 000252636. Johnson & Johnson’s conclusion that the document at issue in Chart No. 67 does not establish the

presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian and Vermont talc by independent investigators such as Professor Pooley, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJTALC000289268; JNJTALC000359710; JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.67 and 5.67.

INTERROGATORY NO. 4.67:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.67:

Defendants state that the samples identified in the document at issue in Chart No. 67 relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.67:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.67:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.67 through 4.67 and the documents identified therein.

CHART NO. 68: JNJTALC000167976 (1974)**INTERROGATORY NO. 1.68:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.68:

The document at issue in Chart No. 68 is an unpublished draft manuscript, “Mineralogy and Chemistry of British Talc and Consumer Talcum Products,” by Professor Fred Pooley, University College, Cardiff, Drs. Arthur Rohl and Arthur Langer, Mount Sinai School of Medicine, and D.R. Bowes and D.L. Skinner, The University, Glasgow, Scotland. The document lists “trem./antho.?” as minerals present in Sample 27, which, according to a key, is a sample of British consumer talcum powder identified as Johnson’s Baby Powder. *See* JNJ 000329803. The document at issue in Chart No. 68 does not identify the presence of chrysotile or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.68 and 4.68.

INTERROGATORY NO. 2.68:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.68:

The document at issue in Chart No. 68 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.68 and 4.68.

INTERROGATORY NO. 3.68:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.68:

The document at issue in Chart No. 68 is an unpublished draft manuscript, “Mineralogy and Chemistry of British Talc and Consumer Talcum Products,” by Professor Fred Pooley, University College, Cardiff, Drs. Arthur Rohl and Arthur Langer, Mount Sinai School of Medicine, and D.R. Bowes and D.L. Skinner, The University, Glasgow, Scotland. The document lists “trem./antho.?” as minerals present in Sample 27, which, according to a key, is a sample of British consumer talcum powder identified as Johnson’s Baby Powder. *See* JNJ 000329803. The foregoing statements do not show or demonstrate the presence of asbestos because tremolite and anthophyllite can exist in both non-asbestos and asbestos forms. Indeed, Professor Pooley examined the British talc samples examined by Dr. Langer and the only sample in which he found fibrous anthophyllite was Sample 24, which was “Yardley’s Black Label Shower Talc.” *See* JNJ 000026932. Professor Pooley did not find any amphibole or chrysotile in the rest of the British talc samples, including Johnson’s Baby Powder. *See id.* Johnson & Johnson’s conclusion that the document at issue in Chart No. 68 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. Moreover, Drs. Langer and Rohl subsequently published a peer-reviewed article regarding their testing of cosmetic talcum powder products, in which they reported finding no asbestos in Johnson’s Baby Powder. *See* Rohl & Langer et al., *Consumer Talcums and Powders: Mineral and Chemical Characterization*, 2 J. Toxicology & Env’tl. Health 255 (1976); *see also* JNJ 000329803. Drs. Langer and Rohl confirmed to the New York Times that the Johnson’s Baby Powder samples were found “uncontaminated

with asbestos fibers.” See JNJALC000109015. In addition, Defendants refer to their response to Interrogatory Nos. 4.68 and 5.68.

INTERROGATORY NO. 4.68:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.68:

Defendants state the following: to the extent the samples identified in the document at issue in Chart No. 68 are Johnson’s Baby Powder, the samples relate to cosmetic talc products sold by Defendants; as to the other samples identified in the document at issue in Chart No. 68, Defendants cannot determine if the samples relate to cosmetic talc sold by Defendants.

INTERROGATORY NO. 5.68:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.68:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.68 through 4.68 and the documents identified therein.

CHART NO. 69: JNJ 000287913 (4/4/1974)**INTERROGATORY NO. 1.69:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.69:

The document at issue in Chart No. 69 summarizes a meeting at the Colorado School of Mines Research Institute. The document does not contain the results of any testing of cosmetic talc, rather it identifies several experiments, including to “[e]stablish destruction of tremolite in presence of Vermont talc” and “establish destruction of chrysotile in presence of Vermont talc.” However, these statements relate to experiments in which talc samples were spiked with tremolite and chrysotile. *See* JNJ 000253075. The document at issue in Chart No. 69 does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.69 and 4.69.

INTERROGATORY NO. 2.69:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.69:

The document at issue in Chart No. 69 summarizes a meeting at the Colorado School of Mines Research Institute. The document does not contain the results of any testing of cosmetic talc, rather it identifies several experiments, including to “[e]stablish destruction of tremolite in presence of Vermont talc” and “establish destruction of chrysotile in presence of Vermont talc.” However, these statements relate to experiments in which talc samples were spiked with tremolite

and chrysotile. *See* JNJ 000253075. The document at issue in Chart No. 69 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite.

INTERROGATORY NO. 3.69:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.69:

The document at issue in Chart No. 69 summarizes a meeting at the Colorado School of Mines Research Institute. The document does not contain the results of any testing of cosmetic talc, rather it identifies several experiments, including to “[e]stablish destruction of tremolite in presence of Vermont talc” and “establish destruction of chrysotile in presence of Vermont talc.” However, these statements do not show or demonstrate the presence of asbestos but instead relate to experiments in which talc samples were spiked with tremolite and chrysotile. *See* JNJ 000253075. Johnson & Johnson’s conclusion that the document at issue in Chart No. 69 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.69 and 5.69.

INTERROGATORY NO. 4.69:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.69:

Defendants cannot determine if the samples identified in the document at issue in Chart No. 69 relate to cosmetic talc sold by Defendants.

INTERROGATORY NO. 5.69:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.69:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.69 through 4.69 and the documents identified therein.

CHART NOS. 70 & 71: JNJ 000222859 (4/24/1974)**INTERROGATORY NOS. 1.70 AND 1.71:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NOS. 1.70 AND 1.71:

The document at issue in Chart Nos. 70 and 71 identifies trace levels of chrysotile, ranging from 0.0001% to 0.007%, in 15 Argonaut ore core samples. Notably, the document states that “[c]hrysotile levels of this order of magnitude might well arise during the taking and handling of the samples.” The document further identifies trace levels of amphiboles at 0.0001% in four Argonaut ore core samples. The document describes the amphibole as “fibrous tremolite.” However, as other documents explain, Cyprus used a process known as “selective mining,” in which “areas of the mines that [we]re known or suspected of containing deleterious mineral types” were “defined in advance of actual mining” in order to avoid mining from those areas. *See* JNJ 000237259. The document does not identify the presence of anthophyllite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.70, 3.71, 4.70 and 4.71.

INTERROGATORY NOS. 2.70 AND 2.71:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NOS. 2.70 & 2.71:

The document at issue in Chart No. 70 and 71 identifies trace levels of chrysotile (i.e. fibrous), ranging from 0.0001% to 0.007%, in 15 Argonaut ore core samples. Notably, the document states that “[c]hrysotile levels of this order of magnitude might well arise during the taking and handling of the samples.” The document further identifies trace levels of amphiboles

at 0.0001% in four Argonaut ore core samples. The document describes the amphibole as “fibrous tremolite.” However, as other documents explain, Cyprus used a process known as “selective mining,” in which “areas of the mines that [we]re known or suspected of containing deleterious mineral types” were “defined in advance of actual mining” in order to avoid mining from those areas. *See* JNJ 000237259. The document at issue in Chart Nos. 70 and 71 does not establish the presence of the fibrous form of anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.70, 3.71, 4.70 and 4.71.

INTERROGATORY NOS. 3.70 AND 3.71:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NOS. 3.70 AND 3.71:

The document at issue in Chart Nos. 70 and 71 identifies trace levels of chrysotile, ranging from 0.0001% to 0.007%, in 15 Argonaut ore core samples. Notably, the document states that “[c]hrysotile levels of this order of magnitude might well arise during the taking and handling of the samples.” The document further identifies trace levels of amphiboles at 0.0001% in four Argonaut ore core samples. The document describes the amphibole as “fibrous tremolite.” However, tremolite can exist in both non-asbestos and asbestos forms and terms like “fibrous” which have been used in different ways by different people do not mean asbestos. As other documents explain, Cyprus used a process known as “selective mining,” in which “areas of the mines that [we]re known or suspected of containing deleterious mineral types” were “defined in advance of actual mining” in order to avoid mining from those areas. *See* JNJ 000237259. The document at issue in Chart Nos. 70 and 71 ultimately concludes, “based on the platyness of the material and its freedom from asbestiform minerals,” “the ore body would be suitable for use in

high quality cosmetic and toiletry products.” Moreover, testing by McCrone Associates of talc actually used in Johnson & Johnson cosmetic talc products consistently showed it was free of asbestos. *See* JNJ 000314361. Similarly, the extensive testing of Vermont talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health showed that it was free of asbestos. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to and incorporate herein their response to Interrogatory Nos. 4.70, 4.71, 5.70 and 5.71.

INTERROGATORY NOS. 4.70 AND 4.71:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NOS. 4.70 AND 4.71:

Defendants cannot determine if the samples identified in the document at issue in Chart Nos. 70 and 71 relate to cosmetic talc sold by Defendants. The document at issue in Chart Nos. 70 and 71 is a report from Walter C. McCrone Associates regarding the testing of “38 core samples taken from a new ore body” (Argonaut, which Windsor Minerals was “contemplating exploiting”) and does not relate to testing of a Johnson & Johnson finished talc product. Indeed, Argonaut was not qualified for cosmetic talc products until July 1976, when it was qualified as a backup source. *See* JNJTALC000168988.

INTERROGATORY NOS. 5.70 AND 5.71:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NOS. 5.70 AND 5.71:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.70 and 1.71 through 4.70 and 4.71 and the documents identified therein.

CHART NO. 72: JNJ 000274273 (5/9/1974)**INTERROGATORY NO. 1.72:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.72:

The document at issue in Chart No. 72 identifies “1-2 ppm” chrysotile in one ore sample and “1/2-1 ppm” chrysotile in one product sample. All other samples were free from asbestos minerals. However, as other documents explain, Cyprus used a process known as “selective mining,” in which “areas of the mines that [we]re known or suspected of containing deleterious mineral types” were “defined in advance of actual mining” in order to avoid mining from those areas. *See* JNJ 000237259. The document does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.72 and 4.72.

INTERROGATORY NO. 2.72:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.72:

The document at issue in Chart No. 72 identifies “1-2 ppm” chrysotile (i.e. fibrous) in one ore sample and “1/2-1 ppm” chrysotile (i.e. fibrous) in one product sample. All other samples were free from asbestos minerals. However, as other documents explain, Cyprus used a process known as “selective mining,” in which “areas of the mines that [we]re known or suspected of containing deleterious mineral types” were “defined in advance of actual mining” in order to avoid mining from those areas. *See* JNJ 000237259. The document at issue in Chart No. 72 does not

establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.72 and 4.72.

INTERROGATORY NO. 3.72:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.72:

The document at issue in Chart No. 72 identifies “1-2 ppm” chrysotile in one ore sample and “1/2-1 ppm” chrysotile in one product sample. All other samples were free from asbestos minerals. However, as other documents explain, Cyprus used a process known as “selective mining,” in which “areas of the mines that [we]re known or suspected of containing deleterious mineral types” were “defined in advance of actual mining” in order to avoid mining from those areas. *See* JNJ 000237259. Other testing of the Argonaut ore body ultimately concluded that, “based on the platyness of the material and its freedom from asbestiform minerals,” “the ore body would be suitable for use in high quality cosmetic and toiletry products.” *See* JNJ 000222859. Moreover, testing by McCrone Associates of talc actually used in Johnson & Johnson cosmetic talc products consistently showed it was free of asbestos. *See* JNJ 000314361. Notably, McCrone Associates observed that “[c]hrysotile levels of this order of magnitude might well arise during the taking and handling of the samples.” *See* JNJ 000222859. Similarly, the extensive testing of Vermont talc by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health showed that it was free of asbestos. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJ TALC000294753; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson

& Johnson's cosmetic talc products. (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.72 and 5.72.

INTERROGATORY NO. 4.72:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.72:

Defendants cannot determine if the samples identified in the document at issue in Chart No. 72 relate to cosmetic talc sold by Defendants. The document at issue in Chart No. 72 relates to testing conducted by Walter C. McCrone Associates on six samples of "talc ores and talc products" produced from "a new ore body," the "Argonaut Ore Body." This document does not relate to testing of a Johnson & Johnson finished talc product. Indeed, Argonaut was not qualified for cosmetic talc products until July 1976, when it was qualified as a backup source. *See* JNJTALC000168988.

INTERROGATORY NO. 5.72:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.72:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.72 through 4.72 and the documents identified therein.

CHART NOS. 73 & 74: JNJ 000326070 (5/14/1974)**INTERROGATORY NO. 1.73 AND 1.74:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.73 AND 1.74:

The document at issue in Chart Nos. 73 and 74 is one of many relating to an experimental “froth floatation research program” conducted by Windsor Minerals to evaluate several reagent systems. The document identifies “[c]hrysotile” and “[p]robably chrysotile” in four of the experimental samples identified as “66-U-Product,” “66-A-Ore,” “66-AC-Ore,” and “66-AC-Product.” The document also identifies “amphibole” in all of the samples. However, the full report and appendices show that these beneficiation experiments were part of a series of tests to detect chrysotile (attachment A), anthophyllite (attachment B), and amphiboles (attachment C). *See* JNJ 000326070; JNJ 000326106; JNJ 000326112; JNJ 000326117. Attachments B and C explicitly indicate that anthophyllite and amphiboles were doped into the talc. Other documents discussing the experiments with these reagents also note that chrysotile was “doped” into the talc. *See* JNJ 000246903; JNJ 000280690. The document at issue in Chart Nos. 73 and 74 does not identify the presence of tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.73, 3.74, 4.73 and 4.74.

INTERROGATORY NO. 2.73 AND 2.74:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.73 AND 2.74:

The document at issue in Chart Nos. 73 and 74 identifies “[c]hrysotile” (i.e. fibrous) and “[p]robably chrysotile” in four of the experimental samples identified as “66-U-Product,” “66-A-Ore,” “66-AC-Ore,” and “66-AC-Product.” The document also identifies “amphibole” in all of the samples. However, the full report and appendices show that these beneficiation experiments were part of a series of tests to detect chrysotile (attachment A), anthophyllite (attachment B), and amphiboles (attachment C). *See* JNJ 000326070; JNJ 000326106; JNJ 000326112; JNJ 000326117. Attachments B and C explicitly indicate that anthophyllite and amphiboles were doped into the talc. Other documents discussing the experiments with these reagents also note that chrysotile was “doped” into the talc. *See* JNJ 000246903; JNJ 000280690. The document does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. Indeed, the report notes, “The detected amphibole minerals did not appear in a fibrous form in any of the product samples.” In addition, Defendants refer to their response to Interrogatory Nos. 3.73, 3.74, 4.73, and 4.74.

INTERROGATORY NO. 3.73 AND 3.74:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.73 AND 3.74:

The document at issue in Chart Nos. 73 and 74 is one of many relating to an experimental “froth floatation research program” conducted by Windsor Minerals to evaluate several reagent systems. The document identifies “[c]hrysotile” and “[p]robably chrysotile” in four of the experimental samples identified as “66-U-Product,” “66-A-Ore,” “66-AC-Ore,” and “66-AC-Product.” The document also identifies “amphibole” in all of the samples. Amphibole minerals can exist in both non-asbestos and asbestos forms. Indeed, the report notes, “The detected

amphibole minerals did not appear in a fibrous form in any of the product samples.” The full report and appendices show that these beneficiation experiments were part of a series of tests to detect chrysotile (attachment A), anthophyllite (attachment B), and amphiboles (attachment C). *See* JNJ 000326070; JNJ 000326106; JNJ 000326112; JNJ 000326117. Attachments B and C explicitly indicate that anthophyllite and amphiboles were doped into the talc. Other documents discussing the experiments with these reagents also note that chrysotile was “doped” into the talc. *See* JNJ 000246903; JNJ 000280690. Defendants state that the document at issue in Chart Nos. 73 and 74 does not establish the presence of asbestos apart from the intentional “dop[ing]” (i.e., spiking) of the samples that is noted. In addition, Defendants refer to their response to Interrogatory Nos. 4.73, 4.74, 5.73 and 5.74.

INTERROGATORY NO. 4.73 AND 4.74:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.73 AND 4.74:

The samples identified in the document at issue in Chart Nos. 73 and 74 do not relate to cosmetic talc product sold by Defendants. The document at issue in Chart Nos. 73 and 74 is one of many relating to an experimental “froth floatation research program” conducted by Windsor Minerals to evaluate several reagent systems. The full report and appendices show that these beneficiation experiments were part of a series of tests to detect chrysotile (attachment A), anthophyllite (attachment B), and amphiboles (attachment C). *See* JNJ 000326070; JNJ 000326106; JNJ 000326112; JNJ 000326117. Attachments B and C explicitly indicate that anthophyllite and amphiboles were doped into the talc. Other documents discussing the

experiments with these reagents also note that chrysotile was “doped” into the talc. *See* JNJ 000246903; JNJ 000280690.

INTERROGATORY NO. 5.73 AND 5.74:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.73 AND 5.74:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.73 and 1.74 through 4.73 and 4.74 and the documents identified therein.

CHART NO. 75: JNJ 000246883 (5/16/1974); JOJO-MA2546-00567 (4/10/1974)**INTERROGATORY NO. 1.75:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.75:

The version of one of the documents at issue in Chart No. 75 is not from Johnson & Johnson's files. The documents at issue in Chart No. 75 are among many relating to an experimental "froth flotation research program" conducted by Windsor Minerals to evaluate several reagent systems. *See, e.g.*, JNJ 000326070. In particular, the documents relate to testing conducted by Walter C. McCrone Associates on four samples of talc. The documents state that two of the samples contained "[o]ne small fiber of chrysotile (asbestos)." However, the full report and appendices show that these beneficiation experiments were part of a series of tests to detect chrysotile (attachment A), anthophyllite (attachment B), and amphiboles (attachment C). *See* JNJ 000326070; JNJ 000326106; JNJ 000326112; JNJ 000326117. Attachments B and C explicitly indicate that anthophyllite and amphiboles were doped into the talc. Other documents discussing the experiments with these reagents also note that chrysotile was "doped" into the talc. *See* JNJ 000246903; JNJ 000280690. The documents at issue in Chart No. 75 do not identify the presence of tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.75 and 4.75.

INTERROGATORY NO. 2.75:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.75:

The version of one of the documents at issue in Chart No. 75 is not from Johnson & Johnson's files. The documents at issue in Chart No. 75 state that two of the samples contained "[o]ne small fiber of chrysotile [(i.e. fibrous)] (asbestos)." However, the full report and appendices show that these beneficiation experiments were part of a series of tests to detect chrysotile (attachment A), anthophyllite (attachment B), and amphiboles (attachment C). *See* JNJ 000326070; JNJ 000326106; JNJ 000326112; JNJ 000326117. Attachments B and C explicitly indicate that anthophyllite and amphiboles were doped into the talc. Other documents discussing the experiments with these reagents also note that chrysotile was "doped" into the talc. *See* JNJ 000246903; JNJ 000280690. The documents at issue in Chart No. 75 do not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. Indeed, the report notes, "The detected amphibole minerals did not appear in a fibrous form in any of the product samples." In addition, Defendants refer to and incorporate herein their response to Interrogatory Nos. 3.75 and 4.75.

INTERROGATORY NO. 3.75:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.75:

The version of one of the documents at issue in Chart No. 75 is not from Johnson & Johnson's files. The documents at issue in Chart No. 75 are among many relating to an experimental "froth flotation research program" conducted by Windsor Minerals to evaluate several reagent systems. *See, e.g.*, JNJ 000326070. In particular, the documents relate to testing conducted by Walter C. McCrone Associates on four samples of talc. The documents state that two of the samples contained "[o]ne small fiber of chrysotile (asbestos)." However, the full report and appendices show that these beneficiation experiments were part of a series of tests to detect

chrysotile (attachment A), anthophyllite (attachment B), and amphiboles (attachment C). *See* JNJ 000326070; JNJ 000326106; JNJ 000326112; JNJ 000326117. Attachments B and C explicitly indicate that anthophyllite and amphiboles were doped into the talc. Amphibole minerals can exist in both non-asbestos and asbestos forms. Indeed, the report notes, “The detected amphibole minerals did not appear in a fibrous form in any of the product samples.” Other documents discussing the experiments with these reagents also note that chrysotile was “doped” into the talc. *See* JNJ 000246903; JNJ 000280690. Defendants state that the documents at issue in Chart No. 75 do not establish the presence of asbestos apart from the intentional “dop[ing]” (i.e., spiking) of the samples that is noted. In addition, Defendants refer to their response to Interrogatory Nos. 4.75 and 5.75.

INTERROGATORY NO. 4.75:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.75:

The version of one of the documents at issue in Chart No. 75 is not from Johnson & Johnson’s files. The samples identified in the documents at issue in Chart No. 75 do not relate to cosmetic talc products sold by Defendants. The documents at issue in Chart No. 75 are among many relating to an experimental “froth flotation research program” conducted by Windsor Minerals to evaluate several reagent systems. *See, e.g.*, JNJ 000326070. The full report and appendices show that these beneficiation experiments were part of a series of tests to detect chrysotile (attachment A), anthophyllite (attachment B), and amphiboles (attachment C). *See* JNJ 000326070; JNJ 000326106; JNJ 000326112; JNJ 000326117. Attachments B and C explicitly indicate that anthophyllite and amphiboles were doped into the talc. Other documents discussing

the experiments with these reagents also note that chrysotile was “doped” into the talc. *See* JNJ 000246903; JNJ 000280690.

INTERROGATORY NO. 5.75:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.75:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.75 through 4.75 and the documents identified therein.

CHART NOS. 76 & 77: JNJ TALC000287007; JNJ TALC000287009 (7/8/1974)**INTERROGATORY NO. 1.76 AND 1.77:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.76 AND 1.77:

The documents at issue in Chart Nos. 76 and 77 relate to testing conducted by Walter C. McCrone Associates on twenty-one samples of talc, seventeen of which were production run samples and four of which were “other type samples.” The documents state that one of the non-production run samples contained two small chrysotile fibers. The documents also state that one or two chrysotile fibers were found in four of the “production run” samples, one of which also contained “one tremolite fiber.” However, the documents further state that “these low levels of asbestiform minerals are so low that they might well be caused by contamination either in the processing from air contamination or in our laboratory.” In fact, there was only one sample in which McCrone Associates found two fibers, and these fibers “were quite small.” The documents further note, “The type of fibers that one would normally get from automotive break line wear debris which could well be circulated in the atmosphere and could have inadvertently fallen out in the sample preparation or in the processing of these materials.” The documents at issue in Chart Nos. 76 and 77 do not identify the presence of anthophyllite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.76, 3.77, 4.76 and 4.77.

INTERROGATORY NO. 2.76 AND 2.77:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.76 AND 2.77:

The documents at issue in Chart Nos. 76 and 77 state that one of the non-production run samples contained two small chrysotile (i.e. fibrous) fibers. The documents also state that one or two chrysotile (i.e. fibrous) fibers were found in four of the “production run” samples, one of which also contained “one tremolite fiber.” However, the documents further state that “these low levels of asbestiform minerals are so low that they might well be caused by contamination either in the processing from air contamination or in our laboratory.” In fact, there was only one sample in which McCrone Associates found two fibers, and these fibers “were quite small.” The documents further note, “The type of fibers that one would normally get from automotive break line wear debris which could well be circulated in the atmosphere and could have inadvertently fallen out in the sample preparation or in the processing of these materials.” The documents at issue in Chart Nos. 76 and 77 do not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.76, 3.77, 4.76 and 4.77.

INTERROGATORY NO. 3.76 AND 3.77:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.76 AND 3.77:

The documents at issue in Chart Nos. 76 and 77 relate to testing conducted by Walter C. McCrone Associates on twenty-one samples of talc, seventeen of which were production run samples and four of which were “other type samples.” The documents state that one of the non-production run samples contained two small chrysotile fibers. The documents also state that one or two chrysotile fibers were found in four of the “production run” samples, one of which also contained “one tremolite fiber.” However, the documents further state that “these low levels of

asbestiform minerals are so low that they might well be caused by contamination either in the processing from air contamination or in our laboratory.” In fact, there was only one sample in which McCrone Associates found two fibers, and these fibers “were quite small.” The documents further note, “The type of fibers that one would normally get from automotive break line wear debris which could well be circulated in the atmosphere and could have inadvertently fallen out in the sample preparation or in the processing of these materials.” Moreover, tremolite can exist in both non-asbestos and asbestos forms. Johnson & Johnson states that the documents at issue in Chart Nos. 76 and 77 do not establish the presence of asbestos, including amphibole asbestos or chrysotile, in its cosmetic talc products. This conclusion is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.76, 4.77, 5.76 and 5.77.

INTERROGATORY NO. 4.76 AND 4.77:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.76 AND 4.77:

Defendants state the following: to the extent the samples identified in the documents at issue in Chart Nos. 76 and 76 are “production run samples,” Defendants state that the samples

relate to cosmetic talc products sold by Defendants; to the extent the samples identified in the documents at issue in Chart Nos. 76 and 77 are “other type samples,” Defendants cannot determine if the samples relate to cosmetic talc sold by Defendants.

INTERROGATORY NO. 5.76 AND 5.77:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.76 AND 5.77:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.76 and 1.77 through 4.76 and 4.77 and the documents identified therein.

CHART NO. 78: JNJTALC000294275 (9/24/1974); JNJTALC000294278**INTERROGATORY NO. 1.78:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.78:

The documents at issue in Chart No. 78 are a booklet authored by the Societa Talco e Grafite Val Chisone and a letter discussing the same. The booklet was prepared by Gianfranco Villa, the son of the owner of the company that produced cosmetic talc from the Fontana mine in Val Chisone, Italy. *See* JNJ 000088026. Johnson & Johnson was informed of Mr. Villa's intent to distribute the booklet in order to demonstrate that Italian talc was "the cleanest, purest talc in the world." *See id.* This document was originally written in Italian and translated into English. The translated version states, "The talc of Pinerolo, for cosmetic use, that's mined from the deposits of the Chisone and Germanasca Valleys . . . has to be considered as a product of very high quality because . . . the hard silicate contents are extremely low (only traces)." JNJTALC000294278. "[H]ard silicates" are stated to include chrysotile and tremolite. However, Mr. Villa subsequently acknowledged a translation error in the booklet and explained that this language did not indicate asbestos in Italian talc. *See* JNJ 000088026. The documents at issue in Chart No. 78 do not identify the presence of anthophyllite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.78 and 4.78.

INTERROGATORY NO. 2.78:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.78:

The documents at issue in Chart No. 78 states, “The talc of Pinerolo, for cosmetic use, that’s mined from the deposits of the Chisone and Germanasca Valleys . . . has to be considered as a product of very high quality because . . . the hard silicate contents are extremely low (only traces).” JNJTALC000294278. “[H]ard silicates” are stated to include chrysotile (i.e. fibrous) and tremolite. However, Mr. Villa subsequently acknowledged a translation error in the booklet and explained that this language did not indicate asbestos in Italian talc. *See* JNJ 000088026. The documents at issue in Chart No. 78 do not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.78 and 4.78.

INTERROGATORY NO. 3.78:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.78:

The documents at issue in Chart No. 78 are a booklet authored by the Societa Talco e Grafite Val Chisone and a letter discussing the same. The booklet was prepared by Gianfranco Villa, the son of the owner of the company that produced cosmetic talc from the Fontana mine in Val Chisone, Italy. *See* JNJ 000088026. Johnson & Johnson was informed of Mr. Villa’s intent to distribute the booklet in order to demonstrate that Italian talc was “the cleanest, purest talc in the world.” *See id.* This document was originally written in Italian and translated into English. The translated version states, “The talc of Pinerolo, for cosmetic use, that’s mined from the deposits of the Chisone and Germanasca Valleys . . . has to be considered as a product of very high quality because . . . the hard silicate contents are extremely low (only traces).” JNJTALC000294278. “[H]ard silicates” are stated to include chrysotile and tremolite. However,

the foregoing statements do not show or demonstrate the presence of asbestos. Mr. Villa subsequently acknowledged a translation error in the booklet and explained that this language did not indicate asbestos in Italian talc. *See* JNJ 000088026. Moreover, tremolite can exist in both non-asbestos and asbestos forms. Johnson & Johnson's conclusion that the documents at issue in Chart No. 78 do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, and Walter C. McCrone Associates. The primary documents upon which Defendants rely regarding such testing are JNJTALC000289268; JNJTALC000359710; JNJTALC000294753; JNJ 000314361. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.78 and 5.78.

INTERROGATORY NO. 4.78:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.78:

Defendants do not dispute that the samples identified in the documents at issue in Chart No. 78 generally relate to cosmetic talc product sold by Defendants. The documents at issue in Chart No. 78 are a booklet authored by the Societa Talco e Grafite Val Chisone and a letter discussing the same. The booklet was prepared by Gianfranco Villa, the son of the owner of the company that produced cosmetic talc from the Fontana mine in Val Chisone, Italy. *See* JNJ

000088026. Johnson & Johnson used talc from the Fontana mine in Val Chisone, Italy, from 1926-1973 and in 1980 for its cosmetic talc products.

INTERROGATORY NO. 5.78:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.78:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.78 through 4.78 and the documents identified therein.

CHART NO. 79: JNJ 000291308; JNJ 000291309 (10/10/1974)**INTERROGATORY NO. 1.79:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.79:

The documents at issue in Chart No. 79 relate to testing conducted by Walter C. McCrone Associates as part of a six-month ore study conducted on behalf of Windsor Minerals. The documents state that only one sample, identified as “D-GI 7/15 to 7/29,” was found to contain “fibrous asbestiform material,” chrysotile, at an estimated level of approximately 0.006%. This sample represented industrial materials produced at the Gassetts mill site. *See* JNJ 000222849. Moreover, “[i]n view of the detected level, .006% and the large number of samples analyzed,” the Windsor Minerals employees determined that the chrysotile finding “more probably represent[ed] normal contamination associated with a manufacturing environment situated next to a major highway rail siding and within an antiquated asbestos insulated building.” *See* JNJ 000222849. In fact, based on the six-month ore study, as well as additional testing, Windsor Minerals concluded, “it can be stated with a greater than 99.9% certainty that the ores and materials produced from the ores at all Windsor Minerals locations are free from asbestos or asbestiform minerals.” The documents at issue in Chart No. 79 do not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.79 and 4.79.

INTERROGATORY NO. 2.79:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.79:

The documents at issue in Chart No. 79 state that only one sample, identified as “D-GI 7/15 to 7/29,” was found to contain “fibrous asbestiform material,” chrysotile, at an estimated level of approximately 0.006%. This sample represented industrial materials produced at the Gassetts mill site. *See* JNJ 000222849. Moreover, “[i]n view of the detected level, .006% and the large number of samples analyzed,” the Windsor Minerals employees determined that the chrysotile finding “more probably represent[ed] normal contamination associated with a manufacturing environment situated next to a major highway rail siding and within an antiquated asbestos insulated building.” *See* JNJ 000222849. In fact, based on the six-month ore study, as well as additional testing, Windsor Minerals concluded, “it can be stated with a greater than 99.9% certainty that the ores and materials produced from the ores at all Windsor Minerals locations are free from asbestos or asbestiform minerals.” The documents at issue in Chart No. 79 do not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.79 and 4.79.

INTERROGATORY NO. 3.79:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.79:

The documents at issue in Chart No. 79 relate to testing conducted by Walter C. McCrone Associates as part of a six-month ore study conducted on behalf of Windsor Minerals. The documents state that only one sample, identified as “D-GI 7/15 to 7/29,” was found to contain “fibrous asbestiform material,” chrysotile, at an estimated level of approximately 0.006%. This sample represented industrial materials produced at the Gassetts mill site. *See* JNJ 000222849.

Moreover, “[i]n view of the detected level, .006% and the large number of samples analyzed,” the Windsor Minerals employees determined that the chrysotile finding “more probably represent[ed] normal contamination associated with a manufacturing environment situated next to a major highway rail siding and within an antiquated asbestos insulated building.” *See* JNJ 000222849. In fact, based on the six-month ore study, as well as additional testing, Windsor Minerals concluded, “it can be stated with a greater than 99.9% certainty that the ores and materials produced from the ores at all Windsor Minerals locations are free from asbestos or asbestiform minerals.” In addition, Defendants refer to their response to Interrogatory Nos. 4.79 and 5.79.

INTERROGATORY NO. 4.79:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.79:

The samples identified in the document at issue in Chart Nos. 79 do not relate to cosmetic talc products sold by Defendants. The documents state that only one sample, identified as “D-GI 7/15 to 7/29,” was found to contain “fibrous asbestiform material,” chrysotile, at an estimated level of approximately 0.006%. This sample represented industrial materials produced at the Gassetts mill site. *See* JNJ 000222849.

INTERROGATORY NO. 5.79:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.79:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.79 through 4.79 and the documents identified therein.

CHART NO. 80: JOJO-MA2546-00509 (12/9/1974)**INTERROGATORY NO. 1.80:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.80:

This version of the document at issue in Chart No. 80 is not from Johnson & Johnson's files. The document states, "In this sample we found basically talc with one fiber, identified by electron diffraction as chrysotile." However, the document also states that "[s]ince this was the only fiber found, . . . it may well have originated as stray contamination possibly from atmospheric sources." Indeed, the report concludes, "There were no amphiboles detected so that, in my opinion, this material can be considered asbestos free." The document does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.80 and 4.80.

INTERROGATORY NO. 2.80:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.80:

This version of the document at issue in Chart No. 80 is not from Johnson & Johnson's files. The document at issue in Chart No. 80 states, "In this sample we found basically talc with one fiber, identified by electron diffraction as chrysotile." However, the document also states that "[s]ince this was the only fiber found, . . . it may well have originated as stray contamination possibly from atmospheric sources." Indeed, the report concludes, "There were no amphiboles detected so that, in my opinion, this material can be considered asbestos free." The document at

issue in Chart No. 80 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.80 and 4.80.

INTERROGATORY NO. 3.80:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.80:

This version of the document at issue in Chart No. 80 is not from Johnson & Johnson's files. The document states, "In this sample we found basically talc with one fiber, identified by electron diffraction as chrysotile." However, the foregoing statement does not show or demonstrate the presence of asbestos because the document also states that "[s]ince this was the only fiber found, . . . it may well have originated as stray contamination possibly from atmospheric sources." Indeed, the report concludes, "There were no amphiboles detected so that, in my opinion, this material can be considered asbestos free." Johnson & Johnson's conclusion that the document at issue in Chart No. 80 does not establish the presence of asbestos is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.80 and 5.80.

INTERROGATORY NO. 4.80:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.80:

This version of the document at issue in Chart No. 80 is not from Johnson & Johnson's files. Defendants state that the samples identified in the document at issue in Chart No. 80 relate to cosmetic talc products sold by Defendants. This document relates to testing conducted by Walter C. McCrone Associates on a sample identified as "baby powder."

INTERROGATORY NO. 5.80:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.80:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.80 through 4.80 and the documents identified therein.

CHART NO. 81: JNJ 000065680 (1/7/1975)**INTERROGATORY NO. 1.81:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.81:

The document at issue in Chart No. 81 relates to testing conducted by Walter C. McCrone Associates on two experimental talc samples that were not used in any Johnson & Johnson cosmetic talc product, A and B, as part of the Cosmetic, Toiletry & Fragrance Association's "Round Robin" testing to evaluate the "CTFA Proposed Optical Microscope Procedure for Detection of Chrysotile in Talc." *See* JNJTALC000169089. McCrone Associates reported finding "one fiber of chrysotile" in "Sample B," which is identified as "1% chrysotile in talc prepared by a simulated industrial milling process." *See* JNJTALC000169089. The document does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.81 and 4.81.

INTERROGATORY NO. 2.81:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.81:

The document at issue in Chart No. 81 relates to testing conducted by Walter C. McCrone Associates on two experimental talc samples that were not used in any Johnson & Johnson cosmetic talc product, A and B, as part of the Cosmetic, Toiletry & Fragrance Association's "Round Robin" testing to evaluate the "CTFA Proposed Optical Microscope Procedure for Detection of Chrysotile in Talc." *See* JNJTALC000169089. McCrone Associates reported finding

an “extremely high content of fibrous materials” in “[S]ample A,” which is identified as “Fibrous and platy talc. Antigorite,” *See* JNJTALC000169089. McCrone Associates reported finding “one fiber of chrysotile” in “Sample B,” which is identified as “1% chrysotile in talc prepared by a simulated industrial milling process.” *See* JNJTALC000169089. The document at issue in Chart No. 81 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.81 and 4.81.

INTERROGATORY NO. 3.81:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.81:

The document at issue in Chart No. 81 relates to testing conducted by Walter C. McCrone Associates on two experimental talc samples that were not used in any Johnson & Johnson cosmetic talc product, A and B, as part of the Cosmetic, Toiletry & Fragrance Association’s “Round Robin” testing to evaluate the “CTFA Proposed Optical Microscope Procedure for Detection of Chrysotile in Talc.” *See* JNJTALC000169089. McCrone Associates reported finding “one fiber of chrysotile” in “Sample B,” which is identified as “1% chrysotile in talc prepared by a simulated industrial milling process.” *See* JNJTALC000169089. In addition, Defendants refer to herein their response to Interrogatory Nos. 4.81 and 5.81.

INTERROGATORY NO. 4.81:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.81:

The samples identified in the document at issue in Chart Nos. 81 do not relate to cosmetic talc products sold by Defendants. The document at issue in Chart No. 81 relates to testing conducted by Walter C. McCrone Associates on two experimental talc samples that were not used in any Johnson & Johnson cosmetic talc product, A and B, as part of the Cosmetic, Toiletry & Fragrance Association's "Round Robin" testing to evaluate the "CTFA Proposed Optical Microscope Procedure for Detection of Chrysotile in Talc." *See* JNJALC000169089.

INTERROGATORY NO. 5.81:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.81:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.81 through 4.81 and the documents identified therein.

CHART NO. 82: JOJO-MA2546-00381 (2/19/1975)**INTERROGATORY NO. 1.82:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.82:

This version of the document at issue in Chart No. 82 is not from Johnson & Johnson's files. This document relates to testing conducted by Walter C. McCrone Associates on one talc sample, Sample C, as part of the Cosmetic, Toiletry & Fragrance Association's "Round Robin" testing to evaluate the "CTFA Proposed Optical Microscope Procedure for Detection of Chrysotile in Talc." See JNJALC000169089. McCrone Associates reported finding "what appears to be lizardite and some talc" and "[what] appears to be anthophyllite." Sample C is identified as "1.2% fibrous talc in platy talc." See JNJALC000169089. The document does not identify presence of chrysotile, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.82 and 4.82.

INTERROGATORY NO. 2.82:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.82:

This version of the document at issue in Chart No. 82 is not from Johnson & Johnson's files. The document at issue in Chart No. 82 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.82 and 4.82.

INTERROGATORY NO. 3.82:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.82:

This version of the document at issue in Chart No. 82 is not from Johnson & Johnson's files. The document at issue in Chart No. 82 relates to testing conducted by Walter C. McCrone Associates on one talc sample, Sample C, as part of the Cosmetic, Toiletry & Fragrance Association's "Round Robin" testing to evaluate the "CTFA Proposed Optical Microscope Procedure for Detection of Chrysotile in Talc." *See* JNJALC000169089. McCrone Associates reported finding "what appears to be lizardite and some talc" and "[what] appears to be anthophyllite." Sample C is identified as "1.2% fibrous talc in platy talc." *See* JNJALC000169089. In addition, Defendants refer to their response to Interrogatory Nos. 4.82 and 5.82.

INTERROGATORY NO. 4.82:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.82:

This version of the document at issue in Chart No. 82 is not from Johnson & Johnson's files. The samples identified in the document at issue in Chart No. 82 do not relate to cosmetic talc products sold by Defendants. The samples were not used in any Johnson & Johnson cosmetic talc product, but rather were experimental samples used as part of this Round Robin testing process.

INTERROGATORY NO. 5.82:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.82:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.82 through 4.82 and the documents identified therein.

CHART NOS. 83 & 84: CAMC-Sabatelli-000677 (2/24/1975)**INTERROGATORY NO. 1.83 AND 1.84:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.83 AND 1.84:

The document at issue in Chart Nos. 83 and 84 is not a document from Johnson & Johnson's files. The document at issue in Chart Nos. 83 and 84 states that "[t]remolite and probable serpentine minerals" were identified in both samples. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.83, 3.84, 4.83 and 4.84.

INTERROGATORY NO. 2.83 AND 2.84:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.83 AND 2.84:

The document at issue in Chart Nos. 83 and 84 is not a document from Johnson & Johnson's files. The document at issue in Chart Nos. 83 and 84 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.83, 3.84, 4.83 and 4.84.

INTERROGATORY NO. 3.83 AND 3.84:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.83 AND 3.84:

The document at issue in Chart Nos. 83 and 84 is not a document from Johnson & Johnson's files. This document relates to testing conducted on two samples of Windsor Minerals "low grade dusting talcs" to resolve a dispute between Windsor Minerals and the Illinois Environmental Protection Agency ("Illinois EPA") regarding the presence of asbestos in the samples. The document states that "[t]remolite and probable serpentine minerals" were identified in both samples. The foregoing statements do not show or demonstrate the presence of asbestos because tremolite and serpentine minerals can exist in both non-asbestos and asbestos forms. In fact, the document states that "tremolite was mainly in the massive form," which indicates the non-asbestos form. The document also states, "[I]dentification of the serpentine form fiber" was determined to be "too time consuming for this project." Moreover, the Illinois EPA subsequently retracted its claim that the low grade dusting talcs contained asbestos and apologized to Windsor Minerals for "any inconvenience which [its] initial findings may have caused." *See* WTALC00008339. In addition, Defendants refer to their response to Interrogatory Nos. 4.83, 4.84, 5.83 and 5.84.

INTERROGATORY NO. 4.83 AND 4.84:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.83 AND 4.84:

The document at issue in Chart Nos. 83 and 84 is not a document from Johnson & Johnson's files. The samples identified in the document at issue in Chart Nos. 83 and 84 do not relate to cosmetic talc products sold by Defendants. This document relates to testing conducted on two samples of Windsor Minerals "low grade dusting talcs" to resolve a dispute between Windsor Minerals and the Illinois Environmental Protection Agency ("Illinois EPA") regarding the

presence of asbestos in the samples. This talc was never used in any Johnson & Johnson cosmetic talc product. In fact, the document notes, “Windsor Minerals is better known to this laboratory as a producer of high quality cosmetic grade talc used by J&J for their baby powder.”

INTERROGATORY NO. 5.83 AND 5.84:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.83 AND 5.84:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.83 and 1.84 through 4.83 and 4.84 and the documents identified therein.

CHART NO. 85: JOJO-MA2546-00267 (3/24/1975)**INTERROGATORY NO. 1.85:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.85:

The version of the document at issue in Chat No. 85 is not from Johnson & Johnson's files. The document relates to testing conducted by Walter C. McCrone Associates on "a sample of talc which was used in a medical study," including "a bulk talc sample and two membrane filters containing respirable fractions of that same talc." The document identifies "high levels of chrysotile asbestos" in the sample. The document does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.85 and 4.85.

INTERROGATORY NO. 2.85:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.85:

The version of the document at issue in Chat No. 85 is not from Johnson & Johnson's files. The document at issue in Chart No. 85 identifies "high levels of chrysotile [(i.e. fibrous)]asbestos" in the sample. The document at issue in Chart No. 85 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.85 and 4.85.

INTERROGATORY NO. 3.85:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.85:

The version of the document at issue in Chat No. 85 is not from Johnson & Johnson's files. The document relates to testing conducted by Walter C. McCrone Associates on "a sample of talc which was used in a medical study," including "a bulk talc sample and two membrane filters containing respirable fractions of that same talc." The document identifies "high levels of chrysotile asbestos" in the sample. However, related documents show that this talc sample was "Goodrich talc," which was not used in any Johnson & Johnson cosmetic talc product. See JNJ 000089989. In addition, Defendants refer to their response to Interrogatory Nos. 4.85 and 5.85.

INTERROGATORY NO. 4.85:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.85:

The version of the document at issue in Chat No. 85 is not from Johnson & Johnson's files. The samples identified in the document at issue in Chart No. 85 do not relate to cosmetic talc products sold by Defendants. Indeed, the "medical study" referenced by McCrone Associates in the document at issue in Chart No. 85 was *Respiratory Morbidity in Talc Workers*, by Lawrence J. Fine, John M. Peters, William A. Burgess, and Louis J. Di Berardinis, and involved an industrial grade talc, which was not used in any Johnson & Johnson cosmetic talc product. See JNJ 000273033. Related documents show that this talc sample was "Goodrich talc," which was not used in any Johnson & Johnson cosmetic talc product. See JNJ 000089989.

INTERROGATORY NO. 5.85:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.85:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.85 through 4.85 and the documents identified therein.

CHART NO. 86: JNJ 000687275 (6/11/1975); JOJO-MA5880-0023**INTERROGATORY NO. 1.86:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.86:

The version of one of the documents at issue in Chart No. 86 is not from Johnson & Johnson's files. These documents relate to testing conducted by Walter C. McCrone Associates on an unidentified group of eleven talc samples. The documents state that, with the exception of two samples, "all samples were free of asbestiform minerals." McCrone Associates identified "1 fiber of amphibole" in one sample and "1 bundle of amphibole fibers which contains 8-10 fibers" in another sample. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.86 and 4.86.

INTERROGATORY NO. 2.86:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.86:

The version of one of the documents at issue in Chart No. 86 is not from Johnson & Johnson's files. The documents at issue in Chart No. 86 identified "1 fiber of amphibole" in one sample and "1 bundle of amphibole fibers which contains 8-10 fibers" in another sample. The documents do not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.86 and 4.86.

INTERROGATORY NO. 3.86:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.86:

The version of one of the documents at issue in Chart No. 86 is not from Johnson & Johnson's files. These documents relate to testing conducted by Walter C. McCrone Associates on an unidentified group of eleven talc samples. The documents state that, with the exception of two samples, "all samples were free of asbestiform minerals." McCrone Associates identified "1 fiber of amphibole" in one sample and "1 bundle of amphibole fibers which contains 8-10 fibers" in another sample. The foregoing statements do not show or demonstrate the presence of asbestos because amphibole minerals can exist in both non-asbestos and asbestos forms and because terms like "fibrous" which have been used in different ways by different people do not mean asbestos. Indeed, in 1987, McCrone Associates stated that "Windsor's product is free of asbestos" and "[t]hat has always been our opinion and continues to be our opinion based on over 15 years of closely examining this product." *See* JNJ 000314361. Johnson & Johnson's conclusion that the document at issue in Chart No. 86 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.86 and 5.86.

INTERROGATORY NO. 4.86:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.86:

The version of one of the documents at issue in Chart No. 86 is not from Johnson & Johnson's files. Defendants cannot determine if the samples identified in the documents at issue in Chart No. 86 relate to cosmetic talc sold by Defendants. These documents relate to testing conducted by Walter C. McCrone Associates on an unidentified group of eleven talc samples.

INTERROGATORY NO. 5.86:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.86:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.86 through 4.86 and the documents identified therein.

CHART NO. 87: JNJ 000291318; JNJ 000291319, JNJ 000291320, JNJ 000291321
(7/1/1975)

INTERROGATORY NO. 1.87:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.87:

The documents at issue in Chart No. 87 relate to testing conducted by Walter C. McCrone Associates on thirty-six talc “ore body” samples. The documents state, “these samples do show some amphiboles but at an extremely low level” and that no chrysotile was found. The documents list “[c]onfirmed asbestos, visual” in samples identified as “fines,” labeled “F1-WI,” “X-HC,” “F1-HC,” “V-GI,” “E1-HC,” “G1-WI,” “C1-GI,” “B1-HC,” and “Z-HC,” and “Asbestos” in samples identified as “sediment,” labeled “E1-GI,” “E1-WI,” “Z-HC,” “D-HC 7/22,” and “P-GI.” The documents at issue in Chart No. 87 do not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.87 and 4.87.

INTERROGATORY NO. 2.87:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.87:

The documents at issue in Chart No. 87 do not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.87 and 4.87.

INTERROGATORY NO. 3.87:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.87:

The documents at issue in Chart No. 87 relate to testing conducted by Walter C. McCrone Associates on thirty-six talc “ore body” samples. The documents state, “these samples do show some amphiboles but at an extremely low level” and that no chrysotile was found. The documents list “[c]onfirmed asbestos, visual” in samples identified as “fines,” labeled “F1-WI,” “X-HC,” “F1-HC,” “V-GI,” “E1-HC,” “G1-WI,” “C1-GI,” “B1-HC,” and “Z-HC,” and “Asbestos” in samples identified as “sediment,” labeled “E1-GI,” “E1-WI,” “Z-HC,” “D-HC 7/22,” and “P-GI.” While Defendants acknowledge that the documents at issue in Chart No. 87 identify the presence of asbestos in certain ore body samples collected in connection with the selective mining process, the documents do not establish the presence of asbestos in any Johnson & Johnson cosmetic talc product. All of the samples tested were from “ore body” and were not samples of any Johnson & Johnson cosmetic talc product. As other documents explain, Cyprus used a process known as “selective mining,” in which “areas of the mines that [we]re known or suspected of containing deleterious mineral types” were “defined in advance of actual mining” in order to avoid mining from those areas. *See* JNJ 000237259. Moreover, other reports from the same time period indicate that, in addition to cosmetic talc, “HC” was used as a designation for roofing or industrial talc. *See* JNJ TALC000587252; JNJ 000252339. Additionally, talc intended for cosmetic use that was rejected was used in industrial applications. *See* JNJ 000261816. Johnson & Johnson’s conclusion that the documents at issue in Chart No. 87 do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, in its cosmetic talc products is supported by McCrone Associates’ statement in 1976 that “[s]ince 1973 none of the talcs which we have examined and

which have been identified to us as production materials have shown any detectable levels of either chrysotile or asbestiform amphibole,” as well as McCrone Associates’ statement in 1987 that “Windsor’s product is free of asbestos” and “[t]hat has always been our opinion and continues to be our opinion based on over 15 years of closely examining this product.” *See* JNJ TALC000294753; JNJ 000314361. Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.87 and 5.87.

INTERROGATORY NO. 4.87:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.87:

The samples identified in the documents at issue in Chart No. 87 do not relate to cosmetic talc products sold by Defendants. All of the samples tested were from “ore body” and were not samples of any Johnson & Johnson cosmetic talc product. As other documents explain, Cyprus used a process known as “selective mining,” in which “areas of the mines that [we]re known or suspected of containing deleterious mineral types” were “defined in advance of actual mining” in order to avoid mining from those areas. *See* JNJ 000237259. Moreover, other reports from the same time period indicate that, in addition to cosmetic talc, “HC” was used as a designation for roofing or industrial talc. *See* JNJ TALC000587252; JNJ 000252339. Additionally, talc intended for cosmetic use that was rejected was used in industrial applications. *See* JNJ 000261816.

INTERROGATORY NO. 5.87:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.87:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.87 through 4.87 and the documents identified therein.

CHART NOS. 88 & 89: JNJ 000253056 (9/9/1975)**INTERROGATORY NO. 1.88 AND 1.89:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.88 AND 1.89:

The document at issue in Chart Nos. 88 and 89 relates to an unpublished draft manuscript, “Mineralogy and Chemistry of British Talc and Consumer Talcum Products,” by Professor Fred Pooley, University College, Cardiff, Drs. Arthur Rohl and Arthur Langer, Mount Sinai School of Medicine, and D.R. Bowes and D.L. Skinner, The University, Glasgow, Scotland. The document states that Dr. Langer identified tremolite and anthophyllite in a sample of Johnson’s Baby Powder. The document further states Langer identified chrysotile in an unidentified sample. The document does not identify the presence of actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.88, 3.89, 4.88 and 4.89.

INTERROGATORY NO. 2.88 AND 2.89:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.88 AND 2.89:

The document at issue in Chart Nos. 88 and 89 states Langer identified chrysotile (i.e. fibrous) in an unidentified sample. The document at issue in Chart Nos. 88 and 89 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.88, 3.89, 4.88 and 4.89.

INTERROGATORY NO. 3.88 AND 3.89:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.88 AND 3.89:

The document at issue in Chart Nos. 88 and 89 relates to an unpublished draft manuscript, “Mineralogy and Chemistry of British Talc and Consumer Talcum Products,” by Professor Fred Pooley, University College, Cardiff, Drs. Arthur Rohl and Arthur Langer, Mount Sinai School of Medicine, and D.R. Bowes and D.L. Skinner, The University, Glasgow, Scotland. The document states that Dr. Langer identified tremolite and anthophyllite in a sample of Johnson’s Baby Powder. The document further states Langer identified chrysotile in an unidentified sample. The foregoing statements do not show or demonstrate the presence of asbestos. Tremolite and anthophyllite can exist in both non-asbestos and asbestos forms. Indeed, Professor Pooley examined the British talc samples examined by Dr. Langer and the only sample in which he found fibrous anthophyllite was Sample 24, which was “Yardley’s Black Label Shower Talc.” *See* JNJ 000026932. Professor Pooley did not find any amphibole or chrysotile in the rest of the British talc samples, including Johnson’s Baby Powder. *See id.* Johnson & Johnson’s conclusion that the document at issue in Chart Nos. 88 and 89 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products, (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. Moreover, Drs. Langer and Rohl subsequently published a peer-reviewed article regarding their testing of cosmetic talcum powder products, in which they reported finding no asbestos in Johnson’s Baby Powder. *See* Rohl & Langer et al., *Consumer Talcums and Powders: Mineral and Chemical Characterization*, 2 J. Toxicology & Env’tl. Health 255 (1976); *see also* JNJ 000329803. Drs. Langer and Rohl confirmed to the New York Times

that the Johnson's Baby Powder samples were found "uncontaminated with asbestos fibers." See JNJALC000109015. In addition, Defendants refer to their response to Interrogatory Nos. 4.88, 4.89, 5.88 and 5.89.

INTERROGATORY NO. 4.88 AND 4.89:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.88 AND 4.89:

Defendants state the following: to the extent the samples identified in the document at issue in Chart Nos. 88 and 89 are Johnson's Baby Powder, Defendants state that the samples relate to cosmetic talc products sold by Defendants; to the extent the samples identified in the document at issue in Chart Nos. 88 and 89 are other talc products, the samples do not relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.88 AND 5.89:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.88 AND 5.89:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.88 and 1.89 through 4.88 and 4.89 and the documents identified therein.

CHART NO. 90: PFE-Hug00007214 (11/1/1975)**INTERROGATORY NO. 1.90:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.90:

The document at issue in Chart No. 90 is not a document from Johnson & Johnson's files. The document states, "The fiber counts of these samples are less than the 0.1% acceptance level and, therefore, pass the test criteria." The document includes "<0.1%" as the "Approx. % Fibrous Tremolite" for each sample tested, suggesting that, in fact, zero fibers of tremolite were detected, and it includes the notation of "<0.1%" for all samples referred to the detection limit of the method. The document at issue in Chart No. 90 does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.90 and 4.90.

INTERROGATORY NO. 2.90:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.90:

The document at issue in Chart No. 90 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 90 states, "The fiber counts of these samples are less than the 0.1% acceptance level and, therefore, pass the test criteria." The document includes "<0.1%" as the "Approx. % Fibrous Tremolite" for each sample tested, suggesting that, in fact, zero fibers of tremolite were detected, and it includes the notation of "<0.1%" for all samples referred to the detection limit of the method. The document does not establish the presence of the fibrous form of chrysotile, anthophyllite, or actinolite.

INTERROGATORY NO. 3.90:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.90:

The document at issue in Chart No. 90 is not a document from Johnson & Johnson's files. The document states, "The fiber counts of these samples are less than the 0.1% acceptance level and, therefore, pass the test criteria." The document includes "<0.1%" as the "Approx. % Fibrous Tremolite" for each sample tested, suggesting that, in fact, zero fibers of tremolite were detected, and it includes the notation of "<0.1%" for all samples referred to the detection limit of the method. In addition, Defendants refer to their response to Interrogatory Nos. 4.90 and 5.90.

INTERROGATORY NO. 4.90:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.90:

The document at issue in Chart No. 90 is not a document from Johnson & Johnson's files. The samples identified in the document at issue in Chart No. 90 do not relate to cosmetic talc products sold by Defendants. The document relates to "Routine Analysis of Coty Talc for Fibrous Tremolite," another company's talc, which was not used in Johnson & Johnson cosmetic talc products.

INTERROGATORY NO. 5.90:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.90:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.90 through 4.90 and the documents identified therein.

CHART NO. 91: JNJ 000578954; JNJ 000578955 (11/5/1975)**INTERROGATORY NO. 1.91:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.91:

The documents at issue in Chart No. 91 relate to testing conducted by Walter C. McCrone Associates on “a series of talc ore samples.” The documents list “Fibers of Asbestos” and “Fibers” as material present in samples identified as “V-GI,” “X-HC,” “Z-HC,” “B1-HC,” “C1-GI,” “E1-HC,” “F1-HC,” “F1-WI,” “G1-WI,” “D-HC,” “P-GI,” “E1-WI,” and “E1-GI.” The documents at issue in Chart No. 91 do not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.91 and 4.91.

INTERROGATORY NO. 2.91:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.91:

The document at issue in Chart No. 91 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.91 and 4.91.

INTERROGATORY NO. 3.91:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.91:

The documents at issue in Chart No. 91 relate to testing conducted by Walter C. McCrone Associates on “a series of talc ore samples.” The documents list “Fibers of Asbestos” and “Fibers” as material present in samples identified as “V-GI,” “X-HC,” “Z-HC,” “B1-HC,” “C1-GI,” “E1-HC,” “F1-HC,” “F1-WI,” “G1-WI,” “D-HC,” “P-GI,” “E1-WI,” and “E1-GI.” While Defendants acknowledge that the documents at issue in Chart No. 91 list “Fibers of Asbestos” in “a series of talc ore samples,” Defendants state that the documents do not show or demonstrate the presence of asbestos in any Johnson & Johnson cosmetic talc product. Johnson & Johnson’s conclusion that the documents at issue in Chart No. 91 do not establish the presence of asbestos, including amphibole asbestos or chrysotile, in its cosmetic talc products is supported by McCrone Associates’ statement in 1976 that “[s]ince 1973 none of the talcs which we have examined and which have been identified to us as production materials have shown any detectable levels of either chrysotile or asbestiform amphibole,” as well as McCrone Associates’ statement in 1987 that “Windsor’s product is free of asbestos” and “[t]hat has always been our opinion and continues to be our opinion based on over 15 years of closely examining this product” (*see* JNJTALC000294753; JNJ 000314361). Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.91 and 5.91.

INTERROGATORY NO. 4.91:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.91:

The samples identified in the documents at issue in Chart No. 91 do not relate to cosmetic talc product sold by Defendants. All of the samples tested were from “ore body” and were not samples of any Johnson & Johnson finished cosmetic talc product. *See* JNJ 000291318. As other documents explain, Cyprus used a process known as “selective mining,” in which “areas of the mines that [we]re known or suspected of containing deleterious mineral types” were “defined in advance of actual mining” in order to avoid mining from those areas. *See* JNJ 000237259. Other reports from the same time period as the documents at issue in Chart No. 91 indicate that, in addition to cosmetic talc, “HC” was also used as a designation for roofing or industrial talc. *See* JNJTALC000587252; JNJ 000252339. Additionally, talc intended for cosmetic use that was rejected was used in industrial applications. *See* JNJ 000261816.

INTERROGATORY NO. 5.91:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.91:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.91 through 4.91 and the documents identified therein.

CHART NO. 92: JNJ 000066174; JNJ 000066175 (11/19/1975);
WIND-04055-0451 (11/19/1975)

INTERROGATORY NO. 1.92:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.92:

This version of one of the documents at issue in Chart No. 92 is not from Johnson & Johnson's files. The documents at issue in Chart No. 92 relate to testing conducted by Walter C. McCrone Associates on "24 talc ore samples." The document states, "[i]n the entire series we found only two asbestiform fibers, both amphiboles," as material present in samples identified as "N1-HC" and "O1-HC." The documents at issue in Chart No. 92 do not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.92 and 4.92.

INTERROGATORY NO. 2.92:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.92:

This version of one of the documents at issue in Chart No. 92 is not from Johnson & Johnson's files. The document at issue in Chart No. 92 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.92 and 4.92.

INTERROGATORY NO. 3.92:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.92:

This version of one of the documents at issue in Chart No. 92 is not from Johnson & Johnson's files. The documents at issue in Chart No. 92 relate to testing conducted by Walter C. McCrone Associates on "24 talc ore samples." The document states, "[i]n the entire series we found only two asbestiform fibers, both amphiboles," as material present in samples identified as "N1-HC" and "O1-HC." However, Defendants state that the documents do not show or demonstrate the presence of asbestos in any Johnson & Johnson cosmetic talc product. All of the samples tested were of "talc ore" and were not samples of any Johnson & Johnson finished cosmetic talc product. As other documents explain, Cyprus used a process known as "selective mining," in which "areas of the mines that [we]re known or suspected of containing deleterious mineral types" were "defined in advance of actual mining" in order to avoid mining from those areas. *See* JNJ 000237259. Johnson & Johnson's conclusion that the document at issue in Chart No. 91 do not establish the presence of asbestos in its cosmetic talc products is supported by McCrone Associates' statement in 1976 that "[s]ince 1973 none of the tales which we have examined and which have been identified to us as production materials have shown any detectable levels of either chrysotile or asbestiform amphibole," as well as McCrone Associates' statement in 1987 that "Windsor's product is free of asbestos" and "[t]hat has always been our opinion and continues to be our opinion based on over 15 years of closely examining this product" (*see* JNJTALC000294753; JNJ 000314361) Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.91 and 5.91.

INTERROGATORY NO. 4.92:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.92:

This version of one of the documents at issue in Chart No. 92 is not from Johnson & Johnson's files. The samples identified in the documents at issue in Chart No. 92 do not relate to cosmetic talc products sold by Defendants. All of the samples tested were of "talc ore" and were not samples of any Johnson & Johnson finished cosmetic talc product. As other documents explain, Cyprus used a process known as "selective mining," in which "areas of the mines that [we]re known or suspected of containing deleterious mineral types" were "defined in advance of actual mining" in order to avoid mining from those areas. *See* JNJ 000237259. Other reports from the same time period as the documents at issue in Chart No. 92 indicate that, in addition to cosmetic talc, "HC" was also used as a designation for roofing or industrial talc. *See* JNJTALC000587252; JNJ 000252339. Additionally, talc intended for cosmetic use that was rejected was used in industrial applications. *See* JNJ 000261816.

INTERROGATORY NO. 5.92:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.92:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.92 through 4.92 and the documents identified therein.

CHART NO. 93: JNJ 000039250 (3/1/1976)**INTERROGATORY NO. 1.93:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.93:

The document at issue in Chart No. 93 lists “tremolite” as a material present in “few specimens of footwall rocks as well as inclusions of rock and carbonate,” in the Fontana mine in Val Chisone, Italy. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.93 and 4.93.

INTERROGATORY NO. 2.93:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.93:

The document at issue in Chart No. 93 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. The document states, “[n]o anphybole [sic] or chrysotile minerals were detected in any of the examined talc specimens.” In addition, Defendants refer to their response to Interrogatory Nos. 3.93 and 4.93.

INTERROGATORY NO. 3.93:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.93:

The document at issue in Chart No. 93 lists “tremolite” as a material present in “few specimens of footwall rocks as well as inclusions of rock and carbonate,” in the Fontana mine in Val Chisone, Italy. It does not show or demonstrate the presence of asbestos because tremolite

can exist in both non-asbestos and asbestos forms. The document states, “[n]o anphybole [sic] or chrysotile minerals were detected in any of the examined talc specimens.” Indeed, the document at issue in Chart No. 93 specifically references Professor Fred Pooley’s 1972 analysis of the Fontana Mine, “An Examination of Italian Mine Samples and Relevant Powders.” *See* JNJTALC000359710. That report specifically notes that “[n]o amphibole or chrysotile mineral was detected in any of the numerous powders examined.” *See id.* Professor Fred Pooley’s letter regarding the Fontana mine references tests of Italian talc shipments dating back to 1949, noting that “[n]o chrysotile was found at the mine or in the samples taken, some tremolite was located, but was not asbestiform in character.” *See* JNJTALC000289268. In addition, Defendants refer to their response to Interrogatory Nos. 4.93 and 5.93.

INTERROGATORY NO. 4.93:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.93:

The samples identified in the document at issue in Chart No. 93 do not relate to cosmetic talc products sold by Defendants. There is no indication in the document that footwall rocks or inclusions of rock and carbonate were used in the manufacture of Johnson & Johnson’s cosmetic talc products.

INTERROGATORY NO. 5.93:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.93:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.93 through 4.93 and the documents identified therein.

**CHART NO. 94: JNJ 000061131 (4/1/1977); JNJ 000062160 (4/4/1977);
JNJ 000061156 (4/4/1977)**

INTERROGATORY NO. 1.94:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.94:

The documents at issue in Chart No. 94 relate to testing conducted by EMV Associates on nine unidentified talc and rock samples. These documents refer to the presence of “fibrous tremolite” in four samples. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.94 and 4.94.

INTERROGATORY NO. 2.94:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.94:

The documents at issue in Chart No. 94 refer to the presence of “fibrous tremolite” in four samples. The documents do not establish the presence of the fibrous form of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.94 and 4.94.

INTERROGATORY NO. 3.94:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.94:

The documents at issue in Chart No. 94 relate to testing conducted by EMV Associates on nine unidentified talc and rock samples. These documents refer to the presence of “fibrous tremolite” in four samples. It does not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms and because terms like “fibrous” which have been used in different ways by different people do not mean asbestos. Moreover, contemporaneous testing of Johnson & Johnson cosmetic talc by EMV Associates showed no asbestos. *See, e.g.*, JNJALC000347950; JNJALC000348700. In addition, Defendants refer to their response to Interrogatory Nos. 4.94 and 5.94.

INTERROGATORY NO. 4.94:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.94:

The samples identified in the document at issue in Chart No. 94 do not relate to cosmetic talc products sold by Defendants. There is no indication in the document that these talc samples were of talc that was ever used in any Johnson & Johnson cosmetic talc product.

INTERROGATORY NO. 5.94:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.94:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.94 through 4.94 and the documents identified therein.

CHART NO. 95: JNJ 000338378 (12/15/1977)**INTERROGATORY NO. 1.95:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.95:

The document at issue in Chart No. 95 refers to the presence of “tremolite-actinolite” in two Windsor, Vermont, rock samples, which were taken from “the wall rock of the deposit rather than the massive talc.” The document at issue in Chart No. 95 does not identify the presence of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.95 and 4.95.

INTERROGATORY NO. 2.95:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.95:

The document at issue in Chart No. 95 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.95 and 4.95.

INTERROGATORY NO. 3.95:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.95:

The document at issue in Chart No. 95 refers to the presence of “tremolite-actinolite” in two Windsor, Vermont, rock samples, however, tremolite and actinolite can exist in both non-asbestos and asbestos forms. The tremolite-actinolite particles identified are described as “long prismatic

needles.” “Prismatic” is a term used to describe non-asbestiform crystals. In addition, Defendants refer to their response to Interrogatory Nos. 4.95 and 5.95.

INTERROGATORY NO. 4.95:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.95:

The samples identified in the document at issue in Chart No. 95 do not relate to cosmetic talc products sold by Defendants. There is no indication in the document that talc from the wall rock of the deposit was ever used in any Johnson & Johnson cosmetic talc product.

INTERROGATORY NO. 5.95:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.95:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.95 through 4.95 and the documents identified therein.

CHART NO. 96: IMERYS 436972 (2/20/1978)**INTERROGATORY NO. 1.96:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.96:

The document at issue in Chart No. 96 is not a document from Johnson & Johnson's files. This document refers to "actinolite needles" in a rock specimen taken from the "blackwall zone" of an ore body likely located in Ludlow, Vermont. The document does not identify the presence of chrysotile, anthophyllite, or tremolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.96 and 4.96.

INTERROGATORY NO. 2.96:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.96:

The document at issue in Chart No. 96 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 96 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.96 and 4.96.

INTERROGATORY NO. 3.96:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.96:

The document at issue in Chart No. 96 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 96 refers to "actinolite needles" in a rock specimen taken from

the “blackwall zone” of an ore body likely located in Ludlow, Vermont. However, actinolite can exist in both non-asbestos and asbestos forms. In addition, Defendants refer to their response to Interrogatory Nos. 4.96 and 5.96.

INTERROGATORY NO. 4.96:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.96:

The document at issue in Chart No. 96 is not a document from Johnson & Johnson’s files. The samples identified in the document at issue in Chart No. 96 do not relate to cosmetic talc products sold by Defendants. There is no indication in the document that talc from the “blackwall zone” was ever used in any Johnson & Johnson cosmetic talc product. As other documents explain, Cyprus used a process known as “selective mining,” in which “areas of the mines that [we]re known or suspected of containing deleterious mineral types” were “defined in advance of actual mining” so that they could be avoided. *See* JNJ 000237259.

INTERROGATORY NO. 5.96:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.96:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.96 through 4.96 and the documents identified therein.

CHART NO. 97: JNJ 000063173 (10/5/1978)**INTERROGATORY NO. 1.97:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.97:

The document at issue in Chart No. 97 relates to testing conducted by Walter C. McCrone Associates on thirty-eight talc samples. The document states, “In two cases we found one small chrysotile fiber.” However, the document also states that “[b]oth of these fibers could very easily be contamination from outside sources such as air or water,” explaining that “[t]he level is considerably below background levels.” The document further states that “the remainder of the talc appeared, in general, to be excellent in quality with no evidence of asbestos fibers.” The document at issue in Chart No. 97 does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.97 and 4.97.

INTERROGATORY NO. 2.97:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.97:

The document at issue in Chart No. 97 states, “In two cases we found one small chrysotile fiber.” However, the document also states that “[b]oth of these fibers could very easily be contamination from outside sources such as air or water,” explaining that “[t]he level is considerably below background levels.” The document further states that “the remainder of the talc appeared, in general, to be excellent in quality with no evidence of asbestos fibers.” The document does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.97 and 4.97.

INTERROGATORY NO. 3.97:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.97:

The document at issue in Chart No. 97 identifies “one small chrysotile fiber” in “two cases.” However, the document also states that “[b]oth of these fibers could very easily be contamination from outside sources such as air or water,” explaining that “[t]he level is considerably below background levels.” The document further states that “the remainder of the talc appeared, in general, to be excellent in quality with no evidence of asbestos fibers.” In addition, Defendants refer to their response to Interrogatory Nos. 4.97 and 5.97.

INTERROGATORY NO. 4.97:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.97:

The samples identified in the document at issue in Chart No. 97 do not relate to cosmetic talc products sold by Defendants. Moreover, there is no indication in the document that these samples were of talc that was ever used in any Johnson & Johnson cosmetic talc product. “HC” has been used to designate talc used for both cosmetic and industrial products and “CI” has been used to designate industrial talc from the Columbia Mill. *See, e.g.*, JNJ 000222849; JNJ TALC000587252; JNJ TALC000387338; JNJ TALC000387364; JNJ 000578119; JNJ 000578120. Additionally, talc intended for cosmetic use that was rejected was used in industrial applications. *See* JNJ 000261816.

INTERROGATORY NO. 5.97:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.97:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.97 through 4.97 and the documents identified therein.

CHART NO. 98: JNJ 000063167 (2/9/1979)**INTERROGATORY NO. 1.98:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.98:

The document at issue in Chart No. 98 is an unidentified handwritten document, which refers to the presence of “tremolite and actinolite” in a composite sample of Vermont grade 66 talc dated “Nov. 6-10.” The document does not identify the presence of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.98 and 4.98.

INTERROGATORY NO. 2.98:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.98:

The document at issue in Chart No. 98 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.98 and 4.98.

INTERROGATORY NO. 3.98:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.98:

The document at issue in Chart No. 98 is an unidentified handwritten document, which refers to the presence of “tremolite and actinolite” in a composite sample of Vermont grade 66 talc dated “Nov. 6-10.” It does not show or demonstrate the presence of asbestos because tremolite and actinolite can exist in both non-asbestos and asbestos forms; because the document describes

the “tremolite and actinolite” as “massive amphiboles,” which are non-asbestiform and because Johnson & Johnson reported that no serpentine or asbestiform amphibole minerals were detected in this sample and the subsequent examination of Vermont grade 66 composite talc samples identified no serpentine or asbestiform amphibole minerals. *See* JNJ 000285229; JNJ 000291896. Johnson & Johnson’s conclusion that the document at issue in Chart No. 98 does not establish the presence of asbestos, including amphibole asbestos or chrysotile is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.98 and 5.98.

INTERROGATORY NO. 4.98:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.98:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 98 generally relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.98:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the

person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.98:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.98 through 4.98 and the documents identified therein.

CHART NO. 99: JNJ 000064626 (9/29/1980); JNJ 000063236 (11/6/1980)**INTERROGATORY NO. 1.99:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.99:

The documents at issue in Chart No. 99 refer to testing conducted on talc samples labeled “W.Gregg KR,” “KR Wallace Nelson,” and “TC-V.” The documents state that chrysotile was found in all three samples. The sample identified as “TC-V” is a composite sample of grade TC-100 talc – an industrial grade talc milled at the Columbia Mill. *See* JNJ 000578119; JNJ 000578120; JNJ 000686189; IMERYS 334752. Reanalysis of this sample showed no asbestos. *See* JNJ 000065445. The documents at issue in Chart No. 99 do not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.99 and 4.99.

INTERROGATORY NO. 2.99:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.99:

The documents at issue in Chart No. 99 state that chrysotile (i.e. fibrous) was found in all three samples. The sample identified as “TC-V” is a composite sample of grade TC-100 talc – an industrial grade talc milled at the Columbia Mill. *See* JNJ 000578119; JNJ 000578120; JNJ 000686189; IMERYS 334752. Reanalysis of this sample showed no asbestos. *See* JNJ 000065445. The document at issue in Chart No. 99 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.99 and 4.99.

INTERROGATORY NO. 3.99:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.99:

The documents at issue in Chart No. 99 refer to testing conducted on talc samples labeled “W.Gregg KR,” “KR Wallace Nelson,” and “TC-V.” The documents state that chrysotile was found in all three samples. The sample identified as “TC-V” is a composite sample of grade TC-100 talc – an industrial grade talc milled at the Columbia Mill. *See* JNJ 000578119; JNJ 000578120; JNJ 000686189; IMERYS 334752. Reanalysis of this sample showed no asbestos. *See* JNJ 000065445. In addition, Defendants refer to their response to Interrogatory Nos. 4.99 and 5.99.

INTERROGATORY NO. 4.99:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.99:

The samples identified in the document at issue in Chart No. 99 do not relate to cosmetic talc products sold by Defendants. The “W. Gregg KR sample” and “KR Wallace Nelson sample” are believed to be samples of talc from a prospective talc mine in California called the “K. R. Prospect.” *See, e.g.,* ITA-Sabatelli-000548; IMERYS-MDL-AB-0009893; IMERYS 354933. This mine was owned by Western Source, Inc., a subsidiary of Windsor Minerals, Inc., and was not used for any Johnson & Johnson cosmetic talc product. *See* IMERYS-MDL-AB-0009893; IMERYS 354933. The sample identified as “TC-V” is a composite sample of grade TC-100 talc –

an industrial grade talc milled at the Columbia Mill and not used in any Johnson & Johnson cosmetic talc product. *See* JNJ 000578119; JNJ 000578120; JNJ 000686189; IMERYS 334752.

INTERROGATORY NO. 5.99:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.99:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.99 through 4.99 and the documents identified therein.

CHART NO. 100: 8/24/1982 Mine Safety and Health Administration Personal Exposure Samples (FOIA Document)

INTERROGATORY NO. 1.100:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.100:

The document at issue in Chart No. 100 is not a document from Johnson & Johnson's files. This document, entitled "Personal Exposure Samples," is from the Mine Safety and Health Administration and relates to Cyprus Industrial Minerals' South Plainfield Mill. The document includes an unidentified handwritten note which states, "20 - Asbestos Fibers." The code 20 is entered on the last page of the document. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.100 and 4.100.

INTERROGATORY NO. 2.100:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.100:

The document at issue in Chart No. 100 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 100 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.100 and 4.100.

INTERROGATORY NO. 3.100:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.100:

The document at issue in Chart No. 100 is not a document from Johnson & Johnson's files. This document, entitled "Personal Exposure Samples," is from the Mine Safety and Health Administration and relates to Cyprus Industrial Minerals' South Plainfield Mill. The document includes an unidentified handwritten note which states, "20 - Asbestos Fibers." The code 20 is entered on the last page of the document. In addition, Defendants refer to their response to Interrogatory Nos. 4.100 and 5.100.

INTERROGATORY NO. 4.100:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.100:

The document at issue in Chart No. 100 is not a document from Johnson & Johnson's files. The samples identified in the document at issue in Chart No. 100 do not relate to cosmetic talc products sold by Defendants. This document does not relate to testing of any Johnson & Johnson cosmetic talc product. There is no indication in the document that the "personal exposure samples" relate to cosmetic talc sourced for use in Johnson & Johnson cosmetic talc products. Johnson & Johnson did not own or operate the South Plainfield Mill and, therefore, lacks information about what products or materials might have been present during the time these "personal exposure samples" were collected.

INTERROGATORY NO. 5.100:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.100:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.100 through 4.100 and the documents identified therein.

CHART NO. 101: JNJ 000062127 (2/24/1984)**INTERROGATORY NO. 1.101:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.101:

The document at issue in Chart No. 101 relates to testing conducted by Walter C. McCrone Associates on a sample identified as “5-HV66.” The document states, “Chrysotile asbestos was detected by transmission electron microscopy.” However, McCrone Associates subsequently determined that the transmission electron microscopy grids used to examine the sample were contaminated with asbestos. *See* JNJTALC000071339; JNJTALC000070307; JNJ 000237319. As a result, McCrone Associates retested Sample 5-HV66, examining twice as many grid squares, and found no asbestos. *See* JNJTALC000071339; JNJTALC000070307; JNJ 000237319. The document does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.101 and 4.101.

INTERROGATORY NO. 2.101:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.101:

Defendants refer to and incorporate herein their response to Interrogatory No. 1.101. The document at issue in Chart No. 101 states, “Chrysotile [(i.e. fibrous)] asbestos was detected by transmission electron microscopy.” However, McCrone Associates subsequently determined that the transmission electron microscopy grids used to examine the sample were contaminated with asbestos. *See* JNJTALC000071339; JNJTALC000070307; JNJ 000237319. As a result, McCrone Associates retested Sample 5-HV66, examining twice as many grid squares, and found no

asbestos. *See* JNJTALC000071339; JNJTALC000070307; JNJ 000237319. The document at issue in Chart No. 101 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.101 and 4.101.

INTERROGATORY NO. 3.101:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.101:

The document at issue in Chart No. 101 relates to testing conducted by Walter C. McCrone Associates on a sample identified as “5-HV66.” The document states, “Chrysotile asbestos was detected by transmission electron microscopy.” However, it does not show or demonstrate the presence of asbestos because McCrone Associates subsequently determined that the transmission electron microscopy grids used to examine the sample were contaminated with asbestos. *See* JNJTALC000071339; JNJTALC000070307; JNJ 000237319. As a result, McCrone Associates retested Sample 5-HV66, examining twice as many grid squares, and found no asbestos. *See* JNJTALC000071339; JNJTALC000070307; JNJ 000237319. Johnson & Johnson’s conclusion that the document at issue in Chart No. 101 does not establish the presence of asbestos, including amphibole asbestos or chrysotile is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic

talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.101 and 5.101.

INTERROGATORY NO. 4.101:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.101:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 101 generally relate to cosmetic talc products sold by Defendants. In addition, Defendants state that this document relates to Vermont talc. Johnson & Johnson used talc from Vermont from 1964-2003 for its cosmetic talc products.

INTERROGATORY NO. 5.101:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.101:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.101 through 4.101 and the documents identified therein.

CHART NO. 102: CAMC-Herford-000119 (5/15/1984)**INTERROGATORY NO. 1.102:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.102:

The document at issue in Chart No. 102 is not a document from Johnson & Johnson's files. This document relates to testing of personal air filter samples from Cyprus Industrial Minerals Company ("CIMC"), conducted by South Plainfield Mill personnel on May 17, 1983. The filters were reported to contain 71.2% fibrous talc and 5.8% anthophyllite, which the document describes as "an asbestiform amphibole." The document states that CIMC "[wa]s in compliance with U.S. Department of Labor – MSHA federal regulations." The document does not identify the presence of chrysotile, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.102 and 4.102.

INTERROGATORY NO. 2.102:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.102:

The document at issue in Chart No. 102 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 2 states that filters were reported to contain 71.2% fibrous talc and 5.8% anthophyllite, which the document describes as "an asbestiform amphibole." The document states that CIMC "[wa]s in compliance with U.S. Department of Labor – MSHA federal regulations." The document at issue in Chart No. 102 does not establish the presence of the fibrous form of chrysotile, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.102 and 4.102.

INTERROGATORY NO. 3.102:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.102:

The document at issue in Chart No. 102 is not a document from Johnson & Johnson's files. This document relates to testing of personal air filter samples from Cyprus Industrial Minerals Company ("CIMC"), conducted by South Plainfield Mill personnel on May 17, 1983. The filters were reported to contain 71.2% fibrous talc and 5.8% anthophyllite, which the document describes as "an asbestiform amphibole." The document states that CIMC "[wa]s in compliance with U.S. Department of Labor – MSHA federal regulations." In addition, Defendants refer to their response to Interrogatory Nos. 4.102 and 5.102.

INTERROGATORY NO. 4.102:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.102:

The document at issue in Chart No. 102 is not a document from Johnson & Johnson's files. The samples identified in the document at issue in Chart No. 102 do not relate to cosmetic talc products sold by Defendants. This document does not relate to testing of any Johnson & Johnson cosmetic talc product. Moreover, there is no indication in the document that the "[p]ersonal air filter samples" relate to cosmetic talc sourced for use in Johnson & Johnson cosmetic talc products. Johnson & Johnson never owned or operated the South Plainfield Mill and, therefore, lacks information about what products or materials might have been present during the time these "[p]ersonal air filter samples" were collected.

INTERROGATORY NO. 5.102:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.102:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.102 through 4.102 and the documents identified therein.

CHART NOS. 103 & 104: JNJTALC000128194 (9/26/1984); JNJTALC000128195 (1984)**INTERROGATORY NO. 1.103 AND 1.104:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.103 AND 1.104:

The documents at issue in Chart Nos. 103 and 104 relate to the article *Evaluation by Electron Microscopy Techniques of Asbestos Contamination in Industrial, Cosmetic, and Pharmaceutical Talcs* by L. Paoletti, S. Caiazza, G. Donelli and F. Pocchiari, regarding the testing of twenty-nine unidentified samples of talc powders used for industrial, cosmetic and pharmaceutical purposes. The article states that about half of the talc powders tested had asbestos, including chrysotile, tremolite, and anthophyllite. The document does not identify the presence of actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.103, 3.104, 4.103 and 4.104.

INTERROGATORY NO. 2.103 AND 2.104:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.103 AND 2.104:

The documents at issue in Chart Nos. 103 and 104 state that about half of the talc powders tested had asbestos, including chrysotile, tremolite, and anthophyllite. The documents do not establish the presence of the fibrous form of actinolite. In addition, Defendants refer to and incorporate herein their response to Interrogatory Nos. 3.103, 3.104, 4.013 and 4.104.

INTERROGATORY NO. 3.103 AND 3.104:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.103 AND 3.104:

The documents at issue in Chart Nos. 103 and 104 relate to the article *Evaluation by Electron Microscopy Techniques of Asbestos Contamination in Industrial, Cosmetic, and Pharmaceutical Talcs* by L. Paoletti, S. Caiazza, G. Donelli and F. Pocchiari, regarding the testing of twenty-nine unidentified samples of talc powders used for industrial, cosmetic and pharmaceutical purposes. The article states that about half of the talc powders tested had asbestos, including chrysotile, tremolite, and anthophyllite. However, there is no indication in the documents that any Johnson& Johnson cosmetic talc product was tested as part of this article. In addition, Defendants refer to their response to Interrogatory Nos. 4.103, 4.104, 5.103 and 5.104.

INTERROGATORY NO. 4.103 AND 4.104:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.103 AND 4.104:

Defendants state the following: to the extent the samples identified in the documents at issue in Chart Nos. 103 and 104 are industrial talc, the samples do not relate to cosmetic talc products sold by Defendants; to the extent the samples identified in the documents at issue in Chart Nos. 103 and 104 are cosmetic and pharmaceutical talcs, there is no indication in the documents that the samples relate to cosmetic talc sold by Defendants. There is no indication in the documents that any Johnson& Johnson cosmetic talc product was tested as part of this article.

INTERROGATORY NO. 5.103 AND 5.104:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.103 AND 5.104:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.103 and 1.104 through 4.103 and 4.104 and the documents identified therein.

CHART NO. 105: JNJ 000063266 (11/2/1984)**INTERROGATORY NO. 1.105:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.105:

The document at issue in Chart No. 105 relates to testing conducted by Walter C. McCrone Associates on four air filter samples. The document states chrysotile asbestos was found on the air filter samples. The document does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.105 and 4.105.

INTERROGATORY NO. 2.105:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.105:

The document at issue in Chart No. 105 states chrysotile (i.e. fibrous) asbestos was found on the air filter samples. The document does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.105 and 4.105.

INTERROGATORY NO. 3.105:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.105:

The document at issue in Chart No. 105 relates to testing conducted by Walter C. McCrone Associates on four air filter samples. The document states chrysotile asbestos was found on the air filter samples. However, this testing was not conducted on a Johnson & Johnson cosmetic talc

product. Moreover, the document does not identify the source of the air filters. In addition, Defendants refer to their response to Interrogatory Nos. 4.105 and 5.105.

INTERROGATORY NO. 4.105:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.105:

There is no indication that the samples identified in the document at issue in Chart No. 105 relate to cosmetic talc sold by Defendants. The document at issue in Chart No. 105 relates to testing conducted by Walter C. McCrone Associates on four air filter samples. However, this testing was not conducted on a Johnson & Johnson cosmetic talc product. Moreover, the document does not identify the source of the air filters.

INTERROGATORY NO. 5.105:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.105:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.105 through 4.105 and the documents identified therein.

CHART NO. 106: JNJ 000062436 (2/26/1985)**INTERROGATORY NO. 1.106:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.106:

The document at issue in Chart No. 106 relates to testing of a sample of unidentified “Chinese Talc.” The document states that by “microscopy,” the sample was “asbestiforms positive.” There is no indication in the document regarding what mineral is identified as “asbestiforms positive.” The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.106 and 4.106.

INTERROGATORY NO. 2.106:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.106:

The document at issue in Chart No. 106 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.106 and 4.106.

INTERROGATORY NO. 3.106:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.106:

The document at issue in Chart No. 106 relates to testing of a sample of unidentified “Chinese Talc.” The document states that by “microscopy,” the sample was “asbestiforms

positive.” There is no indication in the document regarding what mineral is identified as “asbestiforms positive.” In addition, Defendants refer to their response to Interrogatory Nos. 4.106 and 5.106.

INTERROGATORY NO. 4.106:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.106:

There is no indication the samples identified in the document at issue in Chart No. 106 relate to cosmetic talc sold by Defendants. There is no indication in the document that this test relates to any Johnson & Johnson cosmetic talc product. In fact, Johnson & Johnson examined and rejected various types of Chinese cosmetic talc. *See e.g.*, JNJTALC000453134; JNJTALC000216004.

INTERROGATORY NO. 5.106:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.106:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.106 through 4.106 and the documents identified therein.

**CHART NO. 107: JNJ 000063206 (8/22/1985); JNJ 000064652 (9/10/1985);
JNJ 000288584 (10/8/1985)**

INTERROGATORY NO. 1.107:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.107:

The documents at issue in Chart No. 107 relate to testing conducted by Walter C. McCrone Associates on seven talc samples. The documents state that “[c]hrysotile asbestos” was found in two samples identified as “WMI 85-28” and “WMI 85-30.” The documents also state that “[b]ecause only a few fibers were detected in the portion of each sample analyzed, no accurate value of the weight percent of chrysotile asbestos could be calculated with statistical certainty” but it was likely “less than 0.0001 percent by weight.” The documents at issue in Chart No. 107 do not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.107 and 4.107.

INTERROGATORY NO. 2.107:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.107:

The documents at issue in Chart No. 107 state that “[c]hrysotile [(i.e. fibrous)] asbestos” was found in two samples identified as “WMI 85-28” and “WMI 85-30.” The documents also state that “[b]ecause only a few fibers were detected in the portion of each sample analyzed, no accurate value of the weight percent of chrysotile asbestos could be calculated with statistical certainty” but it was likely “less than 0.0001 percent by weight.” In accordance with the limit of detection specified in the TEM methodology employed at the time, McCrone Associates concluded

that “no quantifiable amounts of asbestiform minerals” were found in the samples. *See* JNJ 000237304; JNJTALC000170450; *see also* Kremer & Millette, A Standard TEM Procedure for Identification and Quantitation of Asbestiform Minerals in Talc, 38 Microscope 457 (1990). A finding below a method’s limit of detection means that “the measured level cannot be distinguished from zero or from the randomly varying background contamination level” and the analyst is “instructed to disregard the measured value and report the result only as ‘below the DL.’” ASTM Standard D6620 – 19, *Standard Practice for Asbestos Detection Limit Based on Counts*, ASTM Int’l (2019). The documents at issue in Chart No. 107 do not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.107 and 4.107.

INTERROGATORY NO. 3.107:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.107:

The documents at issue in Chart No. 107 identify “[c]hrysotile asbestos” in two samples. However, in accordance with the limit of detection specified in the TEM methodology employed at the time, McCrone Associates concluded that “no quantifiable amounts of asbestiform minerals” were found in the samples. *See* JNJ 000237304; JNJTALC000170450; *see also* Kremer & Millette, A Standard TEM Procedure for Identification and Quantitation of Asbestiform Minerals in Talc, 38 Microscope 457 (1990). A finding below a method’s limit of detection means that “the measured level cannot be distinguished from zero or from the randomly varying background contamination level” and the analyst is “instructed to disregard the measured value and report the result only as ‘below the DL.’” ASTM Standard D6620 – 19, *Standard Practice for Asbestos*

Detection Limit Based on Counts, ASTM Int'l (2019). In addition, Defendants refer to their response to Interrogatory Nos. 4.107 and 5.107.

INTERROGATORY NO. 4.107:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.107:

The samples identified in the documents at issue in Chart No. 107 do not relate to cosmetic talc product sold by Defendants. WMI 85-28 and WMI 85-30 were samples of grade TC-700 talc from the Red Hill Mine in California. See JNJ TALC000387199; ITA-Sabatelli-000548; JNJ 000280907. Talc from the Red Hill Mine was “used to[t]ally for coarse industrial products.” See ITA-Sabatelli-000548.

INTERROGATORY NO. 5.107:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.107:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.107 through 4.107 and the documents identified therein.

CHART NO. 108: JNJ 000060681; JNJ 000266323 (1/30/1987)**INTERROGATORY NO. 1.108:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.108:

The documents at issue in Chart No. 108, entitled “Windsor Minerals Raw Talc Submissions,” refer to the “amphibole mineral content of various talc samples submitted to date for microscopical evaluation.” The documents further reference the inclusion of “estimates of amphibole mineral content of J&J International talcs obtained during preparation of the 1985 World Talc Survey.” The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.108 and 4.108.

INTERROGATORY NO. 2.108:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.108:

The documents at issue in Chart No. 108 do not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. The documents state that “[f]ew acicular, and no fibrous, forms were observed.” In addition, Defendants refer to their response to Interrogatory Nos. 3.108 and 4.108.

INTERROGATORY NO. 3.108:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.108:

The documents at issue in Chart No. 108, entitled “Windsor Minerals Raw Talc Submissions,” refer to the “amphibole mineral content of various talc samples submitted to date for microscopical evaluation.” The documents further reference the inclusion of “estimates of amphibole mineral content of J&J International talcs obtained during preparation of the 1985 World Talc Survey.” The documents state that “[f]ew acicular, and no fibrous, forms were observed.” The foregoing statements do not show or demonstrate the presence of asbestos because amphiboles can exist in both non-asbestos and asbestos forms and because terms like “acicular” which have been used in different ways by different people do not mean asbestos. Moreover, the 1985 World Talc Survey concluded, “All talcs in this report were found to be free from asbestiform minerals and to conform to cosmetic talc requirements.” *See* JNJTALC000166744; JNJTALC000166745. Johnson & Johnson’s conclusion that the documents at issue in Chart No. 108 do not establish the presence of asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.108 and 5.108.

INTERROGATORY NO. 4.108:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.108:

Defendants state the following: to the extent the samples identified in the documents at issue in Chart No. 108 are Johnson's Baby Powder, the sample relates to cosmetic talc products sold by Defendants; to the extent the samples identified in the documents at issue in Chart No. 108 are Windsor float feed or talcs obtained during the 1985 World Talc Survey, Defendants do not dispute that the samples generally relate to cosmetic talc product sold by Defendants.

INTERROGATORY NO. 5.108:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.108:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.108 through 4.108 and the documents identified therein.

CHART NO. 109: JNJ 000237376 (3/30/1987); JNJ 000285289 (1987)**INTERROGATORY NO. 1.109:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.109:

The documents at issue in Chart No. 109, entitled “Windsor Minerals Raw Talc Submissions” and “Mineralogical Report,” refer to the “amphibole particle[]” content of various talc samples. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.109 and 4.109.

INTERROGATORY NO. 2.109:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.109:

The documents at issue in Chart No. 109 do not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. The documents state that “[no] fibrous forms were observed.” In addition, Defendants refer to their response to Interrogatory Nos. 3.109 and 4.109.

INTERROGATORY NO. 3.109:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.109:

The documents at issue in Chart No. 109, entitled “Windsor Minerals Raw Talc Submissions” and “Mineralogical Report,” refer to the “amphibole particle[]” content of various talc samples. It does not show or demonstrate the presence of asbestos because amphiboles can

exist in both non-asbestos and asbestos forms. The documents state that “[no] fibrous forms were observed.” Johnson & Johnson’s conclusion that the documents at issue in Chart No. 109 do not establish the presence of asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.109 and 5.109.

INTERROGATORY NO. 4.109:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.109:

Defendants cannot determine if the samples identified in the document at issue in Chart No. 109 relate to cosmetic talc sold by Defendants.

INTERROGATORY NO. 5.109:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.109:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.109 through 4.109 and the documents identified therein.

CHART NO. 110: JNJ 000266310 (10/1/1987)**INTERROGATORY NO. 1.110:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.110:

The document at issue in Chart No. 110 refers to the testing of “Talc Samples from Mountain States R&D.” The document identifies amphiboles in all four samples, including "JM-19 Rainbow Float" and "JM-19 Rainbow Sink." The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.110 and 4.110.

INTERROGATORY NO. 2.110:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.110:

The document at issue in Chart No. 110 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. The document states that “[no] fibrous forms were observed.” In addition, Defendants refer to their response to Interrogatory Nos. 3.110 and 4.110.

INTERROGATORY NO. 3.110:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.110:

The document at issue in Chart No. 110 refers to the testing of “Talc Samples from Mountain States R&D.” The document identifies amphiboles in all four samples, including "JM-

19 Rainbow Float" and "JM-19 Rainbow Sink." It does not show or demonstrate the presence of asbestos because amphiboles can exist in both non-asbestos and asbestos forms. The document states that "[no] fibrous forms were observed." Indeed, the amphiboles identified in the Hammondsville "sink" and "float" samples were found to be "prismatic" and "acicular." "Prismatic" is a term that means non-asbestiform crystals. Johnson & Johnson's conclusion that the document at issue in Chart No. 110 does not establish the presence of asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.110 and 5.110.

INTERROGATORY NO. 4.110:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.110:

Defendants state the following: to the extent the samples identified in the document at issue in Chart No. 110 relate to "Hammondsville Float," Defendants do not dispute that the samples generally relate to cosmetic talc products sold by Defendants; to the extent the samples identified in the document at issue in Chart No. 110 relate to "Hammondsville Sink", "Rainbow Float" or

“Rainbow Sink,” the samples do not relate to cosmetic talc products sold by Defendants. Defendants have not identified documents or information indicating that talc from the Rainbow Mine was used for any Johnson & Johnson cosmetic talc product.

INTERROGATORY NO. 5.110:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.110:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.110 through 4.110 and the documents identified therein.

CHART NO. 111: JNJ 000062176 (3/14/1988)**INTERROGATORY NO. 1.111:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.111:

The document at issue in Chart No. 111 refers to testing conducted by RJ Lee Group on a talc sample identified as “879-57 TALC L.” The document states that RJ Lee concluded that the sample contained approximately 0.0024% chrysotile and 0.14% fibrous tremolite. The document does not identify the presence of anthophyllite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.111 and 4.111.

INTERROGATORY NO. 2.111:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.111:

The document at issue in Chart No. 111 states that RJ Lee concluded that the sample contained approximately 0.0024% chrysotile (i.e. fibrous) and 0.14% fibrous tremolite. The document at issue in Chart No. 111 does not establish the presence of the fibrous form of anthophyllite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.111 and 4.111.

INTERROGATORY NO. 3.111:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.111:

The document at issue in Chart No. 111 refers to testing conducted by RJ Lee Group on a talc sample identified as “879-57 TALC L.” The document states that RJ Lee concluded that the sample contained approximately 0.0024% chrysotile and 0.14% fibrous tremolite. However, the sample was not a Johnson & Johnson cosmetic talc product. Rather, the sample, identified as “Sample (L),” was received from Dr. Norihiko Kohyama, who tested a number of talc products as part of a Japanese publication. *See* JNJTALC0000128666. Dr. Kohyama also tested Johnson & Johnson’s cosmetic talc products, which were identified as samples G-1, G-2, and G-3, and found them to be free from asbestos. *See* JNJTALC0000128265; JNJTALC0000128660. In addition, Defendants refer to their response to Interrogatory Nos. 4.111 and 5.111.

INTERROGATORY NO. 4.111:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.111:

The sample identified in the document at issue in Chart No. 111 does not relate to cosmetic talc products sold by Defendants. The sample was not a Johnson & Johnson cosmetic talc product. Rather, the sample, identified as “Sample (L),” was received from Dr. Norihiko Kohyama, who tested a number of talc products as part of a Japanese publication. *See* JNJTALC0000128666. Dr. Kohyama also tested Johnson & Johnson’s cosmetic talc products, which were identified as samples G-1, G-2, and G-3, and found them to be free of asbestos. *See* JNJTALC0000128265; JNJTALC0000128660.

INTERROGATORY NO. 5.111:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the

person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.111:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.111 through 4.111 and the documents identified therein.

CHART NO. 112: JNJALC000215210 (10/13/1988)**INTERROGATORY NO. 1.112:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.112:

The document at issue in Chart No. 112 refers to testing conducted on a “Rainbow Mine Sourced Grade 66 Composite Sample.” The document states “[s]ub-trace amphibole” and “[n]o serpentine observed.” The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.112 and 4.112.

INTERROGATORY NO. 2.112:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.112:

The document at issue in Chart No. 112 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.112 and 4.112.

INTERROGATORY NO. 3.112:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.112:

The document at issue in Chart No. 112 refers to testing conducted on a “Rainbow Mine Sourced Grade 66 Composite Sample.” The document states “[s]ub-trace amphibole” and “[n]o serpentine observed.” The foregoing statements do not show or demonstrate the presence of

asbestos because amphiboles can exist in both non-asbestos and asbestos forms. The document at issue in Chart No. 112 further states that no asbestos was detected in the sample using CTFA J4-1 and TM 7024. Johnson & Johnson's conclusion that the document at issue in Chart No. 112 does not establish the presence of asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.112 and 5.112.

INTERROGATORY NO. 4.112:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.112:

Defendants state that to the extent the samples identified in the document at issue in Chart No. 112 relate to talc from "Rainbow Mine," the samples do not relate to cosmetic talc products sold by Defendants. Defendants have not identified documents or information indicating that talc from the Rainbow Mine was used for any Johnson & Johnson cosmetic talc product. Indeed, the document at issue in Chart No. 112 describes the sample as "Rainbow Test Run."

INTERROGATORY NO. 5.112:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.112:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.112 through 4.112 and the documents identified therein.

CHART NO. 113: JNJ 000062359 (1/17/1989)**INTERROGATORY NO. 1.113:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.113:

The document at issue in Chart No. 113 relates to testing conducted on a talc sample identified as “731-98: Talc Powder, 200 Mesh, QIXIA SHAN DONG.” The document identifies 0.5% “amphibole group” and 1% “serpentine group” in the tested sample. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.113 and 4.113.

INTERROGATORY NO. 2.113:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.113:

The document at issue in Chart No. 113 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.113 and 4.113.

INTERROGATORY NO. 3.113:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.113:

The document at issue in Chart No. 113 relates to testing conducted on a talc sample identified as “731-98: Talc Powder, 200 Mesh, QIXIA SHAN DONG.” The document identifies 0.5% “amphibole group” and 1% “serpentine group” in the tested sample. There is no indication

in the document that the sample was from any Johnson & Johnson cosmetic talc product. To the contrary, Johnson & Johnson expressly rejected Qixia Shandong 200 mesh talc, stating, “We are not interested in this powder because it contains some non-talc minerals which will not permit it to pass the CTFA specifications.” See JNJTALC000216004. In addition, Defendants refer to their response to Interrogatory Nos. 4.113 and 5.113.

INTERROGATORY NO. 4.113:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.113:

The sample identified in the document at issue in Chart No. 113 does not relate to cosmetic talc products sold by Defendants. There is no indication in the document that the sample was from any Johnson & Johnson cosmetic talc product. To the contrary, Johnson & Johnson expressly rejected Qixia Shandong 200 mesh talc, stating, “We are not interested in this powder because it contains some non-talc minerals which will not permit it to pass the CTFA specifications.” See JNJTALC000216004.

INTERROGATORY NO. 5.113:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.113:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.113 through 4.113 and the documents identified therein.

**CHART NO. 114: JNJ 000291538 (11/26/1990); JNJ 000577921; JNJ 000577922;
JNJ 000577923; JNJ 000577927; JNJ 000577928**

INTERROGATORY NO. 1.114:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.114:

The documents at issue in Chart No. 114 relate to testing conducted by Walter C. McCrone Associates on three talc samples. The documents identify a single fiber of anthophyllite in a sample identified as "CWM 90-28" and a single fiber of chrysotile in a sample identified as "CWM 90-30." The documents do not identify the presence of tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.114 and 4.114.

INTERROGATORY NO. 2.114:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.114:

The documents at issue in Chart No. 114 identify a single fiber of anthophyllite in a sample identified as "CWM 90-28" and a single fiber of chrysotile in a sample identified as "CWM 90-30." The documents at issue in Chart No. 114 do not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.114 and 4.114.

INTERROGATORY NO. 3.114:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.114:

The documents at issue in Chart No. 114 identify a single fiber of anthophyllite in a sample identified as “CWM 90-28” and a single fiber of chrysotile in a sample identified as “CWM 90-30.” However Defendants state that the documents do not show or demonstrate the presence of asbestos. In accordance with the limit of detection specified in the TEM methodology employed at the time, McCrone Associates concluded that “no quantifiable amounts of asbestiform minerals” were found in the samples. *See* Kremer & Millette, *A Standard TEM Procedure for Identification and Quantitation of Asbestiform Minerals in Talc*, 38 Microscope 457 (1990). A finding below a method’s limit of detection means that “the measured level cannot be distinguished from zero or from the randomly varying background contamination level” and the analyst is “instructed to disregard the measured value and report the result only as ‘below the DL.’” ASTM Standard D6620 – 19, *Standard Practice for Asbestos Detection Limit Based on Counts*, ASTM Int’l (2019). Moreover, anthophyllite can exist in both non-asbestos and asbestos forms. Johnson & Johnson’s conclusion that the documents at issue in Chart No. 114 do not establish the presence of asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.114 and 5.114.

INTERROGATORY NO. 4.114:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.114:

Defendants state the following: to the extent the samples identified in the documents at issue in Chart No. 114 relate to “Float Feed,” Defendants do not dispute that the samples generally relate to cosmetic talc products sold by Defendants; to the extent the samples identified in the documents at issue in Chart No. 114 relate to “Beta & Gamma Product,” the samples do not relate to cosmetic talc products sold by Defendants. CWM 90-28 is a sample of “Float Feed,” and CWM 90-30 is a sample of “Beta & Gamma Product,” an industrial grade talc that has never been used in Johnson & Johnson cosmetic talc products. *See, e.g.*, IMERYS 548621; JNJ 000469052.

INTERROGATORY NO. 5.114:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.114:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.114 through 4.114 and the documents identified therein.

CHART NO. 115: JOJO-MA90013-001 (11/30/1990)**INTERROGATORY NO. 1.115:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.115:

This version of the document at issue in Chart No. 115 is not from Johnson & Johnson's files. This document relates to testing conducted by Walter C. McCrone Associates on one talc sample identified as "33-HV66." The bench sheet states "1 Anthopho Talc" and the "Qualitative Element Identification" states "partial anthoph/talc fiber non >5um." The document does not identify the presence of chrysotile, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.115 and 4.115.

INTERROGATORY NO. 2.115:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.115:

This version of the document at issue in Chart No. 115 is not from Johnson & Johnson's files. The document at issue in Chart No. 115 states "1 Anthopho Talc" and the "Qualitative Element Identification" states "partial anthoph/talc fiber non >5um." The document does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.115 and 4.115.

INTERROGATORY NO. 3.115:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.115:

This version of the document at issue in Chart No. 115 is not from Johnson & Johnson's files. This document relates to testing conducted by Walter C. McCrone Associates on one talc sample identified as "33-HV66." The bench sheet states "1 Anthopho Talc" and the "Qualitative Element Identification" states "partial anthoph/talc fiber non >5um." In accordance with the limit of detection specified in the TEM methodology employed at the time, McCrone Associates concluded that "no quantifiable amounts of asbestiform minerals" were found in the samples. *See Kremer & Millette, A Standard TEM Procedure for Identification and Quantitation of Asbestiform Minerals in Talc*, 38 Microscope 457 (1990). A finding below a method's limit of detection means that "the measured level cannot be distinguished from zero or from the randomly varying background contamination level" and the analyst is "instructed to disregard the measured value and report the result only as 'below the DL.'" ASTM Standard D6620 – 19, *Standard Practice for Asbestos Detection Limit Based on Counts*, ASTM Int'l (2019). Moreover, anthophyllite can exist in both non-asbestos and asbestos forms. Johnson & Johnson's conclusion that the document at issue in Chart No. 115 does not establish the presence of asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.115 and 5.115.

INTERROGATORY NO. 4.115:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.115:

This version of the document at issue in Chart No. 115 is not from Johnson & Johnson's files. Defendants do not dispute that the sample at issue in Chart No. 115 generally relates to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.115:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.115:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.115 through 4.115 and the documents identified therein.

**CHART NOS. 116 & 117: JNJ 000241177 (1991); JNJ 000379224 (1991);
JNJ 000064241 (4/23/1998); GUNTER 00002233**

INTERROGATORY NO. 1.116 AND 1.117:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.116 AND 1.117:

At least one of the documents at issue in Chart Nos. 116 and 117 is not from Johnson & Johnson's files. These documents include the article *Amphibole Content of Cosmetic and Pharmaceutical Talcs*, by Dr. Alice Blount and correspondence between Dr. Alice Blount and other individuals regarding her involvement in the study of talc. In the article, Dr. Blount reported finding "[n]eedles and fibers" of amphibole in "Sample I" and that "[t]he results when compared with the aspect ratios determined for tremolite asbestos with SEM by Campbell et al. (7) show sample I has a distribution similar to asbestos." In her article, Dr. Blount also reported finding "needles" in "Sample H." The documents do not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.116, 3.117, 4.116 and 4.117.

INTERROGATORY NO. 2.116 AND 2.117:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.116 AND 2.117:

At least one of the documents at issue in Chart Nos. 116 and 117 is not from Johnson & Johnson's files. The documents at issue in Chart Nos. 116 and 117 include the article *Amphibole Content of Cosmetic and Pharmaceutical Talcs*, by Dr. Alice Blount and correspondence between Dr. Alice Blount and other individuals regarding her involvement in the study of talc. In the article,

Dr. Blount reported finding “[n]eedles and fibers” of amphibole in “Sample I.” In her article, Dr. Blount also reported finding “needles” in “Sample H.” The documents at issue in Chart Nos. 116 and 117 do not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.116, 3.117, 4.116 and 4.117.

INTERROGATORY NO. 3.116 AND 3.117:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.116 AND 3.117:

At least one of the documents at issue in Chart Nos. 116 and 117 is not from Johnson & Johnson’s files. While Defendants acknowledge that, in the letter that is included with the documents at issue in Chart Nos. 116 and 117, Dr. Blount states her opinion that “Johnson & Johnson’s Vermont talc contains trace amounts of asbestos which are well below those specific by OSHA,” the documents do not establish the presence of asbestos in any Johnson & Johnson cosmetic talc product. By way of further explanation, although Dr. Blount referred to Sample I as “Johnson & Johnson’s Vermont talc” in correspondence (*see* JNJ 000064241) she testified under oath that Sample I from her article was taken from a bottle of Johnson’s Baby Powder that she purchased in 1996, which is impossible given that her article was published five years earlier in 1991. *See* Dep. of Alice Blount 47:15-48:5, *Ingham v. Johnson & Johnson*, No. 1522-CC10417-01 (Mo. Cir. Ct. Apr. 13, 2018). Furthermore, in earlier correspondence in which she purports to identify asbestos in Vermont talc, Dr. Blount emphasized that she “considered Vermont talc as some of the purest talc available” and stated that she did not think “whatever amount of asbestos that might be present in baby powder was harmful.” *See* JNJ 000064591. Dr. Blount further stated

“that the concern about talc was blown out of proportion,” and that she had a very high opinion of Johnson’s Baby Powder. *Id.* As to her reported finding of “needles” in “Sample H,” however, amphiboles can exist in both non-asbestos and asbestos forms and terms like “needles” which have been used in different ways by different people do not mean asbestos. There is no indication in these documents that Sample H contained asbestos. To the contrary, Dr. Blount did not identify a particle size distribution in Sample H consistent with asbestos. Moreover, Dr. Blount stated in her article that she examined fourteen samples, including four from outside of the United States, but the documents used for sample identification list fifteen samples, and only three from outside of the United States. *See* JNJ 000241177; JNJ 000379224; GUNTER 0000233. Johnson & Johnson’s conclusion that the documents at issue in Chart Nos. 116 and 117 do not establish the presence of asbestos in its cosmetic talc products is supported by the extensive testing of Vermont talc and Italian talc from Val Chisone conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154; JNJTALC000289268; JNJTALC000359710. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.116, 4.117, 5.116 and 5.117.

INTERROGATORY NO. 4.116 AND 4.117:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.116 AND 4.117:

At least one of the documents at issue in Chart Nos. 116 and 117 is not from Johnson & Johnson's files. Defendants cannot determine which if any samples identified in the document at issue in Chart Nos. 116 and 117 relate to cosmetic talc sold by Defendants. Although Dr. Blount referred to Sample I as "Johnson & Johnson's Vermont talc" in correspondence (*see* JNJ 000064241) she testified under oath that Sample I from her article was taken from a bottle of Johnson's Baby Powder that she purchased in 1996, which is impossible given that her article was published five years earlier in 1991. *See* Dep. of Alice Blount 47:15-48:5, *Ingham v. Johnson & Johnson*, No. 1522-CC10417-01 (Mo. Cir. Ct. Apr. 13, 2018). Furthermore, in earlier correspondence in which she purports to identify asbestos in Vermont talc, Dr. Blount emphasized that she "considered Vermont talc as some of the purest talc available" and stated that she did not think "whatever amount of asbestos that might be present in baby powder was harmful." *See* JNJ 000064591. Dr. Blount further stated "that the concern about talc was blown out of proportion," and that she had a very high opinion of Johnson's Baby Powder. *Id.*

INTERROGATORY NO. 5.116 AND 5.117:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.116 AND 5.117:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.116 and 1.117 through 4.116 and 4.117 and the documents identified therein.

CHART NOS. 118 & 119: AB-CYP-41-0001513-1668³ (Jan. 1991 – Sept. 1992)**INTERROGATORY NO. 1.118 AND 1.119:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.118 AND 1.119:

The documents at issue in Chart Nos. 118 and 119 are not documents from Johnson & Johnson's files. These documents relate to testing conducted on a number of samples, including "West Windsor Float Feed," "Grade 36," "Beta + Gamma Product," "Castle 65," "Hamm C-O," "Composite Float Feed," and "66/96 Product." Some of the documents indicate findings of "actinolite," "actinolite cleavage fragments" and "tremolite." There is no indication in the documents of the methodology employed to distinguish "actinolite" from "actinolite cleavage fragments." The documents do not identify the presence of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.118, 3.119, 4.118 and 4.119.

INTERROGATORY NO. 2.118 AND 2.119:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.118 AND 2.119:

The documents at issue in Chart Nos. 118 and 119 are not documents from Johnson & Johnson's files. The documents at issue in Chart Nos. 118 and 119 not establish the presence of

³ This Bates range is not continuous and refers to the following documents: AB-CYP-41-0001513; AB-CYP-41-0001525-1527; AB-CYP-41-0001534-1539; AB-CYP-41-0001546-1548; AB-CYP-41-0001552-1554; AB-CYP-41-0001558-1566; AB-CYP-41-0001576-1598; AB-CYP-41-0001604-1609; AB-CYP-41-0001613-1617; AB-CYP-41-0001621-1623; AB-CYP-41-0001628-1629; AB-CYP-41-0001636-1638; AB-CYP-41-0001643-1644; AB-CYP-41-0001651-1659; AB-CYP-41-0001663-1664; AB-CYP-41-0001667-1668.

the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.118, 3.119, 4.118 and 4.119.

INTERROGATORY NO. 3.118 AND 3.119:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.118 AND 3.119:

The documents at issue in Chart Nos. 118 and 119 are not documents from Johnson & Johnson's files. These documents relate to testing conducted on a number of samples, including "West Windsor Float Feed," "Grade 36," "Beta + Gamma Product," "Castle 65," "Hamm C-O," "Composite Float Feed," and "66/96 Product." Some of the documents indicate findings of "actinolite," "actinolite cleavage fragments" and "tremolite." The foregoing statements do not show or demonstrate the presence of asbestos because tremolite and actinolite can exist in both non-asbestos and asbestos forms. Notably, testing of the same samples and others from the same time period by transmission electron microscopy, polarized light microscopy and/or X-ray diffraction showed no asbestos. *See, e.g.*, JNJ 000291467; JNJ 000683856; JNJ 000223427; JNJ 000280846; IMERYS-MDL-AB_0007557; CYWM-MA60422-0001; CYWM-MA60471-0001; JNJ 000237249; JNJ 000280852; CYWM-MA60499-0001; JNJ 000291515; JNJ 000683890; JNJ 000291460; JNJTALC000071265; JNJ 000683850; JNJ 000245526. Moreover, "cleavage fragments" are non-asbestiform crystals. There is no indication in the documents of the methodology employed to distinguish "actinolite" from "actinolite cleavage fragments." Johnson & Johnson's conclusion that the documents at issue in Chart Nos. 118 and 119 do not establish the presence of asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of

University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.118, 4.119, 5.118 and 5.119.

INTERROGATORY NO. 4.118 AND 4.119:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.118 AND 4.119:

The documents at issue in Chart Nos. 118 and 119 are not documents from Johnson & Johnson's files. Defendants state the following: to the extent the samples identified in the documents at issue in Chart Nos. 118 and 119 relate to "Float Feed" or "66/96 Product," Defendants do not dispute that the samples generally relate to cosmetic talc products sold by Defendants; to the extent the samples identified in the documents at issue in Chart Nos. 118 and 119 relate to samples of "Castle 65," "Grade 36," "Beta + Gamma Product," and "Hamm C-O," the samples do not relate to cosmetic talc product sold by Defendants. A number of these samples are of grades of talc that Defendants have a reasonable and good faith belief were not used in their cosmetic talc products (including "Beta + Gamma Product," "Grade 36," "Castle 65," and "Hamm C-O"). *See, e.g.*, JNJ 000469052; IMERYS 006756.

INTERROGATORY NO. 5.118 AND 5.119:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.118 AND 5.119:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.118 and 1.119 through 4.118 and 4.119 and the documents identified therein.

CHART NO. 120: JNJ 000280878 (1/29/1992)**INTERROGATORY NO. 1.120:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.120:

The document at issue in Chart No. 120 refers to testing conducted by Cyprus Industrial Minerals on “Float feed and Scavenger shift composites and Hydrocyclone samples.” The document states that “amphibole” was detected in three “Scavenger” samples and one “Hydrocyclone” sample identified as “Underflow, Shift B.” The document also states that “amphibole” was not quantified in one sample of “Float Feed” and one “Hydrocyclone” sample identified as “Overflow, Shift B.” The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.120 and 4.120.

INTERROGATORY NO. 2.120:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.120:

The document at issue in Chart No. 120 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.120 and 4.120.

INTERROGATORY NO. 3.120:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.120:

The document at issue in Chart No. 120 refers to testing conducted by Cyprus Industrial Minerals on “Float feed and Scavenger shift composites and Hydrocyclone samples.” The document states that “amphibole” was detected in three “Scavenger” samples and one “Hydrocyclone” sample identified as “Underflow, Shift B.” The document also states that “amphibole” was not quantified in one sample of “Float Feed” and one “Hydrocyclone” sample identified as “Overflow, Shift B.” However, the foregoing statements do not show or demonstrate the presence of asbestos because amphibole minerals can exist in both non-asbestos and asbestos forms. Moreover, testing of the “Float Feed” sample by transmission electron microscopy showed no asbestos. *See* IMERYS 473609; JNJ 000291515; JNJ 000683890. Johnson & Johnson’s conclusion that the document at issue in Chart No. 120 does not establish the presence of asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.120 and 5.120.

INTERROGATORY NO. 4.120:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.120:

Defendants state the following: to the extent the samples identified in the document at issue in Chart No. 120 concern “Float Feed,” Defendants do not dispute that the samples generally relate to cosmetic talc products sold by Defendants; as to the other samples identified in the document at issue in Chart No. 120, Defendants cannot determine if the samples relate to cosmetic talc sold by Defendants.

INTERROGATORY NO. 5.120:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.120:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.120 through 4.120 and the documents identified therein.

CHART NO. 121: IMERY'S 219720 (3/25/1992)**INTERROGATORY NO. 1.121:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.121:

The document at issue in Chart No. 121 is not a document from Johnson & Johnson's files. This document contains excerpts from the "Cyprus Talc Reserve Report by R.C. Munro" and states that "[t]he other serious mineralogical contaminant in the talc ores of Vermont is the fibrous variety of the amphibole minerals, tremolite and actinolite . . . [,] which have been classified as asbestiform minerals by OSHA and EPA." *See* IMERY'S 219720. The document at issue in Chart No. 121 does not identify the presence of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.121 and 4.121.

INTERROGATORY NO. 2.121:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.121:

The document at issue in Chart No. 121 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 121 states that "[t]he other serious mineralogical contaminant in the talc ores of Vermont is the fibrous variety of the amphibole minerals, tremolite and actinolite . . . [,] which have been classified as asbestiform minerals by OSHA and EPA." *See* IMERY'S 219720. However, the document states that "Cyprus maintains a selective mining program in Vermont that is directed toward the exclusion of all of these potentially fibre-bearing zones from the ores sent to the mills, and those suspect tonnages, including the associated talc, are left in the pit walls or sent to waste piles." *Id.* The document does not establish the presence of the fibrous

form of chrysotile or anthophyllite. In addition, Defendants refer to their response to Interrogatory Nos. 3.121 and 4.121.

INTERROGATORY NO. 3.121:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.121:

The document at issue in Chart No. 121 is not a document from Johnson & Johnson's files. This document contains excerpts from the "Cyprus Talc Reserve Report by R.C. Munro" and states that "[t]he other serious mineralogical contaminant in the talc ores of Vermont is the fibrous variety of the amphibole minerals, tremolite and actinolite . . . [,] which have been classified as asbestiform minerals by OSHA and EPA." *See* IMERYS 219720. The foregoing statements do not show or demonstrate the presence of asbestos because tremolite and actinolite can exist in both non-asbestos and asbestos forms and because terms like "fibrous" which have been used in different ways by different people do not mean asbestos. In addition, Defendants refer to their response to Interrogatory Nos. 4.121 and 5.121.

INTERROGATORY NO. 4.121:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.121:

The document at issue in Chart No. 121 is not a document from Johnson & Johnson's files. The samples identified in the document at issue in Chart No. 121 do not relate to cosmetic talc products sold by Defendants. The document states that "Cyprus maintains a selective mining program in Vermont that is directed toward the exclusion of all of these potentially fibre-bearing

zones from the ores sent to the mills, and those suspect tonnages, including the associated talc, are left in the pit walls or sent to waste piles.” IMERYYS 219720.

INTERROGATORY NO. 5.121:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.121:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.121 through 4.121 and the documents identified therein.

CHART NO. 122: IMERYS 238270 (5/21/1992)**INTERROGATORY NO. 1.122:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.122:

The document at issue in Chart No. 122 is not a document from Johnson & Johnson's files. This document is an interoffice memorandum regarding "Hamm Mine Core Drilling." The document states that "[f]ibrous amphiboles (actinolite) were observed only within chloritized mafic dikes, extending, in places, a couple of inches into the contacting talc ore." The document does not identify the presence of chrysotile, anthophyllite, or tremolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.122 and 4.122.

INTERROGATORY NO. 2.122:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.122:

The document at issue in Chart No. 122 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 122 states that "[f]ibrous amphiboles (actinolite) were observed only within chloritized mafic dikes, extending, in places, a couple of inches into the contacting talc ore." The document at issue in Chart No. 122 does not establish the presence of the fibrous form of chrysotile, anthophyllite, or tremolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.122 and 4.122.

INTERROGATORY NO. 3.122:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.122:

The document at issue in Chart No. 122 is not a document from Johnson & Johnson's files. This document is an interoffice memorandum regarding "Hamm Mine Core Drilling." The document states that "[f]ibrous amphiboles (actinolite) were observed only within chloritized mafic dikes, extending, in places, a couple of inches into the contacting talc ore." However, "Cyprus maintain[ed] a selective mining program in Vermont that [was] directed toward exclusion of all of these potentially fibre-bearing zones from the ores sent to the mills," and "those suspect tonnages, including the associated talc, [were] left in the pit walls or sent to waste piles." *See* IMERYYS 219720. In addition, actinolite can exist in both non-asbestos and asbestos forms and terms like "fibrous" which have been used in different ways by different people do not mean asbestos. In addition, Defendants refer to their response to Interrogatory Nos. 4.122 and 5.122.

INTERROGATORY NO. 4.122:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.122:

The document at issue in Chart No. 122 is not a document from Johnson & Johnson's files. The samples identified in the document at issue in Chart No. 122 do not relate to cosmetic talc products sold by Defendants. "Cyprus maintain[ed] a selective mining program in Vermont that [was] directed toward exclusion of all of these potentially fibre-bearing zones from the ores sent to the mills," and "those suspect tonnages, including the associated talc, [were] left in the pit walls or sent to waste piles." *See* IMERYYS 219720.

INTERROGATORY NO. 5.122:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.122:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.122 through 4.122 and the documents identified therein.

CHART NO. 123: JNJ 000063951 (10/13/1995)**INTERROGATORY NO. 1.123:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.123:

The document at issue in Chart No. 123 refers to testing conducted by RJ Lee Group on three talcum powder samples. The document states that “[o]ne tremolite particle was noted in Sample A-1,” which an unidentified handwritten note describes as Johnson’s Baby Powder. Another version of this document with a typed key identifies Sample A-1 as “JNJ South Africa Baby Powder.” *See* JNJTALC000288271. The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.123 and 4.123.

INTERROGATORY NO. 2.123:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.123:

The document at issue in Chart No. 123 states that “[o]ne tremolite particle was noted in Sample A-1,” which an unidentified handwritten note describes as Johnson’s Baby Powder. Another version of this document with a typed key identifies Sample A-1 as “JNJ South Africa Baby Powder.” *See* JNJTALC000288271. The document at issue in Chart No. 123 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.123 and 4.123.

INTERROGATORY NO. 3.123:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.123:

The document at issue in Chart No. 123 refers to testing conducted by RJ Lee Group on three talcum powder samples. The document states that “[o]ne tremolite particle was noted in Sample A-1,” which an unidentified handwritten note describes as Johnson’s Baby Powder. Another version of this document with a typed key identifies Sample A-1 as “JNJ South Africa Baby Powder.” *See* JNJTALC000288271. The foregoing statements do not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms. Johnson & Johnson’s conclusion that the document at issue in Chart No. 123 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.123 and 5.123.

INTERROGATORY NO. 4.123:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.123:

Defendants state the following: to the extent the samples identified in the document at issue in Chart No. 123 concern Johnson’s Baby Powder, Defendants state that the samples relate to cosmetic talc products sold by Defendants; as to the other samples identified in the document at issue in Chart No. 123, the samples do not relate to cosmetic talc products sold by Defendants. The document includes an unidentified handwritten note which describes Sample A-1 as Johnson’s

Baby Powder. Another version of this document with a typed key identifies Sample A-1 as “JNJ South Africa Baby Powder.” *See* JNJ TALC000288271.

INTERROGATORY NO. 5.123:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person’s name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.123:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.123 through 4.123 and the documents identified therein.

CHART NO. 124: JNJ 000240636 (3/26/1996)**INTERROGATORY NO. 1.124:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.124:

The document at issue in Chart No. 124 refers to testing conducted on “[s]ixteen samples of Luzenac America’s V-66 and three samples of the V-96 from Luzenac’s 1995 production.” The document states that “[n]o amphibole minerals were detected in any of the V-66 samples” and “one amphibole particle was found in one of the V-96 composite samples,” but did not appear to be in the respirable size range. The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.124 and 4.124.

INTERROGATORY NO. 2.124:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.124:

The document at issue in Chart No. 124 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.124 and 4.124.

INTERROGATORY NO. 3.124:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.124:

The document at issue in Chart No. 124 refers to testing conducted on “[s]ixteen samples of Luzenac America’s V-66 and three samples of the V-96 from Luzenac’s 1995 production.” The document states that “[n]o amphibole minerals were detected in any of the V-66 samples” and “one amphibole particle was found in one of the V-96 composite samples,” but did not appear to be in the respirable size range. The foregoing statements do not show or demonstrate the presence of asbestos because amphibole minerals can exist in both non-asbestos and asbestos forms. Johnson & Johnson’s conclusion that the document at issue in Chart No. 124 does not establish the presence of asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.124 and 5.124.

INTERROGATORY NO. 4.124:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.124:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 124 generally relate to cosmetic talc products sold by Defendants. In addition, Defendants state

that this document relates to Vermont talc. Johnson & Johnson used talc from Vermont from 1964-2003 for its cosmetic talc products.

INTERROGATORY NO. 5.124:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.124:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.124 through 4.124 and the documents identified therein.

CHART NO. 125: JNJ 000064544 (8/25/1997)**INTERROGATORY NO. 1.125:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.125:

The document at issue in Chart No. 125 is a litigation report from plaintiff's expert Dr. Jerrold L. Abraham in the "Coker" case. Dr. Abraham stated that he examined a "sample of Johnson's Baby Powder" provided by plaintiff's counsel and observed "long fibrous particles which had a chemical composition of talc." Dr. Abraham went on to say that "[s]everal of the fibers observed were asbestiform in nature with diameters less than 5 micrometers and lengths greater than 10 micrometers." Finally, Dr. Abraham noted that "[s]ome curved 'serpentine' fibers were found with similar composition." The document does not identify the presence of chrysotile, anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.125 and 4.125.

INTERROGATORY NO. 2.125:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.125:

The document at issue in Chart No. 125 stated that Dr. Abraham examined a "sample of Johnson's Baby Powder" provided by plaintiff's counsel and observed "long fibrous particles which had a chemical composition of talc." Dr. Abraham went on to say that "[s]everal of the fibers observed were asbestiform in nature with diameters less than 5 micrometers and lengths greater than 10 micrometers." Finally, Dr. Abraham noted that "[s]ome curved 'serpentine' fibers were found with similar composition." The document does not establish the presence of the fibrous

form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.125 and 4.125.

INTERROGATORY NO. 3.125:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.125:

The document at issue in Chart No. 125 is a litigation report from plaintiff's expert Dr. Jerrold L. Abraham in the "Coker" case. Dr. Abraham stated that he examined a "sample of Johnson's Baby Powder" provided by plaintiff's counsel and observed "long fibrous particles which had a chemical composition of talc." Dr. Abraham went on to say that "[s]everal of the fibers observed were asbestiform in nature with diameters less than 5 micrometers and lengths greater than 10 micrometers." Finally, Dr. Abraham noted that "[s]ome curved 'serpentine' fibers were found with similar composition." Sworn testimony from Dr. Abraham confirms that he did not identify asbestos in this sample of Johnson's Baby Powder: "Q. So in reviewing this sample, is it correct that you did not find any asbestos particles or asbestos fibers? A. Right, under the usual definition of asbestos meaning it's limited to a few certain mineral types, I didn't find any asbestos." *See* Dep. of Jerrold Abraham 88:19-24, *Coker v. Bill Thames Pharmacy, Inc.* (Tex. Dist. Ct. June 20, 1998). Dr. Abraham reiterated this point later in his deposition: "Q. So you found no asbestos in this talc sample. A. Yeah, with any of the analysis that I've done so far." *See id.* 89:8-10. Johnson & Johnson's conclusion that the document at issue in Chart No. 125 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see*

Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.125 and 5.125.

INTERROGATORY NO. 4.125:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.125:

Defendants state that the sample identified in the document at issue in Chart No. 125 relates to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.125:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.125:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.125 through 4.125 and the documents identified therein.

CHART NO. 126: JNJ 000280762; JNJ 000280763; JNJ 000280764 (12/14/1997)**INTERROGATORY NO. 1.126:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.126:

The documents at issue in Chart No. 126 relate to testing conducted by Bain Environmental, Inc. on two float feed samples. The documents state that Bain initially reported two chrysotile fibers in one of the float feed samples. However, the documents further state that “the chrysotile content is considered within the background level.” Moreover, this sample was retested and no chrysotile was found. *See* JNJ 000280760; JNJ 000280761. The documents do not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.126 and 4.126.

INTERROGATORY NO. 2.126:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.126:

The document at issue in Chart No. 126 state that Bain initially reported two chrysotile fibers in one of the float feed samples. However, the documents further state that “the chrysotile content is considered within the background level.” Moreover, this sample was retested and no chrysotile was found. *See* JNJ 000280760; JNJ 000280761. The documents at issue in Chart No. 126 do not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.126 and 4.126.

INTERROGATORY NO. 3.126:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.126:

The documents at issue in Chart No. 126 relate to testing conducted by Bain Environmental, Inc. on two float feed samples. The documents state that Bain initially reported two chrysotile fibers in one of the float feed samples. However, The foregoing statements do not show or demonstrate the presence of asbestos because the documents further state that “the chrysotile content is considered within the background level” and because this sample was retested and no chrysotile was found. *See* JNJ 000280760; JNJ 000280761. Johnson & Johnson’s conclusion that the documents at issue in Chart No. 126 do not establish the presence of asbestos is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.126 and 5.126.

INTERROGATORY NO. 4.126:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.126:

Defendants do not dispute that the samples identified in the document at issue in Chart No. 126 generally relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.126:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.126:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.126 through 4.126 and the documents identified therein.

CHART NO. 127: JNJ 000064591 (3/16/1998)**INTERROGATORY NO. 1.127:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.127:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.116 and 1.117.

INTERROGATORY NO. 2.127:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.127:

Defendants refer Plaintiff to their Response to Interrogatory No. 2.116 and 2.117.

INTERROGATORY NO. 3.127:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.127:

Defendants refer Plaintiff to their Response to Interrogatory No. 3.116 and 3.117.

INTERROGATORY NO. 4.127:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.127:

Defendants refer Plaintiff to their Response to Interrogatory No. 4.116 and 4.117.

INTERROGATORY NO. 5.127:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.127:

Defendants refer Plaintiff to their Response to Interrogatory No. 5.116 and 5.117.

CHART NO. 128: IMERYYS 288636 (12/4/2000)**INTERROGATORY NO. 1.128:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.128:

The document at issue in Chart No. 128 is not a document from Johnson & Johnson's files. This document is an email between employees of Luzenac America. The email refers to "a hit on our July monthly Float Feed comp. (Asbestiform)." Another email describes the "detection of a trace amount of chrysotile fibers in West Windsor float Feed Sample LAI 00-07 (July, 2000 monthly composite)." *See* IMERYYS 548368. However, that email further states that "Windsor product samples submitted for PLM analysis . . . for the same period" did not detect any "problem mineralogy." *See id.* Moreover, TEM analysis of Vermont grade 66 composite talc samples from various weeks in July 2000 did not detect asbestos. *See* IMERYYS 480224; IMERYYS 480516. The document does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.128 and 4.128.

INTERROGATORY NO. 2.128:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.128:

The document at issue in Chart No. 128 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 128 email refers to "a hit on our July monthly Float Feed comp. (Asbestiform)." Another email describes the "detection of a trace amount of chrysotile fibers in West Windsor float Feed Sample LAI 00-07 (July, 2000 monthly composite)." *See* IMERYYS 548368. However, that email further states that "Windsor product samples submitted

for PLM analysis . . . for the same period” did not detect any “problem mineralogy.” *See id.* Moreover, TEM analysis of Vermont grade 66 composite talc samples from various weeks in July 2000 did not detect asbestos. *See* IMERYYS 480224; IMERYYS 480516. The document at issue in Chart No. 128 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.128 and 4.128.

INTERROGATORY NO. 3.128:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.128:

The document at issue in Chart No. 128 is not a document from Johnson & Johnson’s files. This document is an email between employees of Luzenac America. The email refers to “a hit on our July monthly Float Feed comp. (Asbestiform).” Another email describes the “detection of a trace amount of chrysotile fibers in West Windsor float Feed Sample LAI 00-07 (July, 2000 monthly composite).” *See* IMERYYS 548368. These statements do not show or demonstrate the presence of asbestos because that email further states that “Windsor product samples submitted for PLM analysis . . . for the same period” did not detect any “problem mineralogy.” *See id.* Moreover, TEM analysis of Vermont grade 66 composite talc samples from various weeks in July 2000 did not detect asbestos. *See* IMERYYS 480224; IMERYYS 480516. Johnson & Johnson’s conclusion that the document at issue in Chart No. 128 does not establish the presence of asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely

regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.128 and 5.128.

INTERROGATORY NO. 4.128:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.128:

The document at issue in Chart No. 128 is not a document from Johnson & Johnson's files. Defendants do not dispute that the samples identified in the document at issue in Chart No. 128 generally relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.128:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.128:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.128 through 4.128 and the documents identified therein.

CHART NO. 129: IMERYS 422289 (5/23/2002)**INTERROGATORY NO. 1.129:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.129:

The document at issue in Chart No. 129 is not a document from Johnson & Johnson's files. This document is a Luzenac America "Technical Report" entitled "Analysis of Fibrous Material From Argonaut Waste Rock." The document states, "Fibrous material found in Argonaut waste rock [was] identified as tremolite." The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.129 and 4.129.

INTERROGATORY NO. 2.129:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.129:

The document at issue in Chart No. 129 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 129 states, "Fibrous material found in Argonaut waste rock [was] identified as tremolite." The document does not establish the presence of the fibrous form of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.129 and 4.129.

INTERROGATORY NO. 3.129:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.129:

The document at issue in Chart No. 129 is not a document from Johnson & Johnson's files. This document is a Luzenac America "Technical Report" entitled "Analysis of Fibrous Material From Argonaut Waste Rock." The document states, "Fibrous material found in Argonaut waste rock [was] identified as tremolite." The foregoing statements do not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms and because terms like "fibrous" which have been used in different ways by different people do not mean asbestos. In addition, Defendants refer to their response to Interrogatory Nos. 4.129 and 5.129.

INTERROGATORY NO. 4.129:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.129:

The document at issue in Chart No. 129 is not a document from Johnson & Johnson's files. The samples identified in the document at issue in Chart No. 129 do not relate to cosmetic talc products sold by Defendants. The document states, "The waste rock was being considered for road paving applications."

INTERROGATORY NO. 5.129:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.129:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.129 through 4.129 and the documents identified therein.

CHART NO. 130: IMERYS 482077 (3/31/2003)**INTERROGATORY NO. 1.130:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.130:

The document at issue in Chart No. 130 is not a document from Johnson & Johnson's files. This document is a Luzenac America "Technical Report" titled "PLM Analysis of Argonaut Drilling Sample." The document states that tremolite was present in a talc sample identified as "Argonaut historical ore development drilling sample 1261" from "drill hole R98-9." The document does not identify the presence of chrysotile, anthophyllite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.130 and 4.130.

INTERROGATORY NO. 2.130:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.130:

The document at issue in Chart No. 120 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 130 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.130 and 4.130.

INTERROGATORY NO. 3.130:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.130:

The document at issue in Chart No. 120 is not a document from Johnson & Johnson's files. This document is a Luzenac America "Technical Report" titled "PLM Analysis of Argonaut Drilling Sample." The document states that tremolite was present in a talc sample identified as "Argonaut historical ore development drilling sample 1261" from "drill hole R98-9." The foregoing statements do not show or demonstrate the presence of asbestos because tremolite can exist in both non-asbestos and asbestos forms. In addition, Defendants refer to their response to Interrogatory Nos. 4.130 and 5.130.

INTERROGATORY NO. 4.130:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.130:

The document at issue in Chart No. 130 is not a document from Johnson & Johnson's files. The samples identified in the document at issue in Chart No. 130 do not relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.130:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.130:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.130 through 4.130 and the documents identified therein.

**CHART NO. 131: JNJ 000375386 (2/24/2004); JNJ 000375387 (2/24/2004);
JNJ 000375388 (2/23/2004); JNJ 000375389 (1/5/2004)**

INTERROGATORY NO. 1.131:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.131:

The documents at issue in Chart No. 131 refer to testing conducted by Forensic Analytical on behalf of a television station, KCRA-TV3, on a sample of Johnson's Baby Powder in connection with a "working story with no airdate." The documents state that Forensic Analytical found 0.2% anthophyllite in Johnson's Baby Powder. However, Johnson & Johnson sent the Forensic Analytical report to its experts at RJ Lee Group and was advised, "There is no supporting evidence to show what was found." *See* JNJTALC000064952. RJ Lee Group further advised of the need to examine: (1) "[t]he count sheets that show the number and size of the structures that were seen"; (2) "[p]hotos that show if these structures are cleavage or asbestiform"; (3) "EDS (Energy Dispersive Spectra) to show the elements present and their ratio"; (4) "[t]he SAED (Selected Area Electron Diffraction) patterns to show the crystal system." *Id.* The documents do not include any of this information. The documents do not identify the presence of chrysotile, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.131 and 4.131.

INTERROGATORY NO. 2.131:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.131:

The documents at issue in Chart No. 131 does not establish the presence of the fibrous form of chrysotile, anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.131 and 4.131.

INTERROGATORY NO. 3.131:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.131:

The documents at issue in Chart No. 131 refer to testing conducted by Forensic Analytical on behalf of a television station, KCRA-TV3, on a sample of Johnson's Baby Powder in connection with a "working story with no airdate." The documents state that Forensic Analytical found 0.2% anthophyllite in Johnson's Baby Powder. However, the foregoing statements do not show or demonstrate the presence of asbestos. Johnson & Johnson sent the Forensic Analytical report to its experts at RJ Lee Group and was advised, "There is no supporting evidence to show what was found." *See* JNJALC000064952. RJ Lee Group further advised of the need to examine: (1) "[t]he count sheets that show the number and size of the structures that were seen"; (2) "[p]hotos that show if these structures are cleavage or asbestiform"; (3) "EDS (Energy Dispersive Spectra) to show the elements present and their ratio"; (4) "[t]he SAED (Selected Area Electron Diffraction) patterns to show the crystal system." *Id.* The documents do not include any of this information. Moreover, anthophyllite can exist in both non-asbestos and asbestos forms. Johnson & Johnson's conclusion that the documents at issue in Chart No. 131 do not establish the presence of any asbestos, including amphibole asbestos or chrysotile, is supported by the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1)

as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.131 and 5.131.

INTERROGATORY NO. 4.131:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.131:

Defendants state that the samples identified in the document at issue in Chart No. 131 relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.131:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.131:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.131 through 4.131 and the documents identified therein.

CHART NO. 132: IMERYS 077643 (2/26/2004)**INTERROGATORY NO. 1.132:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.132:

The document at issue in Chart No. 132 is not a document from Johnson & Johnson's files. This document refers to TEM testing conducted on Grade 96 composite samples. The document lists the "Calculated Detection Limit" and indicates that no asbestos was detected above these limits. The findings described in this document are also reported in a Luzenac "Technical Report" entitled "Summary of TEM Asbestos Results: Grade 66/96 USP Product Composites," dated March 11, 2004, which includes other Grade 96 composite samples for which no asbestos was detected above the "Calculated Detection Limit." See IMERYS 342777; IMERYS 342778; IMERYS 171534. Four samples include a finding of one chrysotile fiber, which is stated to be "not significant." The document does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.132 and 4.132.

INTERROGATORY NO. 2.132:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.132:

The document at issue in Chart No. 132 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 132 refers to TEM testing conducted on Grade 96 composite samples. The document lists the "Calculated Detection Limit" and indicates that no asbestos was detected above these limits. The findings described in this document are also reported in a Luzenac "Technical Report" entitled "Summary of TEM Asbestos Results: Grade 66/96 USP Product

Composites,” dated March 11, 2004, which includes other Grade 96 composite samples for which no asbestos was detected above the “Calculated Detection Limit.” See IMERYYS 342777; IMERYYS 342778; IMERYYS 171534. Four samples include a finding of one chrysotile fiber, which is stated to be “not significant.” The document at issue in Chart No. 132 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.132 and 4.132.

INTERROGATORY NO. 3.132:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.132:

The document at issue in Chart No. 132 is not a document from Johnson & Johnson’s files. This document refers to TEM testing conducted on Grade 96 composite samples. The document lists the “Calculated Detection Limit” and indicates that no asbestos was detected above these limits. The findings described in this document are also reported in a Luzenac “Technical Report” entitled “Summary of TEM Asbestos Results: Grade 66/96 USP Product Composites,” dated March 11, 2004, which includes other Grade 96 composite samples for which no asbestos was detected above the “Calculated Detection Limit.” See IMERYYS 342777; IMERYYS 342778; IMERYYS 171534. Four samples include a finding of one chrysotile fiber, which is stated to be “not significant.” See Kremer & Millette, *A Standard TEM Procedure for Identification and Quantitation of Asbestiform Minerals in Talc*, 38 Microscope 457 (1990). A finding below a method’s limit of detection means that “the measured level cannot be distinguished from zero or from the randomly varying background contamination level” and the analyst is “instructed to disregard the measured value and report the result only as ‘below the DL.’” ASTM Standard

D6620 – 19, *Standard Practice for Asbestos Detection Limit Based on Counts*, ASTM Int'l (2019). Johnson & Johnson's conclusion that the document at issue in Chart No. 132 does not establish the presence of asbestos, including amphibole asbestos or chrysotile, is supported by the extensive testing of Vermont talc conducted by independent investigators such as Professor Fred Pooley of University College, Cardiff, Walter C. McCrone Associates, the National Institute for Occupational Safety and Health and Harvard School of Public Health. The primary documents upon which Defendants rely regarding such testing are JNJ 000303042; JNJTALC000294753; JNJ 000314361; JNJ 000273154. However, Defendants also rely on the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.132 and 5.132.

INTERROGATORY NO. 4.132:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.132:

The document at issue in Chart No. 132 is not a document from Johnson & Johnson's files. Defendants do not dispute that the samples identified in the document at issue in Chart No. 132 generally relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.132:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.132:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.132 through 4.132 and the documents identified therein.

CHART NO. 133: IMERYS 342778 (3/11/2004)**INTERROGATORY NO. 1.133:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.133:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.132.

INTERROGATORY NO. 2.133:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.133:

Defendants refer Plaintiff to their Response to Interrogatory No. 2.132.

INTERROGATORY NO. 3.133:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.133:

Defendants refer Plaintiff to their Response to Interrogatory No. 3.132.

INTERROGATORY NO. 4.133:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.133:

Defendants refer Plaintiff to their Response to Interrogatory No. 4.132.

INTERROGATORY NO. 5.133:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.133:

Defendants refer Plaintiff to their Response to Interrogatory No. 5.132.

CHART NO. 134: Expert Report of Sean Fitzgerald, P.G., “AGI Talc Powder Testing”
(5/22/2014)

INTERROGATORY NO. 1.134:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.134:

The document at issue in Chart No. 134 is a report of one of plaintiffs’ experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs’ experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein. In particular, Johnson & Johnson refers to the following expert report, which is representative of the opinions of its experts with respect to the report that is the subject of this Interrogatory. *See* Expert Report of Matthew S. Sanchez, Ph.D., Mar. 24, 2016, and appendices.

INTERROGATORY NO. 2.134:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.134:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.134.

INTERROGATORY NO. 3.134:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.134:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.134.

INTERROGATORY NO. 4.134:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.134:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.134.

INTERROGATORY NO. 5.134:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.134:

This is a report of one of plaintiffs' experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs' experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein.

CHART NO. 135: Gordon et al. (2014)**INTERROGATORY NO. 1.135:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.135:

The document at issue in Chart No. 135 is not a document from Johnson & Johnson's files. This document is an article by Ronald E. Gordon, Sean Fitzgerald and James Millette, entitled *Asbestos in Commercial Cosmetic Talcum Powder as a Cause of Mesothelioma in Women*. The stated purpose of this article was "[t]o investigate one historic brand of cosmetic talcum powder associated with mesothelioma in women." The article claims that "[t]here have been numerous publications that have indicated that the talc in many talc deposits had asbestos contamination. The most common types of asbestos were tremolite and anthophyllite. These are the same asbestos fiber types found in the autopsied lungs and lymph nodes tested here for asbestos presence. In a few containers tested in this study, chrysotile was also found, consistent with the source ore geology." The article states, "This brand of talcum powder contained asbestos and the application of talcum powder released inhalable asbestos fibers." However, there is no conclusion in the article that any Johnson & Johnson cosmetic talc product contained asbestos. The document does not identify the presence of actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.135 and 4.135.

INTERROGATORY NO. 2.135:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.135:

The document at issue in Chart No. 135 is not a document from Johnson & Johnson's files. The document at issue in Chart No. 135 states, "This brand of talcum powder contained asbestos and the application of talcum powder released inhalable asbestos fibers." In addition, the article claims that "[t]here have been numerous publications that have indicated that the talc in many talc deposits had asbestos contamination. The most common types of asbestos were tremolite and anthophyllite. These are the same asbestos fiber types found in the autopsied lungs and lymph nodes tested here for asbestos presence. In a few containers tested in this study, chrysotile was also found, consistent with the source ore geology." The document does not establish the presence of the fibrous form of actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.135 and 4.135.

INTERROGATORY NO. 3.135:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.135:

The document at issue in Chart No. 135 is not a document from Johnson & Johnson's files. This document is an article by Ronald E. Gordon, Sean Fitzgerald and James Millette, entitled *Asbestos in Commercial Cosmetic Talcum Powder as a Cause of Mesothelioma in Women*. The stated purpose of this article was "[t]o investigate one historic brand of cosmetic talcum powder associated with mesothelioma in women." The article claims that "[t]here have been numerous publications that have indicated that the talc in many talc deposits had asbestos contamination. The most common types of asbestos were tremolite and anthophyllite. These are the same asbestos fiber types found in the autopsied lungs and lymph nodes tested here for asbestos presence. In a few containers tested in this study, chrysotile was also found, consistent with the source ore

geology.” The article states, “This brand of talcum powder contained asbestos and the application of talcum powder released inhalable asbestos fibers.” However, there is no conclusion in the article that any Johnson & Johnson cosmetic talc product contained asbestos. To the contrary, the brand of talcum powder studied in this article was the same brand of talcum powder that was analyzed by Drs. Arthur Rohl and Arthur Langer in 1976 and found to contain asbestos. Notably, Drs. Rohl and Langer did not find asbestos in any of the four Johnson & Johnson cosmetic talcum powder products that were analyzed in their 1976 publication. *See Rohl & Langer et al., Consumer Talcums and Powders: Mineral and Chemical Characterization*, 2 J. Toxicology & Env'tl. Health 255 (1976); *see also* JNJ 000329803; JNJTALC000109015. Johnson & Johnson’s conclusion that the document at issue in Chart No. 135 does not establish the presence of any asbestos, including amphibole asbestos or chrysotile, in its cosmetic talc products is supported by the voluminous testing record concerning Johnson & Johnson’s cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.135 and 5.135.

INTERROGATORY NO. 4.135:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.135:

The document at issue in Chart No. 135 is not a document from Johnson & Johnson’s files. The samples identified in the document at issue in Chart No. 135 do not relate to cosmetic talc products sold by Defendants. There is no conclusion in the article that any Johnson & Johnson cosmetic talc product contained asbestos. To the contrary, the brand of talcum powder studied in this article was the same brand of talcum powder that was analyzed by Drs. Arthur Rohl and Arthur

Langer in 1976 and found to contain asbestos. Notably, Drs. Rohl and Langer did not find asbestos in any of the four Johnson & Johnson cosmetic talcum powder products that were analyzed in their 1976 publication. See Rohl & Langer et al., *Consumer Talcums and Powders: Mineral and Chemical Characterization*, 2 J. Toxicology & Env'tl. Health 255 (1976); see also JNJ 000329803; JNJTALC000109015.

INTERROGATORY NO. 5.135:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.135:

Johnson & Johnson refers to its answers to Interrogatory Nos. 1.135 through 4.135 and the documents identified therein.

CHART NO. 136: Expert Report of Steven P. Compton, Ph.D., “Investigation of Italian Talc Samples for Asbestos: MVA11730” (8/1/2017)

INTERROGATORY NO. 1.136:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.136:

The document at issue in Chart No. 136 is a report of one of plaintiffs’ experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs’ experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein. In particular, Johnson & Johnson refers to the following expert reports, which are representative of the opinions of its experts with respect to the report that is the subject of this Interrogatory. *See* Expert Report of Matthew S. Sanchez, Ph.D., May 22, 2020; Expert Report of Matthew S. Sanchez, Ph.D., Mar. 24, 2016.

INTERROGATORY NO. 2.136:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.136:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.136.

INTERROGATORY NO. 3.136:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.136:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.136.

INTERROGATORY NO. 4.136:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.136:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.136.

INTERROGATORY NO. 5.136:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.136:

This is a report of one of plaintiffs' experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs' experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein.

**CHART NO. 137: Expert Report of William E. Longo, Ph.D. & Mark W. Rigler, Ph.D.,
“Analysis of Johnson & Johnson Baby Powder and Valiant Shower to
Shower Talc Products for Amphibole (Tremolite) Asbestos”
(8/2/2017)**

INTERROGATORY NO. 1.137:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.137:

The document at issue in Chart No. 137 is a report of one of plaintiffs’ experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs’ experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein. In particular, Johnson & Johnson refers to the following expert reports, which are representative of the opinions of its experts with respect to the report that is the subject of this Interrogatory. *See* Expert Report of Matthew S. Sanchez, Ph.D., Apr. 23, 2018.

INTERROGATORY NO. 2.137:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.137:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.137.

INTERROGATORY NO. 3.137:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.137:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.137.

INTERROGATORY NO. 4.137:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.137:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.137.

INTERROGATORY NO. 5.137:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.137:

This is a report of one of plaintiffs' experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs' experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein.

CHART NO. 138: Expert Report of Matthew S. Sanchez, Ph.D., "Analytical Test Report of the Gunter Argonaut Samples" (4/6/2018)

INTERROGATORY NO. 1.138:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.138:

Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to the testing results contained therein.

INTERROGATORY NO. 2.138:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.138:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.138.

INTERROGATORY NO. 3.138:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.138:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.138.

INTERROGATORY NO. 4.138:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.138:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.138.

INTERROGATORY NO. 5.138:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.138:

Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein.

CHART NO. 139: Expert Report of Steven P. Compton, Ph.D., "Investigation of Vermont Talc Samples for Asbestos: MVA12588" (4/23/2018)

INTERROGATORY NO. 1.139:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.139:

The document at issue in Chart No. 139 is a report of one of plaintiffs' experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs' experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein. In particular, Johnson & Johnson refers to the following expert reports, which are representative of the opinions of its experts with respect to the report that is the subject of this Interrogatory. *See* Expert Report of Matthew S. Sanchez, Ph.D., Apr. 6, 2018.

INTERROGATORY NO. 2.139:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.139:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.139.

INTERROGATORY NO. 3.139:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.139:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.139.

INTERROGATORY NO. 4.139:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.139:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.139.

INTERROGATORY NO. 5.139:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.139:

This is a report of one of plaintiffs' experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs' experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein.

CHART NO. 140: Expert Report of Lee W. Pove, “Hayes v. Colgate et al. – Shower to Shower Samples” (7/13/18)

INTERROGATORY NO. 1.140:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.140:

The document at issue in Chart No. 140 is a report of one of plaintiffs’ experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs’ experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein. In particular, Johnson & Johnson refers to the following expert reports, which are representative of the opinions of its experts with respect to the report that is the subject of this Interrogatory. *See* Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS001; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS002; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS009; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS014; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS015; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS016; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS027; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS029; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS030; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS036; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS044; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS049; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS055; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 4, 2018, re: Sample STS065; Expert Report of Matthew S. Sanchez, Ph.D.,

Nov. 4, 2018, re: Sample 2014.001.0397; Expert Report of Matthew S. Sanchez, Ph.D., Feb. 12, 2019

INTERROGATORY NO. 2.140:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.140:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.140.

INTERROGATORY NO. 3.140:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.140:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.140.

INTERROGATORY NO. 4.140:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.140:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.140.

INTERROGATORY NO. 5.140:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.140:

This is a report of one of plaintiffs' experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs' experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein.

CHART NOS. 141 & 142: Expert Report of William E. Longo, Ph.D. & Mark W. Rigler, Ph.D., “The Analysis of Johnson & Johnson’s Historical Product Containers and Imerys’ Historical Railroad Car Samples from the 1960’s to the Early 2000’s for Amphibole Asbestos, 2nd Supplemental Report” (2/1/2019)

INTERROGATORY NO. 1.141 AND 1.142:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.141 AND 1.142:

The document at issue in Chart Nos. 141 and 142 is a report of one of plaintiffs’ experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs’ experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein. In particular, Johnson & Johnson refers to the following expert reports, which are representative of the opinions of its experts with respect to the report that is the subject of this Interrogatory. *See* Expert Report of Sanchez, Aug. 30, 2019; Expert Report of Matthew S. Sanchez, Ph.D., Apr. 7, 2018, re: 1978 Historical Sample; Expert Report of Matthew S. Sanchez, Ph.D., Apr. 7, 2018 re: 2 Splits of Historical Baby Powder Samples; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 11, 2018, re: Sample JBP188; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample JBP092; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample JBP093; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample JBP110; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample JBP111; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample JBP213; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample JBP238; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample JBP241; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 20, 2018, re: Sample 2014.001.5102; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 20, 2018, re: Sample JBP209;

Expert Report of Matthew S. Sanchez, Ph.D., Dec. 11, 2018, re: Sample JBP006; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample 2014.001.0612; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP001; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP096; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP097; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP107; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP119; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP166; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP167; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP169; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP183; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP232; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP237; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample JBP294B; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample STS004; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample STS021; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample STS042; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 12, 2018, re: Sample STS051; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 27, 2018, re: Sample 2014.001.1363; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 31, 2018, re: Sample JBP087; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 31, 2018, re: Sample STS013; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 31, 2018, re: Sample STS043; Expert Report of Matthew S. Sanchez, Ph.D., Dec. 31, 2018, re: Sample STS046; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180313-02; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180314-03; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180317-04;

Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180339-05; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180343-03; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180344-04; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180358-01; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180320-01; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180320-13; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180315-01; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180315-21; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180315-40; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180316-20; Expert Report of Matthew S. Sanchez, Ph.D., June 3, 2019, re: Imerys Railcar Sample 20180316-22; Expert Report of Matthew S. Sanchez, Ph.D., June 4, 2019, re: Imerys Railcar Samples 20180316-21; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample 2014.001.3718; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample 2014.001.0499; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample 2014.001.2021; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample 2014.001.3918; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample 2014.001.3921; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample 2014.001.5859; Expert Report of Matthew S. Sanchez, Ph.D., Nov. 12, 2018, re: Sample JBP004.

INTERROGATORY NO. 2.141 AND 2.142:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.141 AND 2.142:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.141 and 1.142.

INTERROGATORY NO. 3.141 AND 3.142:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.141 AND 3.142:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.141 and 1.142.

INTERROGATORY NO. 4.141 AND 4.142:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.141 AND 4.142:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.141 and 1.142.

INTERROGATORY NO. 5.141 AND 5.142:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.141 AND 5.142:

This is a report of one of plaintiffs' experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs' experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein.

CHART NO. 143: AMA Final Report for Sample D-58 (10/11/2019)**INTERROGATORY NO. 1.143:**

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.143:

This document at issue in Chart No. 143 relates to testing conducted by AMA Analytical Services on three samples from a single bottle of Johnson's Baby Powder purchased from an online retailer. The document states that tremolite was not detected in any of the samples and sub-trace levels of chrysotile were detected in two of the samples in the amounts of $< 0.00001\%$ and 0.00002% . However, a subsequent investigation into these findings, including 155 tests, 74 of which were conducted with TEM, by two different independent laboratories ultimately concluded there was no asbestos in Johnson's Baby Powder. *See* JNJ TALC001284148 (including the materials cited therein). The document does not identify the presence of anthophyllite, tremolite, or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.143 and 4.143.

INTERROGATORY NO. 2.143:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.143:

The document at issue in Chart No. 143 states that tremolite was not detected in any of the samples and sub-trace levels of chrysotile (i.e. fibrous) were detected in two of the samples in the amounts of $< 0.00001\%$ and 0.00002% . However, a subsequent investigation into these findings, including 155 tests, 74 of which were conducted with TEM, by two different independent laboratories ultimately concluded there was no asbestos in Johnson's Baby Powder. *See* JNJ TALC001284148 (including the materials cited therein). The document at issue in Chart No.

143 does not establish the presence of the fibrous form of anthophyllite, tremolite or actinolite. In addition, Defendants refer to their response to Interrogatory Nos. 3.143 and 4.143.

INTERROGATORY NO. 3.143:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.143:

While Defendants acknowledge that sub-trace levels of chrysotile were detected in two of the samples in the amounts of < 0.00001% and 0.00002%, the document at issue in Chart No. 143 does not show or demonstrate the presence of asbestos in any Johnson & Johnson cosmetic talc product. A subsequent investigation into these findings, including 155 tests, 74 of which were conducted with TEM, by two different independent laboratories ultimately concluded there was no asbestos in Johnson's Baby Powder. *See* JNJTALC001284148 (including the materials cited therein). AMA Analytical Services' findings are contradicted by a long history of testing of Chinese talc that showed no asbestos. *See id.*; JNJTALC001402492; *Ingredients – Talc*, Food & Drug Admin., <https://www.fda.gov/Cosmetics/ProductsIngredients/Ingredients/ucm293184.htm> (obtained Mar. 14, 2018); JNJTALC001391321; JNJTALC001353867; JNJTALC001389361; JNJTALC001389105; JNJTALC001083855; JNJTALC001056136; JNJTALC001008272; JNJTALC000604776; JNJTALC000196252; JNJTALC000196176; JNJTALC000196576; JNJTALC000196139; JNJ 000631351; JNJ 000558731; JNJ 000521581; JNJ 000558970; JNJ 000558568; JNJ 000558931; JNJ 000521516; JNJ 000521505; JNJ 000558360; JNJ 000558343; JNJ 000383016; JNJ 000133839; JNJ 000133653; JNJ 000383087; JNJ 000133908; JNJ 000383338; JNJ 000133797; JNJ 000382986; JNJ 000134009; JNJ 000134054; JNJ 000134075; JNJ 000384551; JNJ 000384502; JNJ 000384469; JNJ 000381001; JNJ 000134197; JNJ

000382024; JNJ 000134313; JNJ 000132159. Johnson & Johnson's conclusion that the document at issue in Chart No. 143 does not establish the presence of asbestos is supported by by the voluminous testing record concerning Johnson & Johnson's cosmetic talc products (*see* Exhibit 1) as well as testimony of litigation experts and the scientific literature upon which they rely. In addition, Defendants refer to their response to Interrogatory Nos. 4.143 and 5.143.

INTERROGATORY NO. 4.143:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.143:

Defendants state that the samples identified in the document at issue in Chart No. 143 relate to cosmetic talc products sold by Defendants.

INTERROGATORY NO. 5.143:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.143:

Johnson & Johnson's interpretation of this document takes into account information learned from Johnson & Johnson's expert, Matthew Sanchez, Ph.D., 350 Hochberg Road, Monroeville, PA 15146.

**CHART NO. 144: Expert Report of William E. Longo, Ph.D. & Mark W. Rigler, Ph.D.,
“Analysis of Colgate-Palmolive Cashmere Bouquet Cosmetic Talc
Products for Amphibole Asbestos Supplemental Expert Report”
(9/25/2018)**

INTERROGATORY NO. 1.144:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.144:

The document at issue in Chart Nos. 144 is a report of one of plaintiffs’ experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs’ experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein. In particular, Johnson & Johnson refers to the following expert reports, which are representative of the opinions of its experts with respect to the report that is the subject of this Interrogatory. *See* Expert Report of Matthew S. Sanchez, Ph.D., May 22, 2020; Expert Report of Matthew S. Sanchez, Ph.D., Mar. 24, 2016.

INTERROGATORY NO. 2.144:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.144:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.144.

INTERROGATORY NO. 3.144:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.144:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.144.

INTERROGATORY NO. 4.144:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.144:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.144.

INTERROGATORY NO. 5.144:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.144:

This is a report of one of plaintiffs' experts that was prepared for litigation and includes testing that was conducted by or for plaintiffs' experts for purposes of litigation. Johnson & Johnson relies on its experts to respond to the contents of this report, including, but not limited to, the testing results contained therein.

CHART NO. 145: 10/29/2019 Press Release, "15 New Tests from the Same Bottle of Johnson's Baby Powder Previously Tested by FDA Find No Asbestos"

INTERROGATORY NO. 1.145:

Do the samples in Exhibit A show or demonstrate the presence of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 1.145:

Defendants refer Plaintiff to their Response to Interrogatory No. 1.143.

INTERROGATORY NO. 2.145:

Do the samples in Exhibit A show or demonstrate the presence of the fibrous form of either chrysotile, anthophyllite, tremolite, or actinolite? If you contend they do not, for each sample state the basis for your position and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 2.145:

Defendants refer Plaintiff to their Response to Interrogatory No. 2.143.

INTERROGATORY NO. 3.145:

Do the samples in Exhibit A show or demonstrate the presence of asbestos? If you contend they do not, for each sample state the basis for your position and [] identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 3.145:

Defendants refer Plaintiff to their Response to Interrogatory No. 3.143.

INTERROGATORY NO. 4.145:

Are the samples identified in Exhibit A related to cosmetic talc sold by Johnson & Johnson? If your position is that they are not, for each sample: (a) state the basis for your position while identify[ing] the documents (if any) that support your position and (b) indicate what the samples do relate to and identify the documents (if any) that support your position.

RESPONSE TO INTERROGATORY NO. 4.145:

Defendants refer Plaintiff to their Response to Interrogatory No. 4.143.

INTERROGATORY NO. 5.145:

Identify the source of the information utilized for any of the answers above if not already identified. If this information came from a person, the disclosed information should include the person's name, contact information (address, known phone number(s) and email address) as well as the specific information known to Johnson & Johnson from each listed individual.

RESPONSE TO INTERROGATORY NO. 5.145:

Johnson & Johnson's interpretation of this document takes into account information learned from Johnson & Johnson's expert, Matthew Sanchez, Ph.D., 350 Hochberg Road, Monroeville, PA 15146.

Dated: March 14, 2021

FOLIART, HUFF, OTTAWAY & BOTTOM



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CERTIFICATE OF SERVICE

This is to certify that on this 14th day of March, 2021, a true and correct copy of the foregoing instrument was served by email as follows:

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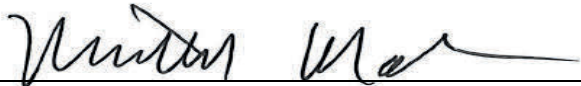

 Michael T. Maloan

Exhibit 1 to J&J Defendants' March 2021 Supplemental Responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents
Eggers vs. Colgate-Palmolive Company, et al., Case No. CJ-2018-4739

ELECTRONICALLY FILED - 2024 Jul 29 1:18 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

McCrone (6-Month Ore Study): Tests of Hammondsville Ore Composites				
Sample Name	Sample Time Period	Result	Exhibit	Bates
B-HC	6/26-7/3/74	[no asbestos detected]	DX8621	WTALC00004586
C-HC	7/7-19/74	"2 fibers which may be organic or may be palygorskite"		
DXHC	7/22-26/74	"Talc ribbons, shards and rolled talc were present . . . But no fibrous asbestiform mineral."	DX8814	JNJTALC000298680
E-HC	7/29-8/12/74	"a significant amount of 'fibrous' talc. . . No type of fibrous asbestos was detected."		
F-HC	9/3-7/74	"Platy talc, talc ribbons and shards, and chunky matter were present. No fibrous asbestiform was detected."		
M-HC	10/7-11/74	"Although we found material that would be classified as fibrous (aspect ratio >3:1) we detected no asbestiform material. Most of the 'fibrous' material was talc in one form or another (rolls, ribbons, or shards)."	DX7099	JNJ 000338317
N-HC	10/14-18/74	"Although we found material that would be classified as fibrous (aspect ratio >3:1) we detected no asbestiform material. Most of the 'fibrous' material was talc in one form or another (rolls, ribbons, or shards)."		
O-HC	10/21-25/74	"Although we found material that would be classified as fibrous (aspect ratio >3:1) we detected no asbestiform material. Most of the 'fibrous' material was talc in one form or another (rolls, ribbons, or shards)."		
P-HC	10/28-11/1/74	"Although we found material that would be classified as fibrous (aspect ratio >3:1) we detected no asbestiform material. Most of the 'fibrous' material was talc in one form or another (rolls, ribbons, or shards)."		
Q-HC	11/4-8/74	"Although we found material that would be classified as fibrous (aspect ratio >3:1) we detected no asbestiform material. Most of the 'fibrous' material was talc in one form or another (rolls, ribbons, or shards)."		
R-HC	11/11-15/74	"Although we found material that would be classified as fibrous (aspect ratio >3:1) we detected no asbestiform material. Most of the 'fibrous' material was talc in one form or another (rolls, ribbons, or shards)."		
S-HC	11/19-22/74	"Although we found material that would be classified as fibrous (aspect ratio >3:1) we detected no asbestiform material. Most of the 'fibrous' material was talc in one form or another (rolls, ribbons, or shards)."		
U-HC	12/2-6/74	"Although we found material that would be classified as fibrous (aspect ratio >3:1) we detected no asbestiform material. Most of the 'fibrous' material was talc in one form or another (rolls, ribbons, or shards)."		

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McCrone: Ore Testing Conducted by TEM				
Sample Name	Sample Time Period	Result	Exhibit	Bates
HC-L	11/6-19/78	"There were no asbestiform minerals in these three samples."	DX8813; DX8622	JNJ TALC000387656; JNJ TALC000387660
HC-M	11/6-19/78	"There were no asbestiform minerals in these three samples."		
HC-O	11/6-19/78	"There were no asbestiform minerals in these three samples."		
HC-A	4/24-5/5/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."	DX8622	JNJ TALC000387660
HC-B	5/8-5/19/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-C	5/22-6/2/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-D	6/5-6/16/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-E	6/19-6/30/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-F	7/3-7/15/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-G	7/17/78-7/28/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-H	8/14-8/25/1978	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-I	8/28/78-9/8/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-J	9/11-9/22/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-K	9/25-10/6/1978	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-N	8/1-11/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-P	11/20-12/1/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		
HC-Q	12/4-15/78	"The remaining 34 samples, which we have analyzed at this date, do not contain any asbestiform minerals."		

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McCrone: Ore Testing Conducted by TEM				
Sample Name	Sample Time Period	Result	Exhibit	Bates
HC-R	1/3/79 to 1/19/79	"No asbestos was detected in any of these samples"	DX8815	JNJ TALC000387334
HC-S	1/22/79 to 2/9/79	"No asbestos was detected in any of these samples"		
HC-T	2/12/79 to 3/2/79	"No asbestos was detected in any of these samples"		
HC-U	3/5/79 to 3/23/79	"No asbestos was detected in any of these samples"		
HC-V	3/26/79 to 4/13/79	"No asbestos was detected in any of these samples"		
HC-W	4/16/79 to 5/4/79	"No asbestos was detected in any of these samples"		
HC-X	5/7/79 to 5/25/79	"No asbestos was detected in any of these samples"		
HC-Y	5/29/79 to 6/15/79	"No asbestos was detected in any of these samples"		
HC-Z	6/18/79 - 7/7/79	"The samples were examined with the transmission electron microscope and found to be free of any asbestiform minerals. Most of the samples had a few talc 'ribbons' which were confirmed by selected area electron diffraction"	DX8816	JNJ 000347203
HC-AA	7/9/79 - 7/28/79	"The samples were examined with the transmission electron microscope and found to be free of any asbestiform minerals. Most of the samples had a few talc 'ribbons' which were confirmed by selected area electron diffraction"		
HC-AB	7/30/79 - 8/17/79	"The samples were examined with the transmission electron microscope and found to be free of any asbestiform minerals. Most of the samples had a few talc 'ribbons' which were confirmed by selected area electron diffraction"		
HC-AC	8/20/79 - 9/8/79	"The samples were examined with the transmission electron microscope and found to be free of any asbestiform minerals. Most of the samples had a few talc 'ribbons' which were confirmed by selected area electron diffraction"		
HC-AD	9/10/79 - 9/28/79	"The samples were examined with the transmission electron microscope and found to be free of any asbestiform minerals. Most of the samples had a few talc 'ribbons' which were confirmed by selected area electron diffraction"		
HC-AE	10/1/79 - 10/21/79	"The samples were examined with the transmission electron microscope and found to be free of any asbestiform minerals. Most of the samples had a few talc 'ribbons' which were confirmed by selected area electron diffraction"		
HC-AF	10/22-11/11/79	"The samples were examined with the transmission electron microscope and found to be free of any asbestiform minerals. Most of the samples had a few talc 'ribbons' which were confirmed by selected area electron diffraction"		

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ELECTRONICALLY FILED - 2024 Jul 29 1:18 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

McCrone: Ore Testing Conducted by TEM				
Sample Name	Sample Time Period	Result	Exhibit	Bates
HC-AG	11/12-12/2/79	"no asbestos"	DX8623; DX8624	WTALC00002762; JNJ 000684541
HC-AH	2/20-3/16/80	"no asbestos"		
HC-AI	3/17-4/5/80	"no asbestos"		
HC-AJ	4/7-28/80	"no asbestos"		
HC-AK	4/29-5/16/80	"no asbestos"		
HC-AL	5/16-29/80	"no asbestos"		
HC-AM	6/2-20/80	"no asbestos"		
HC-AN	6/23-7/18/80	"no asbestos"		
HC-AO	7/21/80 to 8/8/80	"No asbestos minerals were detected in the 19 samples."	DX7705	WTALC00002745
HC-AP	8/11/80 to 9/5/80	"No asbestos minerals were detected in the 19 samples."		
HC-AQ	9/8/80 to 9/26/80	"No asbestos minerals were detected in the 19 samples."		
HC-AR	9/29/80 to 10/17/80	"No asbestos minerals were detected in the 19 samples."		
HC-AS	10/20/80 to 11/7/80	"No asbestos minerals were detected in the 19 samples."		
HC-AT	11/10/80 to 11/28/80	"No asbestos minerals were detected in the 19 samples."		
HC-AU	12/1/80 to 1/2/81	"No asbestos minerals were detected in the 19 samples."		

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McCrone: Ore Testing Conducted by TEM				
Sample Name	Sample Time Period	Result	Exhibit	Bates
HC-AV	1/5/81 to 1/23/81	"The samples contained no detectable amounts of asbestos minerals. The limit of detection is approximately 0.1% by weight."	DX8625	JNJ TALC000387515
HC-AW	1/26/81 to 2/13/81	"The samples contained no detectable amounts of asbestos minerals. The limit of detection is approximately 0.1% by weight."		
HC-AX	2/16/81 to 3/6/81	"The samples contained no detectable amounts of asbestos minerals. The limit of detection is approximately 0.1% by weight."		
HC-AY	3/9/81 to 3/27/81	"The samples contained no detectable amounts of asbestos minerals. The limit of detection is approximately 0.1% by weight."		
HC-AZ	3/30/81 to 4/17/81	"The samples contained no detectable amounts of asbestos minerals. The limit of detection is approximately 0.1% by weight."		
HC-AAA	4/20/81 to 5/8/81	"The samples contained no detectable amounts of asbestos minerals. The limit of detection is approximately 0.1% by weight."		
HC-AAB	5/11/81 to 5/29/81	"The samples contained no detectable amounts of asbestos minerals. The limit of detection is approximately 0.1% by weight."		
HC-AAC	6/1/81 to 6/19/81	"The samples contained no detectable amounts of asbestos minerals. The limit of detection is approximately 0.1% by weight."		
HC-AAD	6/23/81 to 7/10/81	"The samples contained no detectable amounts of asbestos minerals. The limit of detection is approximately 0.1% by weight."		
HC-AAE	7/13/81 to 7/31/81	"The samples contained no detectable amounts of asbestos minerals. The limit of detection is approximately 0.1% by weight."		

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McCrone: Ore Testing Conducted by TEM				
Sample Name	Sample Time Period	Result	Exhibit	Bates
HC-BK	08/03/81 to 08/21/81	"There were no asbestos minerals detected in any of the samples. The limit of detection is approximately 0.1% by weight."	DX7704	WTALC00002712
HC-BJ	08/24/81 to 09/11/81	"There were no asbestos minerals detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-BI	09/14/81 to 10/02/81	"There were no asbestos minerals detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-BH	10/05/81 to 10/23/81	"There were no asbestos minerals detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-BG	10/26/81 to 11/13/81	"There were no asbestos minerals detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-BF	11/30/81 to 12/18/81	"There were no asbestos minerals detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-BE	12/21/82 to 01/08/82	"There were no asbestos minerals detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-BD	01/11/82 to 01/29/82	"There were no asbestos minerals detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-BC	02/01/82 to 02/19/82	"There were no asbestos minerals detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-BB	02/22/82 to 03/12/82	"There were no asbestos minerals detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-BA	03/15/82 to 04/02/82	"There were no asbestos minerals detected in any of the samples. The limit of detection is approximately 0.1% by weight."		

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McCrone: Ore Testing Conducted by TEM				
Sample Name	Sample Time Period	Result	Exhibit	Bates
HC-CA	04/05/82 to 04/24/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."	DX7702	WTALC00002695
HC-CB	04/26/82 to 05/14/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CC	05/17/82 to 06/04/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CD	06/07/82 to 06/25/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CE	06/28/82 to 07/16/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CF	07/19/82 to 08/06/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CG	08/09/82 to 08/27/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CH	08/30/82 to 09/17/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CI	09/20/82 to 10/06/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CJ	10/11/82 to 10/29/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CK	11/01/82 to 11/19/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CL	11/22/82 to 12/10/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CM	12/13/82 to 12/31/82	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		
HC-CN	01/03/83 to 01/21/83	"No asbestos minerals were detected in any of the samples. The limit of detection is approximately 0.1% by weight."		

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McCrone: Ore Testing Conducted by TEM				
Sample Name	Sample Time Period	Result	Exhibit	Bates
HC-DA	01/24/83 to 02/11/83	"The samples were found to contain no asbestos minerals and very small amounts of antigorite were found in a few samples. The limit of detection is approximately 0.1% by weight."	DX7700	WTALC00002674
HC-DB	02/14/83 to 03/07/83	"The samples were found to contain no asbestos minerals and very small amounts of antigorite were found in a few samples. The limit of detection is approximately 0.1% by weight."		
HC-DC	03/08/83 to 03/25/83	"The samples were found to contain no asbestos minerals and very small amounts of antigorite were found in a few samples. The limit of detection is approximately 0.1% by weight."		
HC-DD	03/28/83 to 04/15/83	"The samples were found to contain no asbestos minerals and very small amounts of antigorite were found in a few samples. The limit of detection is approximately 0.1% by weight."		
HC-DE	04/18/83 to 05/06/83	"The samples were found to contain no asbestos minerals and very small amounts of antigorite were found in a few samples. The limit of detection is approximately 0.1% by weight."		
HC-DF	05/09/83 to 05/27/83	"The samples were found to contain no asbestos minerals and very small amounts of antigorite were found in a few samples. The limit of detection is approximately 0.1% by weight."		
HC-DG	05/31/83 to 06/17/83	"The samples were found to contain no asbestos minerals and very small amounts of antigorite were found in a few samples. The limit of detection is approximately 0.1% by weight."		
HC-DH	06/20/83 to 07/08/83	"The samples were found to contain no asbestos minerals and very small amounts of antigorite were found in a few samples. The limit of detection is approximately 0.1% by weight."		
HC-DI	07/11/83 to 07/29/83	"The samples were found to contain no asbestos minerals and very small amounts of antigorite were found in a few samples. The limit of detection is approximately 0.1% by weight."		

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McCrone/Bain: TEM Float Feed Testing (WMI, CWN, LAI SAMPLES)				
Sample #	Date of Sample	Result	Exhibit	Bates
WMI 84-15	January 22 - August, 1983	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"	DX8598; DX8597	JNJ 000347440; JNJ TALC000387236
WMI 84-16	August 23 - September 9, 1983	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"		
WMI 84-17	September 12-30, 1983	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"		
WMI 84-18	October 21-30, 1983	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"		
WMI 84-19	January 11 - November, 1983	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"		
WMI 85-01	Aug. 1984	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"	DX8599	JNJ TALC000387211
WMI 85-02	Sept. 1984	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"		
WMI 85-03	Oct. 1984	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"		
WMI 85-04	Nov. 1984	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"		
WMI 85-05	Dec. 1984	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"		
WMI 85-06	Jan. 1985	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"		
WMI 85-07	Feb. 1985	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"		
WMI 85-08	Mar. 1985	"Examinations by transmission electron microscopy did not detect the presence of asbestiform minerals"		
WMI 85-32	Apr. 1985	"Examinations by transmission electron microscopy did not find any quantifiable amount of asbestiform minerals in any of the samples."	DX8603; DX8600; DX8601; DX8602	JNJ TALC000387182; JNJ 000577860; JNJ 000577861; JNJ 000577862
WMI 85-33	May 1985	"Examinations by transmission electron microscopy did not find any quantifiable amount of asbestiform minerals in any of the samples."		
WMI 85-34	Jun. 1985	"Examinations by transmission electron microscopy did not find any quantifiable amount of asbestiform minerals in any of the samples."		
WMI 85-35	Jul. 1985	"Examinations by transmission electron microscopy did not find any quantifiable amount of asbestiform minerals in any of the samples."		
WMI 85-36	Aug. 1985	"Examinations by transmission electron microscopy did not find any quantifiable amount of asbestiform minerals in any of the samples."		
WMI 85-37	Sept. 1985	"Examinations by transmission electron microscopy did not find any quantifiable amount of asbestiform minerals in any of the samples."		

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McCrone/Bain: TEM Float Feed Testing (WMI, CWN, LAI SAMPLES)				
Sample #	Date of Sample	Result	Exhibit	Bates
WMI 85-64	Oct. 1985	"Examinations by transmission electron microscopy found no quantifiable amounts of asbestiform minerals in the samples.	DX8605; DX8604	JNJ TALC000387140; JNJ 000063284
WMI 85-65	Nov. 1985	"Examinations by transmission electron microscopy found no quantifiable amounts of asbestiform minerals in the samples.		
WMI 85-66	Dec. 1985	"Examinations by transmission electron microscopy found no quantifiable amounts of asbestiform minerals in the samples.		
WMI 86-01	Jan. 1986	"Examinations by transmission electron microscopy found no quantifiable amounts of asbestiform minerals in the samples.		
WMI 86-02	Feb. 1986	"Examinations by transmission electron microscopy found no quantifiable amounts of asbestiform minerals in the samples.		
WMI 86-03	Mar. 1986	"Examinations by transmission electron microscopy found no quantifiable amounts of asbestiform minerals in the samples.		
WMI 86-10	Apr. 1986	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals. The limit of detection for each sample is below 0.001 weight percent."	DX8607; DX8606	JNJ 000292062; JNJ 000064658
WMI 86-11	May 1986	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals. The limit of detection for each sample is below 0.001 weight percent."		
WMI 86-12	Jun. 1986	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals. The limit of detection for each sample is below 0.001 weight percent."		
WMI 86-13	Jul. 1986	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals. The limit of detection for each sample is below 0.001 weight percent."		
WMI 86-14	Aug. 1986	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals. The limit of detection for each sample is below 0.001 weight percent."		
WMI 86-15	Sept. 1986	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals. The limit of detection for each sample is below 0.001 weight percent."		
WMI 86-32	Oct. 1986	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."	DX8609; DX8608	JNJ 000309430; JNJ TALC000387143
WMI 86-33	Nov. 1986	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 86-34	Dec. 1986	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 87-01	Jan. 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 87-02	Feb. 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 87-03	Mar. 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		

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McCrone/Bain: TEM Float Feed Testing (WMI, CWN, LAI SAMPLES)				
Sample #	Date of Sample	Result	Exhibit	Bates
WMI 87-15	Apr. 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."	DX7219; DX8610	JNJ 000292059; JNJ TALC000387116
WMI 87-18	May 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 87-21	Jun. 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 87-24	Jul. 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 87-27	Aug. 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 87-30	Sept. 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 87-33	Oct. 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."	DX7222; DX8612	JNJ 000292058; JNJ 000578188
WMI 87-40	Nov. 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 87-43	Dec. 1987	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 88-01	Jan. 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 88-04	Feb. 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 88-07	Mar. 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 88-10	Apr. 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."	DX8615; DX8614	JNJ TALC000387085; JNJ 000064190
WMI 88-18	May 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 88-21	Jun. 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 88-24	Jul. 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 88-27	Aug. 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 88-30	Sept. 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
WMI 88-33	Oct. 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		

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McCrone/Bain: TEM Float Feed Testing (WMI, CWN, LAI SAMPLES)				
Sample #	Date of Sample	Result	Exhibit	Bates
CWM 89-01	Nov. 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."	DX8617; DX8616	JNJ TALC000387698; JNJ 000063281
CWM 89-04	Dec. 1988	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
CWM 89-07	Jan. 1989	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
CWM 89-10	Feb. 1989	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
CWM 89-13	Mar. 1989	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
CWM 89-16	Apr. 1989	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
CWM 91-01	Jan. 1991	"Eamination [by transmission electron microscopy] of these samples found no quantifiable amounts of asbestiform minerals."	DX8004; DX7618	JNJ 000291467; IMERYS-MDL-AB_0007568
CWM 91-06	Feb. 1991	"Eamination [by transmission electron microscopy] of these samples found no quantifiable amounts of asbestiform minerals."	DX7247; DX7617	JNJ 000280846; IMERYS-MDL-AB_0007567
CWM 91-12	Mar. 1991	"Eamination [by transmission electron microscopy] of these samples found no quantifiable amounts of asbestiform minerals."	DX7251; DX7616	JNJ 000280847; IMERYS-MDL-AB_0007566
CWM 91-15	Apr. 1991	"Eamination [by transmission electron microscopy] of these samples found no quantifiable amounts of asbestiform minerals."	DX7255; DX7615	JNJ 000280848; IMERYS-MDL-AB_0007565
CWM 91-22	Apr. 1991	"Eamination [by transmission electron microscopy] of these samples found no quantifiable amounts of asbestiform minerals."	DX7259; DX7614	JNJ 000280849; IMERYS-MDL-AB_0007564
CWM 91-30	Jun. 1991	"Eamination [by transmission electron microscopy] of these samples found no quantifiable amounts of asbestiform minerals."	DX7264; DX7612	JNJ 000280850; IMERYS-MDL-AB_0007561
CWM 91-40	Aug. 1991	"Eamination [by transmission electron microscopy] of these samples found no quantifiable amounts of asbestiform minerals."	DX7265; DX7610	JNJ 000280852; IMERYS-MDL-AB_0007559
CWM 91-45	Sept. 1991	"Eamination [by transmission electron microscopy] of these samples found no quantifiable amounts of asbestiform minerals."	DX7271; DX7609	JNJ 000280853; IMERYS-MDL-AB_0007558
CWM 91-50	Oct. 1991	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."	DX7276; DX7608	JNJ 000280854; IMERYS-MDL-AB_0007557
CWM 92-01	Jan. 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."	DX7289; DX8618	JNJ 0002870843; JNJ TALC000071263
CWM 92-04	Feb. 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
CWM 92-07	Feb. 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
CWM 92-08	Mar. 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."	DX7291; DX8619	JNJ 000280844; JNJ TALC000071264
CWM 92-11	Mar. 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		

McCrone/Bain: TEM Float Feed Testing (WMI, CWN, LAI SAMPLES)

Sample #	Date of Sample	Result	Exhibit	Bates
CWM 92-12	Apr. 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."	DX7299; DX8620	JNJ 000280887; JNJ TALC000071265
CWM 92-15	Apr. 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
CWM 92-16	May 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
CWM 92-19	May 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
LAI 92-20	Jun. 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."	DX7301; DX8626	JNJ 000280845; JNJ TALC000071266
LAI 92-23	Jun. 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
LAI 92-24	Jul. 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."	DX7308; DX8627	JNJ 000280890; JNJ TALC000071267
LAI 92-27	Jul. 1992	"Examination [by transmission electron microscopy] found no quantifiable amounts of asbestiform minerals."		
LAI 92-30	Aug. 1992	"We detected no asbestiform minerals" via TEM	DX7313; DX8628	JNJ 000280891; JNJ TALC000071268
LAI 92-33	Aug. 1992	"We detected no asbestiform minerals" via TEM		
LAI 92-36	Sept. 1992	"We detected no asbestiform minerals" via TEM	DX7318; DX8629	JNJ 000280889; JNJ TALC000071269
LAI 92-39	Sept. 1992	"We detected no asbestiform minerals" via TEM		
LAI 92-42	Oct. 1992	"We detected no asbestiform minerals" via TEM	DX7320; DX8690	JNJ 000280888; JNJ TALC000071270
LAI 92-45	Oct. 1992	"We detected no asbestiform minerals" via TEM		
LAI 92-48	Nov. 1992	"We detected no asbestiform minerals" via TEM	DX7322; DX8630	JNJ 000280886; JNJ TALC000071271
LAI 92-51	Nov. 1992	"We detected no asbestiform minerals" via TEM		
LAI 92-54	Dec. 1992	"We detected no asbestiform minerals" via TEM	DX7325; DX8631	JNJ 000280893; JNJ TALC000071272
LAI 92-57	Dec. 1992	"We detected no asbestiform minerals" via TEM		
LAI 93-01	Jan. 1993	"We detected no asbestiform minerals" via TEM	DX7329; DX8632	JNJ 000280895; JNJ 000683579
LAI 93-04	Jan. 1993	"We detected no asbestiform minerals" via TEM		
LAI 93-07	Feb. 1993	"We detected no asbestiform minerals" via TEM	DX7331; DX8633	JNJ 000280897; JNJ 000683572
LAI 93-10	Feb. 1993	"We detected no asbestiform minerals" via TEM		
LAI 93-13	Mar. 1993	"We detected no asbestiform minerals" via TEM	DX7335; DX8634	JNJ 000280898; JNJ 000683573
LAI 93-16	Mar. 1993	"We detected no asbestiform minerals" via TEM		
LAI 93-19	Apr. 1993	"We detected no asbestiform minerals" via TEM	DX7339; DX8635	JNJ 000280896; JNJ TALC000071255
LAI 93-22	Apr. 1993	"We detected no asbestiform minerals" via TEM		
LAI 93-25	May 1993	"We detected no asbestiform minerals" via TEM	DX7341; DX8636	JNJ 000280838; JNJ TALC000071256
LAI 93-28	May 1993	"We detected no asbestiform minerals" via TEM		
LAI 93-31	Jun. 1993	"We detected no asbestiform minerals" via TEM	DX7346; DX8637	JNJ 000280892; JNJ TALC000071257
LAI 93-34	Jun. 1993	"We detected no asbestiform minerals" via TEM		
LAI 93-37	Jul. 1993	"We detected no asbestiform minerals" via TEM	DX7305; DX8638	JNJ 000291602; JNJ TALC000071258
LAI 93-42	Aug. 1993	"We detected no asbestiform minerals" via TEM	DX7349; DX8639	JNJ 000280902; JNJ TALC000071259
LAI 93-46	Sept. 1993	"We detected no asbestiform minerals" via TEM	DX7353; DX8640	JNJ 000280900; JNJ TALC000071260
LAI 93-50	Oct. 1993	"We detected no asbestiform minerals" via TEM	DX8642; DX8641	JNJ 000291633; JNJ TALC000071261
LAI 93-55	Nov. 1993	"We detected no asbestiform minerals" via TEM	DX7363; DX8643	JNJ 000280839; JNJ TALC000071262

McCrone/Bain: TEM Float Feed Testing (WMI, CWN, LAI SAMPLES)

Sample #	Date of Sample	Result	Exhibit	Bates
LAI 94-01	Jan. 1994	"We detected no asbestiform minerals" via TEM	DX7367; DX8644	JNJ 000280818; JNJ TALC000071242
LAI 94-04	Feb. 1994	"We detected no asbestiform minerals" via TEM	DX7374; DX8645	JNJ 000280819; JNJ TALC000071243
LAI 94-08	Mar. 1994	"We detected no asbestiform minerals" via TEM	DX7376; DX8646	JNJ 000280821; JNJ TALC000071244
LAI 94-11	Apr. 1994	"We detected no asbestiform minerals" via TEM	DX7386; DX8647	JNJ 000280823; JNJ TALC000071245
LAI 94-14	May 1994	"We detected no asbestiform minerals" via TEM	DX7303	JNJ 000280824
LAI 94-17	Jun. 1994	"We detected no asbestiform minerals" via TEM	DX7304; DX8688; DX8649	JNJ 000280825; JNJ 000280826; JNJ TALC000071247
LAI 94-20	Jul. 1994	"We detected no asbestiform minerals" via TEM		
LAI 94-29	Oct. 1994	"We detected no asbestiform minerals" via TEM		JNJ 000280832; JNJ TALC000071250
LAI 94-32	Nov. 1994	"We detected no asbestiform minerals" via TEM	DX7391; DX8651	JNJ 000280834; JNJ TALC000071251
LAI 94-35	Dec. 1994	"We detected no asbestiform minerals" via TEM	DX7392; DX8652	JNJ 000280836; JNJ TALC000071252
LAI 94-39	Dec. 1994	"We detected no asbestiform minerals" via TEM		
LAI 95-04	Feb. 1995	"We detected no asbestiform minerals" via TEM	DX7393; DX8812	JNJ 000280793; IMERYS 213451
LAI 95-07	Mar. 1995	"We detected no asbestiform minerals" via TEM	DX7395; DX8811	JNJ 000280795; IMERYS 213450
LAI 95-10	Mar. 1995	"We detected no asbestiform minerals" via TEM		
LAI 95-11	Apr. 1995	"We detected no asbestiform minerals" via TEM	DX8655; DX8654	JNJ 000291787; JNJ TALC000071234
LAI 95-14	Apr. 1995	"We detected no asbestiform minerals" via TEM		
LAI 95-15	May 1995	"We detected no asbestiform minerals" via TEM	DX7396; DX8656	JNJ 000280804; JNJ TALC000071235
LAI 95-18	Jun. 1995	"We detected no regulated asbestiform minerals" via TEM	DX7397; DX8806	JNJ 000280799; IMERYS 213445
LAI 95-21	Jul. 1995	"We detected no regulated asbestiform minerals" via TEM	DX7399; DX8805	JNJ 000280806; IMERYS 213444
LAI 96-01	Jan. 1996	"We detected no asbestiform minerals" via TEM	DX7406; DX8658	JNJ 000280788; JNJ 000280790
LAI 96-04	Feb. 1996	"We detected no asbestiform minerals" via TEM	DX8660; DX8659	JNJ 000280786; JNJ 000280785
LAI 96-05	Mar. 1996	"We detected no asbestiform minerals" via TEM	DX7408; DX8661	JNJ 000280783; JNJ 000280782
LAI 96-06	Apr. 1996	"We detected no asbestiform minerals" via TEM		
LAI 96-10	Jul. 1996	"We detected no asbestiform minerals" via TEM	DX8664; DX8663	JNJ 000280778; JNJ 000280777
LAI 96-11	Aug. 1996	"We detected no asbestiform minerals" via TEM		
LAI 96-12	Sept. 1996	"We detected no asbestiform minerals" via TEM	DX8666; DX8665	JNJ 000280775; JNJ 000280774
LAI 96-13	Dec. 1996	"We detected no asbestiform minerals" via TEM	DX8669; DX8668	JNJ 000280772; JNJ 000280773
LAI 96-14	Dec. 1996	"We detected no asbestiform minerals" via TEM		
LAI 97-01	Jan. 1997	"We detected no asbestiform minerals" via TEM	DX8671; DX8670	JNJ 000280757; JNJ 000280756
LAI 97-02	Feb. 1997	"We detected no asbestiform minerals" via TEM		
LAI 97-03	Mar. 1997	"We detected no asbestiform minerals" via TEM	DX8673; DX8672	JNJ 000280754; JNJ 000280755
LAI 97-04	Apr. 1997	"We detected no asbestiform minerals" via TEM		
LAI 97-05	May 1997	"We detected no asbestiform minerals" via TEM	DX8676; DX8674	JNJ 000280751; JNJ 000280750
LAI 97-06	Jun. 1997	"We detected no asbestiform minerals" via TEM		
LAI 97-07	Jul. 1997	"We detected no asbestiform minerals" via TEM	DX8677; DX8675	JNJ 000280766; JNJ 000280765
LAI 97-08	Aug. 1997	"We detected no asbestiform minerals" via TEM		
LAI 97-09	Sept. 1997	"We detected no asbestiform minerals" via TEM		
LAI 97-10	Oct. 1997	"Two chrysotile fibers" were detected.	DX8678; DX8680	IMERYS-MDL-AB_0006077; JNJ 000280761
LAI 97-10 (retest)	Oct. 1997	"We detected no asbestiform minerals" via TEM		
LAI 97-11	Nov. 1997	"We detected no asbestiform minerals" via TEM		IMERYS-MDL-AB_0006077
LAI 97-12	Dec. 1997	"We detected no asbestiform minerals" via TEM	DX8680; DX8679	JNJ 000280761; JNJ 000280759

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McCrone/Bain: TEM Float Feed Testing (WMI, CWN, LAI SAMPLES)				
Sample #	Date of Sample	Result	Exhibit	Bates
LAI 98-01	Jan. 1998	"We detected no asbestiform minerals" via TEM	DX8691	IMERYS 230250
LAI 98-02	Feb. 1998	"We detected no asbestiform minerals" via TEM		
LAI 98-03	Mar. 1998	"We detected no asbestiform minerals" via TEM		
LAI 98-04	Apr. 1998	"We detected no asbestiform minerals" via TEM (Two nonasbestos fibers were detected)	DX8681	IMERYS 099380
LAI 98-05	May 1998	"We detected no asbestiform minerals" via TEM		
LAI 98-06	Jun. 1998	"We detected no asbestiform minerals" via TEM		
LAI 98-07	Jul. 1998	"We detected no asbestiform minerals" via TEM		
LAI 98-08	Aug. 1998	"We detected no asbestiform minerals" via TEM	DX8682	IMERYS 230255
LAI 98-09	Sept. 1998	"We detected no asbestiform minerals" via TEM		
LAI 98-10	Oct. 1998	"We detected no asbestiform minerals" via TEM		
LAI 98-11	Nov. 1998	"We detected no asbestiform minerals" via TEM	DX8683	IMERYS 099377
LAI 98-12	Dec. 1998	"We detected no asbestiform minerals" via TEM	DX8684	IMERYS 099374

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Imerys Ore Testing - TEM					
Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
A01524-1	March 2001	Float Feed Concentrate from Windsor	Number of Chrysotile Asbestos Structures: 0 Number of Amphibole Asbestos Structures: 0 limit of detection = 0.6ppm	DX7758	IMERYS 472080
A01621-1	August 2001	Float Feed Concentrate from Windsor	"Asbestos was not detected in any of the samples." "The analytical sensitivity for this method is defined as 1 fiber [0.02 ppm]"	DX7759	IMERYS 285988
A01621-2	September 2001	Float Feed Concentrate from West Windsor	"Asbestos was not detected in any of the samples." "The analytical sensitivity for this method is defined as 1 fiber [0.02 ppm]"	DX7759	IMERYS 285988
A01621-3	October 2001	Float Feed Concentrate from West Windsor	"Asbestos was not detected in any of the samples." "The analytical sensitivity for this method is defined as 1 fiber [0.02 ppm]"	DX7759	IMERYS 285988
A02006-1	12/4-7/2001	Grade 66 Silo Composite	Amphibole Structures: 0; Chrysotile Structures: 0; Analytical Sensitivity: 0.02 ppm	DX7760	IMERYS 354083
A03199-1	January 2003	Guangxi #2 Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.047 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.032 ppm	DX7761	IMERYS 471832
A03369-1	June 2003	Guangxi #2 Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.041 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.027 ppm	DX7838	IMERYS-MDL-AB_0010446
A03613-2 (A04042-1)	October 2003	Guangxi #2A Composite (Tian Song Feng MV)	Amphibole Structures: 0; Amphibole Sensitivity: 0.02 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.03 ppm	DX7763	IMERYS-MDL-AB_0012007
A04111-1, A04110-1	February 2004	Guangxi #2A Composite (MV Tequi)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7909	IMERYS-MDL-AB_0010451
A04317-1	May 2004	Guangxi #2A Composite (MV Great Bright)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7910	IMERYS-MDL-AB_0010452
A04410-1	June 2004	Guangxi #2A Composite (NV Navios Galaxy)	Asbestos by Transmission Electron Microscope (TM 7024): None detected Calculated detection limit (weight %): 0.0012	DX7839	IMERYS-MDL-AB_0010453
A04550-1	September 2004	Guangxi #2 Composite (MV Danae)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7840	IMERYS-MDL-AB_0010454
A05074-1	December 2004	Guangxi #2A Composite (MV Tai Chang)	Amphibole Structures: 0; Amphibole Sensitivity: 0.019 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.013 ppm	DX7841	IMERYS-MDL-AB_0010455-57
A05507-1	September 2005	Guangxi #2 Composite (MV Pacific Acadian)	Amphibole Structures: 0; Amphibole Sensitivity: 0.019 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.013 ppm	DX7842	IMERYS-MDL-AB_0010459-60
A05508-1	September 2005	Guangxi #2A Composite (MV Pacific Acadian)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7843	IMERYS-MDL-AB_0010461
A06125-1	February 2006	Guangxi #2A Composite (MV Pos Eternity)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7844	IMERYS-MDL-AB_0010462
A06334-2	June 2006	Guangxi #2A Composite (MV Hebei Arrow)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7845	IMERYS-MDL-AB_0010463
A06334-1	June 2006	Guangxi #2 Composite (MV Hebei Arrow)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7845	IMERYS-MDL-AB_0010463
A06369-2	2006	Guangxi #2A Composite (MV Great Harvest)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7847	IMERYS-MDL-AB_0010464

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Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
A06369-1	2006	Guangxi #2 Composite (MV Great Harvest)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7847	IMERYS-MDL-AB_0010464
A07025-1	2006	Guangxi #2A Composite (MV Eastern Queen)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7911	IMERYS-MDL-AB_0010465
A07137-2	June 2007	Guangxi #2A Composite (MV Makali)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7849	IMERYS-MDL-AB_0010466
A07137-1	June 2007	Guangxi #2 Composite (MV Makali)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7849	IMERYS-MDL-AB_0010466
A07437-1	November 2007	Guangxi #2 RM Composite (MV Hellenic Sea)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7851	IMERYS-MDL-AB_0010468
A07360-1	January 2008	Guangxi #2 RM Composite (MV Wina-1)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7908	IMERYS-MDL-AB_0010467
A07360-2	January 2008	Guangxi #2 RM Composite (MV Wina)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7908	IMERYS-MDL-AB_0010467
A07360-1	January 2008	Guangxi #2 RM Composite (MV Wina-1)	Amphibole Structures: 0; Amphibole Sensitivity: 0.013 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.009 ppm	DX7764	IMERYS 479588
A07360-2	January 2008	Guangxi #2 RM Composite (MV Wina)	Amphibole Structures: 0; Amphibole Sensitivity: 0.013 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.009 ppm	DX7764	IMERYS 479588
A08026-1	January 2008	Guangxi #2 RM Composite (MV Iguana)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7912	IMERYS-MDL-AB_0010469
A08074-2	February 2008	Guangxi #2A Composite (MV Wina)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7852	IMERYS-MDL-AB_0010470
A08074-1	February 2008	Guangxi #2 Composite (MV Wina)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7852	IMERYS-MDL-AB_0010470
A08488-1	2008	Guangxi #2 Composite (MV Shi Dai)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7913	IMERYS-MDL-AB_0010471
A08540-1	2008	Guangxi #2 Composite (MV Hellenic Sea #3)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7854	IMERYS-MDL-AB_0010472
A09020-1	2009	Guangxi #2 Composite (MV Anna Smile)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7855	IMERYS-MDL-AB_0010473
A09151-2	January 2009	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.020 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.013 ppm	DX7765	IMERYS 471899
A09153-2	February 2009	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.018 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.012 ppm	DX7856	IMERYS-MDL-AB_0010477-79
A09173-2	March 2009	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.023 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.015 ppm	DX7857	IMERYS-MDL-AB_0010480-82
A09219-2	April 2009	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.019 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.013 ppm	DX7858	IMERYS-MDL-AB_0010483-85
A10178-3	March 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.021 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.014 ppm	DX7766	IMERYS 482412
A09274-3	May 2009	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.018 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.012 ppm	DX7767	IMERYS 480619

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Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
A09308-2	June 2009	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.019 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.013 ppm	DX7768	IMERYS 471901
A09370-2	July 2009	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.021 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.014 ppm	DX7769	IMERYS 479163
A09425-2	August 2009	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.017 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.012 ppm	DX7770	IMERYS 471905
A09471-2	September 2009	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.019 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.013 ppm	DX7771	IMERYS 471907
A09481-1	2009	Guangxi #2 Composite (MV Beilun Dolphin)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7859	IMERYS-MDL-AB_0010501
A09560-3	November 2009	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.020 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.013 ppm	DX7772	IMERYS 478878
A010016-2	December 2009	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.039 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.026 ppm	DX7773	IMERYS 481134
A10044-1	2010	Guangxi #2 Composite (MV Blunau)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7860	IMERYS-MDL-AB_0010509
A010077-3	January 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.019 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.012 ppm	DX7774	IMERYS 492781
A010123-3	February 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.019 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.013 ppm	DX7775	IMERYS 481304
A10178-3	March 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.021 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.014 ppm	DX7776	IMERYS 492943
A10201-1	2010	Guangxi #2 Composite (MV Beilun Dolphin)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7861	IMERYS-MDL-AB_0010519
A10227-3	April 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7777	IMERYS 454928
A10268-3	May 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.007 ppm	DX7778	IMERYS 471933
A10341-3	June 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7779	IMERYS 482696
A10391-2	July 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7780	IMERYS 443370
A10430-2	August 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.011 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.007 ppm	DX7781	IMERYS 471943
A10462-1	2010	Guangxi #2 Composite (MV Sonja C)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7862	IMERYS-MDL-AB_0010535
A10541-1	2010	Guangxi #2 Composite (MV Jiali Hai)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7863	IMERYS-MDL-AB_0010536
A10632-2	September 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7782	IMERYS 484708
A10569-2	October 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.007 ppm	DX7783	IMERYS 471951

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A10628-2	November 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7784	IMERYS 471953
A11033-2	December 2010	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.007 ppm	DX7785	IMERYS 471959
A11075-2	January 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.007 ppm	DX7786	IMERYS 471965
A11128-1	2011	Guangxi #2 Composite (MV Hosagner)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7864	IMERYS-MDL-AB_0010552
A11135-2	February 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7787	IMERYS 471969
A11198-2	March 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.007 ppm	DX7788	IMERYS 449238
A11248-2	April 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7789	IMERYS 482785
A11304-2	May 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7790	IMERYS 471975
A11307-2	2011	Guangxi #2 RM Composite (MV Navious Star)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7865	IMERYS-MDL-AB_0010565
A11361-2	June 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7791	IMERYS 492807
A11392-2	July 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7792	IMERYS 471982
A11426-2	August 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.007 ppm	DX7793	IMERYS 471984
A11459-2	September 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7794	IMERYS 471986
A11508-2	October 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7795	IMERYS 471988
A11511-1	2011	Guangxi #2 Composite (MV Prabhu Puni)	Amphibole Structures: 0; Amphibole Sensitivity: 0.020 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.013 ppm	DX7866	IMERYS-MDL-AB_0010582-86
A11528-1	2011	Guangxi #2 RM Composite (MV Prabhu Puni)	Amphibole Structures: 0; Amphibole Sensitivity: 0.013 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.008 ppm	DX7867	IMERYS-MDL-AB_0010588-90
A11547-2	November 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7796	IMERYS 471998
A12009-2	December 2011	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.011 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.007 ppm	DX7797	IMERYS 472000
A12069-1	2012	Guangxi #2 Composite (MV Silver Dragon)	Amphibole Structures: 0; Amphibole Sensitivity: 0.012 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.008 ppm	DX7868	IMERYS-MDL-AB_0010599-602
A12083-3	February 2012	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.007 ppm	DX7798	IMERYS 472020
A12108-3	March 2012	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.008 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7799	IMERYS 472022

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Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
A12123-3	April 2012	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7800	IMERYS 472024
A12151-3	May 2012	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7801	IMERYS 472028
A13004-1	December 2012	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7802	IMERYS 481492
A13054-4	2013	Guangxi #2 Composite (MV Jin Shun)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7869	IMERYS-MDL-AB_0010636
A13062-1	January 2013	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7803	IMERYS 471270
A13106-5	February 2013	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7804	IMERYS 471274
A13149-2	2013	Guangxi #2 RM Composite (MV Ning Bo Dolphin)	Asbestos by Transmission Electron Microscope (TM 7024): None detected	DX7870	IMERYS-MDL-AB_0010650
A14072-2	2014	Guangxi #2 RM Composite (MV Cymbeline)	Amphibole Structures: 0; Amphibole Sensitivity: 0.013 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.009ppm	DX7871	IMERYS-MDL-AB_0010658-61
A14072-1	2014	Guangxi #2 AFG Composite (MV Cymbeline)	Amphibole Structures: 0; Amphibole Sensitivity: 0.013 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.008ppm	DX7871	IMERYS-MDL-AB_0010658-61
A14093-5	February 2014	Grade 25 USP	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7805	IMERYS 471310
A14126-3	March 2014	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.013 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.009 ppm	DX7806	IMERYS 486419
A14189-2	April 2014	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7807	IMERYS 372683
A14192-1	2014	Guangxi #2 Composite (MV Popi S)	Amphibole Structures: 0; Amphibole Sensitivity: 0.022ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.015 ppm	DX7873	IMERYS-MDL-AB_0010671-73
A14233-4	May 2014	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7808	IMERYS 471318
A14282-4	June 2014	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7874	IMERYS-MDL-AB_0010677
A14324-4	July 2014	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7809	IMERYS 471326
A14369-4	August 2014	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7810	IMERYS 471329
A14496-3	November 2014	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7811	IMERYS 471336
A15013-3	December 2014	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7812	IMERYS 471337
A15044-3	January 2015	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7813	IMERYS 471343
A15080-2	February 2015	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7814	IMERYS 471344

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Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
A15109-2	March 2015	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.007 ppm	DX7815	IMERYS 471345
A15180-2	May 2015	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7816	IMERYS 471346
A15240-1	June 2015	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7817	IMERYS 471347
A15271-2	July 2015	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7818	IMERYS 471348
A15304-2	August 2015	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7819	IMERYS 471349
A15323-1	September 2015	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.007 ppm	DX7820	IMERYS 471350
A15364-1	October 2015	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7821	IMERYS 471351
A15366-1	2015	Guangxi #2 Composite (MV Asian Champion)	Amphibole Structures: 0; Amphibole Sensitivity: 0.012 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.008 ppm	DX7876	IMERYS-MDL-AB_0010720-23
A15408-1	November 2015	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7822	IMERYS 471362
A16055-2	January 2016	Grade 25 USP Composite	Amphibole Structures: 0; Amphibole Sensitivity: 0.013 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.008 ppm	DX7823	IMERYS 487335
A17150-4	January 2017	Grade 25	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7824	IMERYS 488618
A17203-2	February 2017	Grade 25	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7825	IMERYS 488628
A17245-1	March 2017	Grade 25	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7826	IMERYS 488650
A17487-1	June 2017	Grade 25	Amphibole Structures: 0; Amphibole Sensitivity: 0.010 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7827	IMERYS 488678
A17539-1	August 2017	Grade 25	Amphibole Structures: 0; Amphibole Sensitivity: 0.01 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7828	IMERYS 488701
A17575-3	September 2017	Grade 25	Amphibole Structures: 0; Amphibole Sensitivity: 0.009 ppm Chrysotile Structures: 0; Chrysotile Sensitivity: 0.006 ppm	DX7829	IMERYS 488722

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J&J Weekly Testing of Product (XRD)				
Date of Sample	Test	Result	Exhibit	Bates
Various Shipments	qualitative XRD	"No amphibole (incl. tremolite) or serpentine (incl. chrysotile) minerals were detected in any sample."	DX8546	JNJ 000251923
3/12 – 3/16/1973	qualitative XRD	"No amphibole or serpentine minerals were detected in any sample."	DX8547	JNJ 000264673
3/19 – 3/23/1973				
Various Shipments				
5/1-5/5/1973				
5/7-5/12/1973	continuous scanning XRD	"No amphibole (including tremolite) or serpentine (including chrysotile) minerals were detected in any sample."	DX8548	JNJ 000252010
5/14-5/18/1975				
5/21-5/25/1973				
5/29-6/1/1973				
6/4/1973-6/8/1973				
6/11-6/15/1973				
6/18-6/22/1973				
6/25-6/29/1973				
7/2-7/4/1973				
7/11-7/13/1973				
7/16-7/20/1973				
7/23-7/27/1973				
7/30-8/3/1973				
8/6-8/10/1973				
8/13-8/17/1973	continuous scanning XRD	"Neither amphibole (including tremolite) nor serpentine (including chrysotile) minerals were detected in any sample."	DX8548; DX8549	JNJ 000252010; JNJ 000251854
8/20-8/24/1973				
8/27-8/31/1973				
9/4-9/7/1973				
9/10-9/14/1971				
9/17-9/21/1973				
9/24-9/28/1973				
10/1-10/5/1973				
10/8-10/12/1973				
10/15-10/19/1973				
10/22-10/26/1973	continuous scanning XRD; slow scanning XRD; DTA	"No amphibole (including tremolite) or serpentine (including chrysotile) minerals or quartz were detected in any talc sample."	DX7091	JNJ 000264752
11/26-11/30/1973				
12/1-12/7/1973				
12/10-12/15/1973				
12/26-12/29/1973				
1/7/1974-1/11/1974				
1/14-1/18/1974				
1/21-1/25/1974				
1/28-2/2/1974				
2/4-2/8/1974				
2/11-2/17/1974				
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3/18-3/23/1974				

Exhibit 1 to J&J Defendants' March 2021 Supplemental Responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents
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J&J Weekly Testing of Product (XRD)				
Date of Sample	Test	Result	Exhibit	Bates
3/25-3/30/1974	continuous scanning XRD; slow scanning XRD; DTA	"No amphibole (including tremolite) or serpentine (including chrysotile) minerals or quartz were detected in any of these talc samples."	DX8550	JNJ 000231479
4/1-4/6/1974				
4/8-4/13/1974				
4/15-4/20/1974				
4/22-4/27/1974				
4/29-5/4/1974				
5/6-5/10/1974				
5/13-5/17/1974				
5/20-5/24/1974				
5/28-6/1/1974				
6/3-6/8/1974				
6/10-6/15/1974				
6/17-6/22/1974				
6/24-6/29/1974				
7/1-7/3/1974				
7/8-7/3/1974				
7/15-7/19/1974				
7/22-7/26/1974				
7/29-8/2/1974				
8/2-8/17/1974				
8/19-8/24/1974				
8/26-8/30/1974				
9/3-9/7/1974				
9/9-9/14/1974				
10/14-10/18/1974	continuous scanning XRD; slow scanning XRD; DTA	"No amphibole (including tremolite) or serpentine (including chrysotile) minerals or quartz were detected in any of these talc samples."	DX8551	JNJ 000264742
10/21-10/25/1974				
10/28-11/1/1974				
11/4-11/8/1974				
11/11-11/13/1974				
11/15-11/20/1974				
12/2-12/6/1974				
12/9-12/13/1974				
12/16-12/20/1974	continuous scanning XRD; slow scanning XRD; DTA	"No amphibole (including tremolite) or serpentine (including chrysotile) minerals or quartz were detected in any of these talc samples."	DX8552	JNJ 000266720
12/26-12/28/1974				
12/30/1974-1/3/1975				
1/6-1/10/1975				
1/13-1/17/1975				
1/20-1/24/1975				
2/24-2/28/1975				
3/3-3/7/1975				
3/10-3/14/1975				
3/17-3/21/1975				

J&J Weekly Testing of Product (XRD)				
Date of Sample	Test	Result	Exhibit	Bates
3/24-3/28/1975	continuous scanning XRD; slow scanning XRD; DTA	"No amphibole (including tremolite) or serpentine (including chrysotile) minerals or quartz were detected in any of these talc samples."	DX8553	JNJ 000266719
3/31-4/04/1975				
4/07-4/11/1975				
4/14-4/18/1975				
4/21-4/25/1975				
4/28-5/02/1975				
5/05-5/09/1975				
5/12-5/16/1975				
5/19-5/23/1975				
5/27-5/31/1975				
6/02-6/14/1975				
6/09-6/14/1975				
6/16-6/20/1975				
6/23-6/28/1975				
6/30-7/03/1975				
7/07-7/12/1975				
7/14-7/18/1975				
7/21-7/25/1975				
7/28-8/01/1975				
8/04-8/08/1975				
8/11-8/15/1975				
8/18-8/22/1975				
8/25-8/29/1975				
9/02-9/05/1975				
9/08-9/12/1975	continuous scanning XRD; slow scanning XRD; DTA	"No amphibole (including tremolite) or serpentine (including chrysotile) minerals or quartz were detected in any of these talc samples."	DX8554	JNJ 000252328
9/15-9/18/1975				
9/22-9/26/1975				
9/29-10/3/1975				
10/6-10/10/1975				
10/13-10/17/1975				
10/20-10/24/1975				
11/3-11/7/1975				
11/10-11/15/1975				
11/18-11/21/1975				
11/24-11/26/1975	continuous scanning XRD; slow scanning XRD (J4-1); DTA	"No amphibole (including tremolite) or serpentine (including chrysotile) minerals or quartz were detected in any of these talc samples."	DX8556	JNJ 000285249
12/1-12/3/1975				
12/8-12/13/1975				
12/15-12/19/1975				
12/22-12/24/1975				
12/29-12/31/1975				
1/5-1/9/1976				
1/12-1/16/1976				
1/19-1/23/1976				

J&J Weekly Testing of Product (XRD)				
Date of Sample	Test	Result	Exhibit	Bates
1/26-1/30/1976	continuous scanning XRD; slow scanning XRD (J4-1); DTA	"No amphibole (including tremolite) or serpentine (including chrysotile) minerals or quartz were detected in any of these talc samples."; "No quartz or serpentine minerals were detected by DTA"	DX8556; DX8555	JNJ 000285249; JNJ 000265173
2/2-2/6/1976				
2/9-2/13/1976				
2/16-2/20/1976				
2/23-2/27/1976				
3/1-3/5/1976				
3/8-3/12/1976				
3/15-3/20/1976				
3/22-3/27/1976				
3/29-4/3/1976				
4/5-4/10/1976				
4/12-4/17/1976				
4/19-4/25/1976				
4/26-5/1/1976				
5/3-5/8/1976				
5/10-5/15/1976	continuous scanning XRD; slow scanning XRD (J4-1); DTA	"No amphibole (including tremolite) or serpentine (including chrysotile) minerals or quartz were detected in any of these talc samples."	DX8557	JNJ 000285248
5/17-5/22/1976				
5/24-5/29/1976				
6/1-6/4/1976				
6/7-6/11/1976				
6/14-6/18/1976				
6/21-6/25/1976				
6/28-7/2/1976				
7/6-7/10/1976				
7/12-7/16/1976				
7/19-7/23/1976				
7/26-7/30/1976				
8/2-8/6/1976				
8/9-8/13/1976				
8/16-8/20/1976	continuous scanning XRD; slow scanning XRD (J4-1); DTA	"No quartz, serpentine minerals or amphibole minerals were detected in these weekly composite talcs."	DX8558	JNJ 000266713
8/23-8/29/1976				
8/30-9/3/1976	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine minerals or amphibole minerals were detected in these weekly composite talcs."	DX8559	JNJ 000265139
9/7-9/10/1976				
9/20-9/24/1976				
9/13-9/17/1976				
9/27-10/1/1976				
10/4-10/8/1976	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine minerals or amphibole minerals were detected in these samples."	DX8560	JNJ 000266711
10/11-10/15/1976				
10/18-10/22/1976				
10/25-10/29/1976				
11/1-11/15/1976				
11/8-11/12/1976	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine or amphibole minerals were detected in these samples."	DX8561	JNJ 000266710
11/16-11/20/1976				
11/22-11/25/1976				
11/29-12/3/1976				
12/15-17/1976				
12/20-23/1976	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine or amphibole minerals were detected in these samples."	DX8561	JNJ 000266710
12/27-31/1976				
1/3-7/1977				
1/10-14/1977				

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Date of Sample	Test	Result	Exhibit	Bates
1/17-1/21/1977	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine or amphibole minerals were detected in these samples."	DX8562	JNJ 000264733
1/24-1/29/1977				
1/31-2/4/1977				
2/7-2/11/1977				
2/14-2/18/1977				
2/21-2/25/1977				
2/28-3/5/1977	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine or fibrous amphibole minerals were detected in these samples."	DX8563	JNJ 000266708
3/7-3/12/1977				
3/14-3/19/1977				
3/21-3/26/1977				
3/28-4/1/1977				
4/4-4/9/1977				
4/11-4/16/1977	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine or fibrous amphibole minerals were detected in these samples."	DX8564	JNJ 000264728
4/18-4/22/1977				
4/25-4/30/1977				
5/2-5/6/1977				
5/9-5/13/1977				
5/16-5/21/1977				
5/23-5/28/1977	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine or amphibole minerals were detected in these samples."	DX8565	JNJ 000266706
5/31-6/3/1977				
6/6-6/10/1977				
6/13-6/17/1977				
6/20-6/24/1977				
6/27-7/1/1977				
7/5-7/8/1977	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine or amphibole minerals were detected in these samples."	DX8566	JNJ 000264725
7/11-7/15/1977				
8/1-8/5/1977				
8/8-8/12/1977				
8/15-8/19/1977				
8-22-8/26/1977				
8/29-9/2/1977	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine or amphibole minerals were detected in these samples."	DX8567	JNJ 000264721
9/6-9/9/1977				
9/12-9/16/1977				
9/19-9/23/1977				
9/26-9/30/1977				
10/3-10/7/1977				
10/10-10/14/1977	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine or amphibole minerals were detected in these samples."	DX8568	JNJ 000277555
10/17-10/21/1977				
10/24-10/28/1977				
11/15-11/19/1977				
11/21-11/23/1977				
11/28-12/2/1977				
12/5-12/9/1977	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"No quartz, serpentine or amphibole minerals were detected in these samples."	DX8569	JNJ 000266702
12/12-12/16/1977				
12/19-12/23/1977				
12/27-12/30/1977				
1/3-1/6/1978				
1/9-1/15-1978				
1/16-1/20/1978	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"Sample 1/30-2/3/78 amphibole detected by X-Ray—determined as non-fibrous amphibole b dispersion staining microscopy—passes CTFA Method J4-1 (microscopically identified as tremolite / actinolite."	DX8569	JNJ 000266702
1/23-1/27/1978				
1/30-2/3/1978				

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Date of Sample	Test	Result	Exhibit	Bates
2/6-2/10/1978	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	“[N]o quartz, serpentine or amphibole minerals were detected in these samples.”	DX8570	JNJ 000266701
2/13-2/17/1978				
2/20-2/24/1978				
2/27-3/3/1978				
3/6-3/10/1978				
3/10-3/17/1978	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	“[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples.”	DX8572	JNJ 000266700
3/21-3/24/1978				
3/27-3/31/1978				
4/4-4/7/1978				
4/10-4/14/1978				
4/17-4/21/1978	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	“[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples.”	DX8573	JNJ 000266699
5/1-5/5/1978				
5/8-5/12/1978				
5/15-5/19/1978				
5/22-5/26/1978				
5/30-6/2/1978	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	“[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples.”	DX8574	JNJ 000266698
6/5-6/9/1978				
6/12-6/16/1978				
6-19-6/27/1978				
6/26-6/30/1978				
7/3-7/8/1978	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	“[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples.”	DX8575	JNJ 000237369
7/10-7/15/1978				
7/17-7/21/1978				
7/24-7/28/1978				
7/31-8/4/1978				
8/7-8/11/1978	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	“[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples.”	DX8576	JNJ 000266694
8/14-8/18/1978				
8/21-8/25/1978				
8/28-9/1/1978				
9/5-9/8/1978				
9/11-9/15/1978	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	“[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples.”	DX8577	JNJ 000266693
9/19-9/22/1978				
9/25-9/29/1978				
10/2-10/6/1978				
10/9-10/13/1978				
10/17-10/20/1978	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	“[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples.”	DX8571	JNJ 000266692
10/23-10/27/1978				
10/30-11/3/1978				
11/6-11/10/1978				
11/13-11/17/1978				
11/20-12/1/1978	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	“[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples.”	DX8571	JNJ 000266692
12/4-15/1978				
1/3-12/1979				
1/15-1/26/1979				
1/29-2/9/1979				
2/12-2/23/1979	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	“[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples.”	DX8571	JNJ 000266692
2/26-3/9/1979				
3/12-3/23/1979				
3/26-4/6/1979				
4/9-7/20/1979				
4/23-5/4/1979	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	“[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples.”	DX8571	JNJ 000266692

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Date of Sample	Test	Result	Exhibit	Bates
5/7-5/18/1979	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples."	DX8578	JNJ 000266691
5/21-6/1/1979				
6/4-6/15/1979				
6/18-6/30/1979				
7/2-7/14/1979				
7/16-7/27/1979	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples."	DX8579	JNJ 000277537
2/26-3/7/1980				
3/10-3/22/1980				
3/24-4/3/1980				
4/7-4/19/1980				
4/21-5/2/1980	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples."	DX8580	JNJ 000266688
5/5-5/16/1980				
5/19-5/29/1980				
6/2-6/13/1980				
6/16-6/27/1980				
6/30-7/11/1980	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples."	DX8581	JNJ 000266687
7/14-7/25/1980				
7/28-8/18/1980				
8/11-8/22/1980				
8/25-9/5/1980				
9/18-9/19/1980	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples."	DX8581	JNJ 000266687
9/22-10/3/1980				
10/6-10/17/1980				
10/20-10/31/1980				
11/3-11/14/1980				
11/19-12/5/1980	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples."	DX8581	JNJ 000266687
12/8/1980-1/2/1981				
1/5-1/16/1981				
1/19-1/30/1981				
2/2-2/13/1981				
2/16-2/27/1981	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples."	DX8581	JNJ 000266687
3/2-3/13/1981				
3/16-3/27/1981				
3/30-4/10/1981				
4/13-4/24/1981				
4/27-5/8/1981	continuous scanning XRD; slow scanning XRD (J4-1); DTA (J5-1)	"[N]o quartz, serpentine or asbestiform amphibole minerals were detected in these samples."	DX8581	JNJ 000266687
5/11-5/22/1981				
5/26-6/5/1981				
6/8-6/19/1981				
6/22-7/2/1981				
7/6-7/17/1981				

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Date of Sample	Test	Result	Exhibit	Bates
7/20/81 to 7/24/81	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8415	JNJ 000266679
7/27-31/81				
8/3/81 to 8/7/81				
8/10/81 to 8/13/81				
8/17/81 to 8/20/81				
8/24/81 to 8/27/81				
8/31/81 to 9/3/81				
9/14/81 to 9/17 /81				
9/21/81 to 9/24/81				
10/5/81 to 10/8/81				
10/12/81 to 10/14/81				
10/19/81 to 10/21/81				
10/26/81 to 10/28/81				
11/2/81 to 11/4/81				
11/9/81 to 11/12/81				
11/30/81 to 12/2/81				
12/7/81 to 12/9/81				
12/14/81 to 12/16/81				
12/21/81 to 12/23/81				
12/28/81 to 12/30/81				
1/4/82 to 1/6/82				
1/11/82 to 1/13/82				
1/18/82 to 1/20/82				
1/25/82 to 1/27/82				
2/1/82 to 2/3/82				
2/8/82 to 2/10/82				
2/15/82 to 2/17/82				
2/22/82 to 2/24/82				
3/1/82 to 3/3/82				
3/8/82 to 3/10/82				
3/15/82 to 3/17/82				
3/22/82 to 3/24/82				
3/29/82 to 3/31/82				
4/5/82 to 4/7/82				
4/11/82 to 4/14/82				
4/19/82 to 4/21/82				
4/26/82 to 4/28/82				
5/3/82 to 5/5/82				
5/10/82 to 5/13/82				
5/17/82 to 5/19/82				
5/24/82 to 5/26/82				
6/1/82 to 6/2/82				
6/7/82 to 6/8/82				
6/14/82 to 6/16/82				
6/21/82 to 6/23/82				
6/28/82 to 6/30/82				
7/6/82 to 7/7/82				
7/12/82 to 7/14/82				
7/19/82 to 7/21/82				
7/26/82 to 7/28/82				
8/2/82 to 8/4/82				
8/9-8/11/82				
8/16-8/18/82				
8/23-8/25/82				

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8/30-9/1/1982	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8582	JNJ 000237345
9/7-9/9/1982				
9/13-15/1982				
9/20-22/1982				
9/27-29/1982				
10/4-6/1982				
10/11-14/1982				
10/18-22/1982				
10/25-29/1982				
11/1-5/1982				
11/8-12/1982				
11/16-19/1982				
11/22-24/1982				
11/29-12/3/1982				
12/6-10/1982				
12/13-17/1982				
12/20-22/1982				
12/27-30/1982				
1/3-7/1983	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8583	JNJ 000237341
1/10-14/1983				
1/17-21/1983				
1/24-28/1983				
1/31-2/4/1983				
2/7-11/1983				
2/14-18/1983				
2/21-25/1983				
2/28-3/4/1983	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8585	JNJ 000237334
3/7-11/1983				
3/14-18/1983				
3/21-25/1983				
3/28-4/3/1983				
4/4-8/1983				
4/11-15/1983				
4/18-4/22/1983				
4/25-4/29/1983	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8584	JNJ 000237336
5/2-6/1983				
5/9-13/1983				
5/16-20/1983				
5/23-27/1983				
5/31-6/3/1983				
6/6-10/1983				
6/23-28/1983				
6/29-7/1/1983	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8586	JNJ 000237332
7/5-8/1983				
7/11-15/1983; 7/18-22/1983				
7/25-29/1983; 8/1-5/1983				
8/8-8/12/1983; 8/15-8/17/1983				
8/18-26/1983; 8/29-31/1983; 9/1-2/1983				
9/6-9/1983; 9/12-16/1983				
9/19-23/1983; 9/26-28/1983				

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Eggers vs. Colgate-Palmolive Company, et al., Case No. CJ-2018-4739

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J&J Weekly Testing of Product (XRD)				
Date of Sample	Test	Result	Exhibit	Bates
9/29-30/1983; 10/24-27/1983	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8587	JNJ 000237322
10/3-7/1983; 10/10-14/1983				
10/17-21/1983; 10/27-31/1983				
10/31-11/2/1983; 11/16-18/1983; 11/21-23/1983				
11/2-4/1983; 11/7-8/1983				
12/12-16/1983; 12/19-20/1983				
12/27-30/1983; 1/3-6/1984				
1/9-13/1984; 1/16-20/1984				
1/23-27/1984; 2/5-9/1984	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8588	JNJ 000237318
1/30/1984; 2/5/1984				
2/13-19/1984; 2/20-24/1984				
2/27-3/4/1984; 3/7-11/1984				
3/12-18/1984; 3/19-25/1984				
3/26-4/1/1984; 4/2-8/1984				
4/9-11/1984; 4/16-22/1984				
4/12-16/1984; 4/23-26/1984				
4/26-29/1984; 4/30-5/6/1984	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8589	JNJ 000237310
5/7-15/1984; 5/23-25/1984				
5/16-22/1984; 6/25-29/1984				
5/29-6/1/1984; 6/4-8/1984				
6/11-15/1984; 6/18-22/1984				
7/2-6/1984; 7/9-13/1984				
7/16-20/1984; 7/23-27/1984				
7/31-8/3/1984; 8/6-10/1984				
8/27-30/1984	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8590	JNJ 000268548
8/13-17/1984; 8/21-24/1984				
8/31-9/7/1984; 9/10-14/1984				
9/17-21/1984; 9/24-28/1984				
10/2-5/1984; 10/8-12/1984				
10/15-19/1984; 10/22-25/1984				
11/11-29/1984; 11/29-12/8/1984				
12/8-17/1984; 12/17-23/1984				
12/23/1984-1/5/1985; 1/5-19/1985	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8591	JNJ 000285133
1/19-26/1985; 1/27-2/3/1985				
2/3-11/1985; 2/11-24/1985				
2/24-3/2/1985; 3/2-10/1985				
3/10-16/1985; 3/16-3/23/1985				
3/23-30/1985; 3/31-4/10/1985				
4/10-4/25/1985				
4/26-5/9/1985				
5/9-23/1985	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8591	JNJ 000285133
5/23-6/4/1985				
6/4-19/1985				
6/19-7/9/1985				
7/9-26/1985				
7/26-8/7/1985				
8/7-20/1985				
8/20-9/9/1985				
9/10-10/23/1985: Silo 1, 10 & 4	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	"[N]o quartz or asbestiform amphibole minerals were detected in these samples"	DX8591	JNJ 000285133
10/23-11/21/1985: Silo 5, 1 & 2				

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J&J Weekly Testing of Product (XRD)				
Date of Sample	Test	Result	Exhibit	Bates
11/21 – 1/7/1986: Silos 10, 4, 9	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	“[N]o quartz or asbestiform amphibole minerals were detected in these samples”	DX8592	JNJ 000237293
1/7-2/10/1986: Silos 5, 8, 6				
2/10-25/1986: Silos 7, 10, 1				
2/25-3/15/1986: Silos 2, 3, 9				
3/15-4/9/1986: Silos 9, 5, 8				
4/10-21/1986: Silos 6, 7, 1				
4/21-5/2/1986: Silos 2, 3, 10				
5/2-16/1986: Silos 4, 9, 5				
5/10-23/1986: Silos 8, 6, 7				
5/23-6/11/1986: Silos 1, 2, 3				
6/11-30/1986: Silos 10, 4, 9				
6/24-30/1986: Silo 9				
7/10-16/1986: Silo 5				
7/16-24/1986: Silo 4				
6/30-7/10/1986: Silo 8				
7/24-30/1986: Silo 1				
7/30-8/1/1986: Silo 6				
8/20-29/1986: Silo 2	continuous scanning XRD; slow scanning XRD (J4-1); XRD for quartz (J6-1)	“[N]o quartz or asbestiform amphibole minerals were detected in these samples”	DX8593	JNJ 000237285
8/29-9/15/1986: Silo 3				
9/15-17/1986: Silo 10				
9/18-26/1986: Silo 4				
9/26-10/1/1986: Silo 5				
10/1-10/10/1986: Silo 8	X-ray Diffraction, Transmission Electron Microscopy and Optical Microscopy	“No asbestiform amphibole minerals detected.”	DX8122	JNJ 000223428
1/7-1/14/1991 and 11/14/1990-1/16/1991				
1/17-1/24/1991 and 1/24-1/30/1991				
1/31-03/16/1991 and 03/9-03/18/1991				
1/30-2/5/1991				
2/12-2/14-1991 and 2/14-2/20/1991				
2/20-2/24/1991 and 2/27-3/04/1991				
03/04-04/09/1991 and 03/10-03/13/1991				
01/13-03/16/1991 and 03/09-03/18/1991	X-ray Diffraction, Transmission Electron Microscopy and Optical Microscopy	“No asbestiform amphibole minerals detected.”	DX8595	JNJ 000324759
03/21-22/1991 and 03/18-23/1991				
03/23-04/05/1991 : Silo 1 and 03/28-04/03/1991: Silo 2				
04/10-04/15/1991: Silo 4 and 04/16-04/16/1991: Silo 12				
04/15-04/27/1991: Silo 1 and 04/27-05/01/1991: Silo 6				
4/3-5/4/1991; Silo 3				
4/4-5/7/1991; Silo 4				
05/08-05/13/1991: Silo 11 and 05/07-05/16/1991: Silo 8				
05/16-05/20/1991: Silo 1 and 05/20-05/29/1991: Silo 2				
05/19-06/01/1991: Silo 3 and 06/01-06/05/1991: Silo 4				
06/05-06/10/1991: Silo 5 and 06/10-06/12/1991: Silo 6				
06/12-06/18/1991: Silo 8 and 06/15-06/18/1991: Silo 12				
06/18-06/24/1991: Silo 1 and 06/24-06/30/1991: Silo 2				

J&J Weekly Testing of Product (XRD)				
Date of Sample	Test	Result	Exhibit	Bates
06/30-07/02/1991: Silo 3 and 07/02-07/8/1991: Silo 4	X-ray Diffraction, Transmission Electron Microscopy and Optical Microscopy	"No asbestiform minerals detected."	DX8125	JNJ 000237249
07/07-07/13/1991: Silo 5 and 07/13-07/15/1991: Silo 11				
07/15-07/22/1991: Silo 6 and 07/23-07/29/1991: Silo 1				
07/29-08/06/1991: Silo 2 and 08/02-08/09/1991: Silo 3				
08/09-08/12/1991: Silo 9 and 08/09-08/15/1991: Silo 4				
08/20-08/25/1991: Silo 6 and 08/15-09/15/1991: Silo 5				
08/22-09/24/1991: Silo 1 and 09/23-09/30/1991: Silo 2				
09/05-09/08/1991: Silo 12 and 09/09-09/13/1991: Silo 9				
09/30-10/07/1991: Silo 3 and 10/07-10/11/1991: Silo 4				
10/11-10/18/1991: Silo 5 and 10/18-10/28/1991: Silo 11				
10/28-11/04/1991: Silo 6 and 11/08-11/14/1991: Silo 2				
11/04-11/08/1991: Silo 1 and 11/14-11/21/1991: Silo 3				
11/27-12/13/1991: Silo 7 and 12/6-12/13/1991: Silo 5				
01/02-01/08/1992: Silo 7 and 01/08-01/13/1992: Silo 8	XRD, J4-1, J5-1	"Amphibole Minerals: None detected."	DX7302	JNJ 000245520
12/13-12/22/1991: Silo 6 and 01/13-01/16/1991: Silo 1				
01/14-01/20/1992: Silo 2 and 01/23-01/27/1992: Silo 6				
11/21-11/27/1991: Silo 12 and 02/11-02/17/1992: Silo 6				
02/05-02/10/1992: Silo 2 and 02/03-02/12/1992: Silo 1				
02/17-02/20/1992: Silo 5 and 02/22-02/24/1992: Silo 8				
02/24-02/26/1992: Silo 9 and 02/26-02/28/1992: Silo 1				
02/20-02/22/1992: Silo 7 and 02/28-03/02/1992: Silo 11				
03/02-03/05/1992: Silo 2 and 03/02-03/06/1992: Silo 6				
03/06-03/10/1992: Silo 5 and 03/09-03/14/1992: Silo 8				
03/14-03/18/1992: Silo 1 and 03/18-03/23/1992: Silo 4				
03/23-03/27/1992: Silo 2 and 03/27-03/31/1992: Silo 10				
03/31-04/05/1992: Silo 5 and 04/05-04/09/1992: Silo 6				
04/09-04/14/1992: Silo 7 and 04/14-04/24/1992: Silo 9	XRD, J4-1, J5-1	"Amphibole Minerals: None detected."	DX8596	JNJ 000245526
04/22-04/30/1992: Silo 1 and 04/30-05/06/1992: Silo 2				
05/06-05/12/1992: Silo 4 and 05/15-05/26/1992: Silo 9				
05/26-06/01/1992: Silo 10 and 05/12-06/10/1992: Silo 10				
06/10-06/18/1992: Silo 6 and 06/18-06/24/1992: Silo 7				
6/24-6/8/1992: Silo 8				
7/8-7/15/1992: Silo 1	XRD, J4-1, J5-1	"Amphibole Minerals: None detected."	DX8127	JNJ 000245537
07/15-07/23/1992: Silo 2 and 06/20-06/30/1992: Silo 4				
07/30-08/06/1992: Silo 5 and 08/06-08/13/1992: Silo 7				
08/23-08/27/1992: Silo 9 and 08/18-08/31/1992: Silo 8				
08-31-09/05/1992: Silo 1 and 08/13-09/09/1992: Silo 8				
09/10-09/16/1992: Silo 11 and 09/16-09/23/1992: Silo 12				
09/23-09/30/1992: Silo 2 and 09/30-10/07/1992: Silo 3				
10/07-10/14/1992: Silo 4 and 10/14-10/20/1992: Silo 5				
10/21-10/28/1992: Silo 12 and 10/20-10/30/1992: Silo 6				
10/31-11/06/1992: Silo 7 and 11/06-11/12/1992: Silo 8				
11/12-11/20/1992: Silo 10 and 12/2-12/10/1992: Silo 1				

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ES Labs: J4-1 Testing of Product (XRD/PLM)			
Sample	Result	Exhibit	Bates
10/3 - 11/4/86	Amphibole Group / Serpentine Group: Not Detected	DX7522	JNJ 000246164
11/4 - 11/25/86	Amphibole Group / Serpentine Group: Not Detected		
12/4 - 12/22/86	Amphibole Group / Serpentine Group: Not Detected		
12/22 - 1/14/87	Amphibole Group / Serpentine Group: Not Detected		
3/10 - 3/31/1987	Amphibole Group / Serpentine Group: Not Detected	DX8445	JNJ 000246159
3/31 - 4/23/1987	Amphibole Group / Serpentine Group: Not Detected		
4/23 - 5/5/1987	Amphibole Group / Serpentine Group: Not Detected	DX8480	JNJ 000284337
5/5 - 5/14/1987 (silos 4, 9)	Amphibole Group / Serpentine Group: Not Detected	DX8446	JNJ 000246182
5/14 - 6/6/1987	Amphibole Group / Serpentine Group: Not Detected	DX8477	JNJ 000284275
6/2 - 6/11/1987 (silos 6, 7)	Amphibole Group / Serpentine Group: Not Detected	DX8497	JNJ TALC000217215
6/11 - 6/22/1987 (silos 1, 2)	Amphibole Group / Serpentine Group: Not Detected		
6/22 - 7/13/1987	Amphibole Group / Serpentine Group: Not Detected	DX7523	JNJ 000246190
7/13 - 7/23/1987	Amphibole Group / Serpentine Group: Not Detected	DX8496	JNJ TALC000217211
7/23 - 8/3/1987	Amphibole Group / Serpentine Group: Not Detected	DX8507	JNJ TALC000217256
8/3 - 8/12/1987	Amphibole Group / Serpentine Group: Not Detected	DX7524	JNJ 000246218
8/24 - 9/3/1987	Amphibole Group / Serpentine Group: Not Detected	DX8510	JNJ TALC000217284
9/3 - 9/15/1987 (silos 8, 6)	Amphibole Group / Serpentine Group: Not Detected	DX7525	JNJ 000246226
9/15 - 9/29/1987 (silos 7, 3)	Amphibole Group / Serpentine Group: Not Detected	DX8509	JNJ TALC000217276
9/29 - 10/13/1987 (silos 4, 9)	Amphibole Group / Serpentine Group: Not Detected	DX7526	JNJ 000284309
10/13 - 10/30/1987 (silos 5, 6)	Amphibole Group / Serpentine Group: Not Detected	DX8478	JNJ 000284303
10/30 - 11/12/1987 (silos 1,2)	Amphibole Group / Serpentine Group: Not Detected	DX8479	JNJ 000284306

Exhibit 1 to J&J Defendants' March 2021 Supplemental Responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents
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ES Labs: J4-1 Testing of Product (XRD/PLM)			
Sample	Result	Exhibit	Bates
11/12 - 11/25/1987	Amphibole Group / Serpentine Group: Not Detected	DX8508	JNJTALC000217264
11/25 - 12/23/1987 (silos 10,6)	Amphibole Group / Serpentine Group: Not Detected	DX8475	JNJTALC001272503
12/23 - 1/14/1988	Amphibole Group / Serpentine Group: Not Detected	DX7527	JNJ 000284272
1/14 - 2/3/1988	Amphibole Group / Serpentine Group: Not Detected	DX8494	JNJTALC000217169
2/29 - 3/9/1988 (silos 2, 3)	Amphibole Group / Serpentine Group: Not Detected	DX8451	JNJ 000246329
2/3 - 2/17/1988 (silos 10, 7)	Amphibole Group / Serpentine Group: Not Detected	DX8493	JNJTALC000217164
2/17 - 2/29/1988 (silos 5, 1)	Amphibole Group / Serpentine Group: Not Detected		
3/9 - 3/19/1988 (silos 9, 5)	Amphibole Group / Serpentine Group: Not Detected	DX8492	JNJTALC000217155
3/19 - 3/28/1988 (silos 7, 1)	Amphibole Group / Serpentine Group: Not Detected		
3/28 - 4/8/1988 (silos 2, 3)	Amphibole Group / Serpentine Group: Not Detected	DX8447	JNJ 000246272
4/8 - 4/19/1988 (silos 10, 4)	Amphibole Group / Serpentine Group: Not Detected	DX7528	JNJ 000246268
4/19 - 4/28/1988 (silos 9, 5)	Amphibole Group / Serpentine Group: Not Detected	DX7529	JNJ 000246276
4/28 - 5/13/1988 (silos 7, 3)	Amphibole Group / Serpentine Group: Not Detected	DX8448	JNJ 000246280
5/13 - 5/26/1988	Amphibole Group / Serpentine Group: Not Detected	DX8490	JNJTALC000217111
5/26 - 6/17/1988	Amphibole Group / Serpentine Group: Not Detected		
Lot # MR24164	Amphibole Group / Serpentine Group: Not Detected	DX7530	JNJ 000246289
6/17 - 7/1/1988	Amphibole Group / Serpentine Group: Not Detected		
7/1 - 7/13/1988	Amphibole Group / Serpentine Group: Not Detected	DX8449	JNJ 000246294
7/20 - 7/26/1988	Amphibole Group / Serpentine Group: Not Detected	DX8491	JNJTALC000217126
7/13 - 7/20/1988	Amphibole Group / Serpentine Group: Not Detected		
7/26 - 8/5/1988 (silos 1, 3)	Amphibole Group / Serpentine Group: Not Detected	DX7531	JNJ 000246304

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ES Labs: J4-1 Testing of Product (XRD/PLM)			
Sample	Result	Exhibit	Bates
8/5 - 8/13/1988 (silos 4, 5)	Amphibole Group / Serpentine Group: Not Detected	DX8450	JNJ 000246309
8/13 - 8/23/1988 (silos 6, 7)	Amphibole Group / Serpentine Group: Not Detected	DX7534	JNJ 000246319
8/23 - 8/29/1988 (silos 2, 1)	Amphibole Group / Serpentine Group: Not Detected	DX7533	JNJ 000246314
8/30 - 9/6/1988	Amphibole Group / Serpentine Group: Not Detected	DX7535	JNJ 000246261
9/6 - 9/13/1988	Amphibole Group / Serpentine Group: Not Detected		
9/20 - 9/29/1988	Amphibole Group / Serpentine Group: Not Detected	DX7536	JNJ 000246255
9/29 - 10/12/1988	Amphibole Group / Serpentine Group: Not Detected		
9/27 - 10/20/1988	Amphibole Group / Serpentine Group: Not Detected		
10/26 - 11/10/1988 (silos 1, 3)	Amphibole Group / Serpentine Group: Not Detected	DX7537	JNJ 000246245
11/10 - 11/23/1988 (silos 4, 9)	Amphibole Group / Serpentine Group: Not Detected	DX7538	JNJ 000246250
11/28 - 12/28 /1988 (silos 8, 6)	Amphibole Group / Serpentine Group: Not Detected	DX8489	JNJTALC000217067
12/12 - 1/61/989 (silos 1, 3)	Amphibole Group / Serpentine Group: Not Detected	DX8488	JNJTALC000217062
1/9 - 1/24/1989 (silos 10,4)	Amphibole Group / Serpentine Group: Not Detected	DX8460	JNJ 000266587
1/24 - 2/3/1989 (silos 9, 2)	Amphibole Group / Serpentine Group: Not Detected	DX8487	JNJ 000266569
1/28 - 2/13/1989 (silos 5, 8)	Amphibole Group / Serpentine Group: Not Detected	DX8486	JNJ 000266564
2/13 - 3/1/1989	Amphibole Group / Serpentine Group: Not Detected	DX8458	JNJ 000266559
2/22 - 3/8/1989 (silos 2,7)	Amphibole Group / Serpentine Group: Not Detected	DX8457	JNJ 000266554
3/13 - 3/17/1989 (silos 10,4)	Amphibole Group / Serpentine Group: Not Detected	DX8485	JNJ 000266549
3/17 - 3/27/1989 (silos 9,5)	Amphibole Group / Serpentine Group: Not Detected	DX8484	JNJ 000266539
3/27 - 4/4/1989 (silos 8, 3)	Amphibole Group / Serpentine Group: Not Detected	DX8456	JNJ 000266544
4/4 - 4/13/89 (silos 10, 4)	Amphibole Group / Serpentine Group: Not Detected	DX8455	JNJ 000266534

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ES Labs: J4-1 Testing of Product (XRD/PLM)			
Sample	Result	Exhibit	Bates
4/13-20/1989 (silos 1, 9)	Amphibole Group / Serpentine Group: Not Detected	DX8454	JNJ 000266529
4/20-27/1989 (silos 5, 8)	Amphibole Group / Serpentine Group: Not Detected	DX8453	JNJ 000266524
4/27 - 5/5/1989 (silos 7, 3)	Amphibole Group / Serpentine Group: Not Detected	DX8452	JNJ 000266519
5/5-13/1989 (silos 10, 4)	Amphibole Group / Serpentine Group: Not Detected	DX8463	JNJ 000266602
5/13-24/1989 (silos 6, 2)	Amphibole Group / Serpentine Group: Not Detected	DX8464	JNJ 000266607
5/18 - 6/1/1989 (silos 9, 1)	Amphibole Group / Serpentine Group: Not Detected	DX8465	JNJ 000266612
5/25 - 6/9/1989 (silos 5, 8)	Amphibole Group / Serpentine Group: Not Detected	DX8466	JNJ 000266617
6/9-19/1989 (silos 7, 2)	Amphibole Group / Serpentine Group: Not Detected	DX8467	JNJ 000266622
6/21 - 7/25/1989 (silos 3, 10)	Amphibole Group / Serpentine Group: Not Detected	DX8472	JNJ 000266647
7/5 - 7/25/1989 (silos 4, 1)	Amphibole Group / Serpentine Group: Not Detected	DX8471	JNJ 000266642
7/25 - 8/4/1989 (silos 5, 8)	Amphibole Group / Serpentine Group: Not Detected	DX8470	JNJ 000266637
8/4 - 8/16/1989 (silos 12, 11)	Amphibole Group / Serpentine Group: Not Detected	DX8469	JNJ 000266632
8/16 - 8/31/1989 (silos 9, 2)	Amphibole Group / Serpentine Group: Not Detected	DX8468	JNJ 000266627
9/8 - 10/12/1989 (silos 10, 1)	Amphibole Group / Serpentine Group: Not Detected	DX8473	JNJ 000266651
10/12-26/1989 (silos 3, 4)	Amphibole Group / Serpentine Group: Not Detected	DX8462	JNJ 000266597
10/26 to 11/7/1989 (silos 5, 6)	Amphibole Group / Serpentine Group: Not Detected	DX8474	JNJ 000266656
11/7 to 12/1/1989 Silos 7, 3	Amphibole Group / Serpentine Group: Not Detected	DX8461	JNJ 000266592

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ES Labs: J4-1 Testing of Product (XRD/PLM)			
Sample	Result	Exhibit	Bates
89-1264	Amphibole Group / Serpentine Group: Not Detected	DX8439 at 5	JNJ 000060818
11/1/1989 - 1/11/1990	Amphibole Group / Serpentine Group: Not Detected		
12/1 - 12/16/1989 (silos 4, 5)	Amphibole Group / Serpentine Group: Not Detected	DX8439 at 3	
12/16 - 12/29/1989 (silos 6, 7)	Amphibole Group / Serpentine Group: Not Detected		
90-13	Amphibole Group / Serpentine Group: Not Detected	DX8439 at 1	
90-53	Amphibole Group / Serpentine Group: Not Detected		

Exhibit 1 to J&J Defendants' March 2021 Supplemental Responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents
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Imerys Ore Testing - J4-1 / USP					
Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
LAI 93-01	January 1993	Float Feed	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7923	JNJ 000683571
LAI 93-04	January 1993	W.W. Product	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7923	JNJ 000683571
LAI 93-13	March 1993	Float Feed	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX8634	JNJ 000683573
LAI 93-16	March 1993	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX8634	JNJ 000683573
LAI 93-19	April 1993	Float Feed	% Amphibole: nq (XRD and PLM) ("The amphibole found in Float Feed was determined by PLM to be actinolite cleavage fragments.") % Chrysotile: nd	DX7925	JNJ 000683574
LAI 93-22	April 1993	W.W. Product	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7925	JNJ 000683574
LAI 93-25	May 1993	Float Feed	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd	DX7926	JNJ 000683575
LAI 93-28	May 1993	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7926	JNJ 000683575
LAI 93-31	June 1993	Float Feed	% Amphibole: nq (XRD and PLM) ("The amphibole found in Float Feed was determined by PLM to be actinolite cleavage fragments.") % Chrysotile: nd	DX7927	JNJ 000683576
LAI 93-34	June 1993	W.W. Product	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd	DX7927	JNJ 000683576
93-189	June 1993	Float Feed	Actinolite: nd (XRD and PLM)	DX7928	JNJ 000280872
LAI 93-37	July 1993	Float Feed	% Amphibole: nd % Chrysotile: nd	DX7929	JNJ 000683577
LAI 93-39	July 1993	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7929	JNJ 000683577
93-213	July 1993	Float Feed	Actinolite: nd (XRD and PLM)	DX7930	JNJ 000280871
LAI 93-42	August 1993	Float Feed	% Amphibole: nd % Chrysotile: nd	DX7931	JNJ 000683578
	August 1993	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7931	JNJ 000683578
93-285	September 1993	Float Feed	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd	DX7932	JNJ 000280884; JNJ 000683580
			% Amphibole: nd % Chrysotile: nd	DX7933	JNJ 000683580

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Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
93-315	October 1993	Float Feed	% Amphibole: nd % Chrysotile: nd	DX7934	JNJ 000280883; JNJ TALC000071281
	October 1993	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7935	JNJ TALC000071281
93-344	November 1993	Float Feed	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd	DX7936	JNJ 000280882; JNJ TALC000071282
		W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7937	JNJ TALC000071282
94-008	December 1993	Float Feed	Amphibole: nd ("XRD results were corroborated by PLM")	DX7938	JNJ 000280881
94-037	January 1994	Float Feed	% Amphibole: nq (XRD and PLM) ("The amphibole found iwas determined to be actinolite in the form of cleavage fragments.") % Chrysotile: nd	DX7939	JNJ 000280880; JNJ 000683566
	January 1994	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7940	JNJ 000683566
94-064	February 1994	Float Feed	% Amphibole: nd % Chrysotile: nd	DX7941	JNJ 000280870; JNJ 000683561
	February 1994	W.W. Product	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd	DX7942	JNJ 000683561
94-109	March 1994	Float Feed	Amphibole: nq (XRD and PLM) ("The amphibole found in the Float Feed...was determined by PLM to be actinolite in the form of cleavage fragments.")	DX7943	JNJ 000280879
	April 1994	Float Feed	% Amphibole: nq* ("The amphibole found in the Float Feed...was determined by PLM to be actinolite in the form of cleavage fragments.") % Chrysotile: nd	DX7944	JNJ 000683560
	April 1994	W.W. Product	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7944	JNJ 000683560
	May 1994	Float Feed	% Amphibole: nd	DX7894	IMERYS 051439
	June 1994	Float Feed	Amphibole: nq (not quantified (<0.1%) (XRD results were verified by PLM - the amphibole was tremolite in the form of cleavage fragments)	DX7896	IMERYS 051442
	July 1994	Float Feed	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd	DX7895	IMERYS 051440; IMERYS 051441
	July 1994	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7895	IMERYS 051440
	August 1994	Float Feed	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd	DX7900	IMERYS 051447; IMERYS 051448

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Imerys Ore Testing - J4-1 / USP					
Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
	August 1994	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7900	IMERYS 051447
	September 1994	Float Feed	% Amphibole: nd % Chrysotile: nd	DX7892	IMERYS 051436; IMERYS 051435
	September 1994	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7892	IMERYS 051436
	October 1994	Float Feed	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd* (XRD results were verified by PLM)	DX7893	IMERYS 051437; IMERYS 051438
	October 1994	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7893	IMERYS 051437
94-311	10/5-10/1994	West Windsor Grade 66, Silo 1	"The sample was analyzed by X-ray Diffraction and the results were verified by Polarized Light Microscopy (Dispersion Staining Method). No asbestiform material was detected in either sample, nor was any form of amphibole or serpentine present."	DX7891	IMERYS 051434
	November 1994	Float Feed	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd	DX7898	IMERYS 051444; IMERYS 051443
	November 1994	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7898	IMERYS 051444
	December 1994	Float Feed	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7899	IMERYS 051446; IMERYS 051445
	December 1994	W.W. Product	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7899	IMERYS 051446
	December 1994	W.W. Silo 6 Grade 66	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7899	IMERYS 051446
95-062	2/26 - 3/8/1995	Grade 66, Silo 6	"The sample was analyzed by X-ray diffraction and polarized light microscopy. There is no serpentine present in the sample, and, furthermore, there are no fibers of any kind present."	DX7903	IMERYS 475724
95-087	February 1995	Float Feed	% Amphibole: nd % Chrysotile: nd	DX7888	IMERYS 051427; IMERYS 051428
	February 1995	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7888	IMERYS 051428
95-094	March 1995	Float Feed	% Amphibole: nd* (XRD results were verified by PLM)	DX7897	IMERYS 051430; IMERYS 051429
	March 1995	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7897	IMERYS 051430
	3/25-31/1995	W.W. Silo 2 Grade 66	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd	DX7897	IMERYS 051430

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Imerys Ore Testing - J4-1 / USP					
Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
95-086	3/7-28/1995	Grade 66, Silo 1	Analysis by polarized light microscopy, using the dispersion staining technique (1.55 refractive oil index) confirmed the absence of serpentine in this sample	DX7887	IMERYS 051426
	April 1995	Float Feed	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd* (XRD results were verified by PLM)	DX7885	IMERYS 051423; IMERYS 051424
	April 1995	W.W. Product	% Amphibole: nd % Chrysotile: nd	DX7885	IMERYS 051423
	3/31-4/12/1995	W.W. Silo 3 Grade 66	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd	DX7885	IMERYS 051423
	4/18-21/1995	W.W. Silo 4 Grade 66	% Amphibole: nd* (XRD results were verified by PLM) % Chrysotile: nd	DX7885	IMERYS 051423
	4/25-28/1995	W.W. Silo 7 Grade 66	% Amphibole: nd % Chrysotile: nd	DX7885	IMERYS 051423
	4/24-5/2/1995	Grade 66, Silo 5	% Amphibole: nd % Chrysotile: nd	DX7886	IMERYS 051425
	5/12-18/1995	Grade 66, Silo 6	% Amphibole: nd % Chrysotile: nd	DX7886	IMERYS 051425
	6/16-28/1995	Grade 66, Silos 3 & 4	% Amphibole: nd % Chrysotile: nd	DX7946	JNJ TALC000023169
	1/8-18/1996 & 1/18-2/6/1996	Grade 66, Silos 5 & 1	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7947	JNJ 000578021
	2/6-15/1996 & 2/26-3/7/1996	Grade 66, Silos 2 & 3	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7947	JNJ 000578021
	3/22-4/3/1996 & 4/3-11/1996	Grade 66, Silos 4 & 5	% Amphibole: nd % Chrysotile: nd	DX7947	JNJ 000578021
	4/11-18/1996 & 4/25-5/1/1996	Grade 66, Silos 1 & 2	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7947	JNJ 000578021
	5/1-8/1996	Grade 96, Silo 7	% Amphibole: nd % Chrysotile: nd	DX7947	JNJ 000578021
	5/30-6/5/1996 & 6/7-13/1996	Grade 66, Silos 3 & 4	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7948	JNJ 000578022
	6/13-19/1996 & 6/19-7/10/1996	Grade 66, Silos 5 & 6	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7948	JNJ 000578022
	7/15-26/1996 & 8/23-29/1996	Grade 66, Silos 1 & 2	% Amphibole: nd % Chrysotile: nd	DX7949	JNJ 000578023
	8/9-14/1996	Grade 96, Silo 7	% Amphibole: nd % Chrysotile: nd	DX7949	JNJ 000578023

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Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
	9/29-9/23/1996 & 9/24-10/3/1996	Grade 66, Silos 3 & 4	% Amphibole: nd % Chrysotile: nd	DX7950	JNJTALC000376771
	10/3-9/1996 & 10/10-17/1996	Grade 66, Silos 5 & 6	% Amphibole: nd % Chrysotile: nd	DX7950	JNJTALC000376771
	10/17-11/8/1996	Grade 66, Silo 1	% Amphibole: nd % Chrysotile: nd	DX7951	JNJ 000578019
	11/8-16/1996	Grade 66, Silo 2	% Amphibole: nd % Chrysotile: nd	DX7951	JNJ 000578019
	11/20-27/1996	Grade 66, Silo 3	% Amphibole: nd % Chrysotile: nd	DX7952	JNJ 000578025
	12/5-11/1996	Grade 66, Silo 7	% Amphibole: nd % Chrysotile: nd	DX7952	JNJ 000578025
97-285	4/23-24/1997 & 4/25-26/1997	Grade 66, Silos 3 & 4	% Amphibole: nd % Chrysotile: nd	DX7953	JNJ 000578028
97-285	4/26-27/1997 & 5/12-13/1997	Grade 66, Silos 3 & 4	% Amphibole: nd % Chrysotile: nd	DX7953	JNJ 000578028
97-285	5/13-15/1997 & 5/28-29/1997	Grade 66, Silos 3	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7953	JNJ 000578028
97-285	5/29-31/1997 & 6/20-22/1997	Grade 66, Silos 1 & 2	% Amphibole: nd % Chrysotile: nd	DX7953	JNJ 000578028
97-285	3/6-4/14/1997	Grade 66, Silo 2	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7953	JNJ 000578028
97-285	6/4-9/1997 & 6/9- 16/1997	Grade 66, Silos 2 & 3	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7953	JNJ 000578028
97-314	7/10-14/1997 & 7/14-21/1997	Grade 66, Silos 1 & 2	% Amphibole: nd % Chrysotile: nd	DX7954	JNJ 000578030
97-318	7/25-29/1997 & 7/29-8/2/1997	Grade 66, Silos 3 & 4	% Amphibole: nd % Chrysotile: nd	DX7955	JNJ 000578029
97-357	8/12-15/1997 & 8/15-9/3/1997	Grade 66, Silos 1 & 2	% Amphibole: nd % Chrysotile: nd	DX7956	JNJ 000577843
97-418	9/22-26/1997 & 10/1-7/1997	Grade 66, Silos 1 & 3	% Amphibole: nd % Chrysotile: nd	DX7884	IMERYS 051422
	11/20-27/1996	Grade 66, Silo 3	% Amphibole: nd % Chrysotile: nd	DX7952	JNJ 000578025
	12/5-11/1996	Grade 66, Silo 7	% Amphibole: nd % Chrysotile: nd	DX7952	JNJ 000578025
	1/14-18/1997 & 1/20-30/1997	Grade 66, Silos 4 & 5	% Amphibole: nd % Chrysotile: nd	DX7958	JNJ 000578026

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Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
97-443	10/9-10/1997 & 10/24-27/1997	Grade 66, Silos 1 & 2	% Amphibole: nd % Chrysotile: nd* (XRD results were verified by PLM)	DX7959	JNJ 000683948
97-488	10/27-11/11/1997 & 11/11- 12/5/1997	Grade 66, Silos 3 & 4	% Amphibole: nd % Chrysotile: nd	DX7880	IMERYS 051418
98-002	12/5-11/1997 & 12/17-31/1997	Grade 66, Silos 1 & 2	% Amphibole: nd % Chrysotile: nd	DX7883	IMERYS 051421
A98013	1/5-10/1998 & 1/12-16/1998	Grade 66, Silos 4 & 3	% Amphibole: nd % Chrysotile: nd	DX7881	IMERYS 051419
A98047	1/22-26/1998 & 2/11-15/1998	Grade 66, Silos 4 & 1	% Amphibole: nd % Chrysotile: nd	DX7879	IMERYS 051417
A98072	2/15-19/1998 & 2/25-3/2/1998	Grade 66, Silos 1 & 2	% Amphibole: nd % Chrysotile: nd	DX7878	IMERYS 051415
A98071	2/25-3/2/1998	Grade 66, Silo 1	% Chrysotile: nd (A composite sample . . . was submitted to the Technical Center for testing by PLM (Polarized Light Microscopy) for chrysotile)	DX7901	IMERYS 213434-36
A98127	3/2-5/1998 & 3/25-29, 1998	Grade 66, Silos 3 & 2	% Amphibole: nd % Chrysotile: nd	DX7877	IMERYS 051413
A98127	3/29-4/2/1998 & 4/2-8/1998	Grade 66, Silos 4 & 1	% Amphibole: nd % Chrysotile: nd	DX7877	IMERYS 051413
A98410	9/11 - 9/19/1998	Grade 66, Silo 4	Chrysotile analysis by PLM: Not detected	DX7902	IMERYS 432437
A98442	9/27 - 10/1/1998 & 10/6 - 10/21/1998	Grade 66, Silos 1 & 2	% Amphibole: nd % Quartz: nd	DX8271	IMERYS475831
A98442	10/21 - 10/28/1998 & 11/25 - 12/8/1998	Grade 66, Silos 3 & 4	% Amphibole: nd % Quartz: nd	DX8271	IMERYS475831
A00640	6/26-6/29/2000 & 6/29-7/8/2000	Grade 66, Sillos 4 & 1	% Amphibole: nd % Quartz: nd	DX8272	IMERYS340515
A01572	7/25 - 8/1/2001 & 8/16 - 8/22/2001	Grade 66, Silos 2 & 4	% Amphibole: nd % Quartz: nd	DX8273	IMERYS477382
A02007	8/30 - 9/6/2001	Grade 66, Silos 1 & 2	% Amphibole: nd % Quartz: nd	DX8274	IMERYS010592
A02007	10/9 - 10/18/2001	Grade 96 (test run)	% Amphibole: nd % Quartz: nd	DX8274	IMERYS010592
A02223	3/5 - 3/6/2002 & 3/20 - 3/26/2002	Grade 96, Batch 2892 - 2895 & 2905 - 2910	% Amphibole: nd % Quartz: nd	DX8275	IMERYS015687

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Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
A02399-1	4/15 - 4/21/2002 & 5/1 - 5/4/2002	Grade 96	% Amphibole: nd % Quartz: nd	DX8276	IMERYS015669
A02401-1	5/14 - 5/19/2002 & 5/21 - 5/25/2002	Grade 96	% Amphibole: nd % Quartz: nd	DX8276	IMERYS015669
A02523-1	6/13 - 6/16/2002 & 7/9 - 7/12/2002	Grade 96	% Amphibole: nd % Quartz: nd	DX8276	IMERYS015669
A02523-2	8/3 - 8/9/2002 & 8/9 - 8/15/2002	Grade 96	% Amphibole: nd % Quartz: nd	DX8276	IMERYS015669
A02594	9/18 - 9/19/2002 & 10/7 - 10/11/2002	Grade 96, Batch 3061 - 3064 & 3079 - 3083	% Amphibole: nd % Quartz: nd	DX8277	IMERYS015668
A03037	10/29 - 11/1/2002 & 12/3 - 12/6/2002	Grade 96, Batch 3098 - 3101 & 3121 - 3124	% Amphibole: nd % Quartz: nd	DX8278	IMERYS015351
A03097	1/6 - 1/10/2003 & 1/23 - 1/29/2003	Grade 96, Batch 3147 - 3151 & 3162 - 3167	% Amphibole: nd % Quartz: nd	DX8279	IMERYS-MDL-AB_0011395
A03194	2/24 - 3/12/2003 & 3/15 - 3/19/2003	Grade 96, Batch 3189 - 3203 & 3206 - 3210	% Amphibole: nd % Quartz: nd	DX8280	IMERYS015335
A03371	4/7 - 4/10/2003 & 5/13 - 5/16/2003	Grade 96, Batch 3226 - 3229 & 3255 - 3258	% Amphibole: nd % Quartz: nd	DX8281	IMERYS015317
A03416	6/3 - 6/10/2003 & 6/23 - 6/27/2003	Grade 96, Batch 3272 - 3278 & 3289 - 3293	% Amphibole: nd % Quartz: nd	DX8282	IMERYS015332
A03498	6/30 - 7/3/2003 & 8/3 - 8/6/2003	Grade 96, Batch 3295 - 3298 & 3324 - 3327	% Amphibole: nd % Quartz: nd	DX8283	IMERYS015310
A03542	9/26 - 10/2/2003	Grade 96, Batch 3374 - 3377	% Amphibole: nd % Quartz: nd	DX8284	IMERYS015327
A03613-2 (A04042-1)	October 2003	Guangxi #2A Composite (Tian Song Feng MV)	Part A (X-ray Diffraction): None detected	DX7960	IMERYS-MDL-AB_0010450
A04111-1, A04110-1	February 2004	Guangxi #2A Composite (MV Tequi)	Part A (X-ray Diffraction): None detected	DX7909	IMERYS-MDL-AB_0010451
A04317-1	May 2004	Guangxi #2A Composite (MV Great Bright)	Part A (X-ray Diffraction): None detected	DX7910	IMERYS-MDL-AB_0010452

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A04410-1	June 2004	Guangxi #2A Composite (NV Navios Galaxy)	Part A (X-ray Diffraction): None detected	DX7839	IMERYS-MDL-AB_0010453
A04550-1	September 2004	Guangxi #2 Composite (MV Danae)	Part A (X-ray Diffraction): None detected	DX7840	IMERYS-MDL-AB_0010454
A05074-1	December 2004	Guangxi #2A Composite (MV Tai Chang)	Part A (X-ray Diffraction): None detected	DX7841	IMERYS-MDL-AB_0010455
A05508-1	September 2005	Guangxi #2A Composite (MV Pacific Acadian)	Part A (X-ray Diffraction): None detected	DX7843	IMERYS-MDL-AB_0010461
A06125-1	February 2006	Guangxi #2A Composite (MV Pos Eternity)	Part A (X-ray Diffraction): None detected	DX7844	IMERYS-MDL-AB_0010462
A06334-2	June 2006	Guangxi #2A Composite (MV Hebei Arrow)	Part A (X-ray Diffraction): None detected	DX7845	IMERYS-MDL-AB_0010463
A06334-1	June 2006	Guangxi #2 Composite (MV Hebei Arrow)	Part A (X-ray Diffraction): None detected	DX7845	IMERYS-MDL-AB_0010463
A06369-2	2006	Guangxi #2A Composite (MV Great Harvest)	Part A (X-ray Diffraction): None detected	DX7847	IMERYS-MDL-AB_0010464
A06369-1	2006	Guangxi #2 Composite (MV Great Harvest)	Part A (X-ray Diffraction): None detected	DX7847	IMERYS-MDL-AB_0010464
A07025-1	2006	Guangxi #2A Composite (MV Eastern Queen)	Part A (X-ray Diffraction): None detected	DX7911	IMERYS-MDL-AB_0010465
A07137-1	June 2007	Guangxi #2 Composite (MV Makali)	Part A (X-ray Diffraction): None detected	DX7849	IMERYS-MDL-AB_0010466
A07137-2	June 2007	Guangxi #2A Composite (MV Makali)	Part A (X-ray Diffraction): None detected	DX7849	IMERYS-MDL-AB_0010466
A07437-1	November 2007	Guangxi #2 RM Composite (MV Hellenic Sea)	Part A (X-ray Diffraction): None detected	DX7851	IMERYS-MDL-AB_0010468
A07360-1	January 2008	Guangxi #2 RM Composite (MV Wina-1)	Part A (X-ray Diffraction): None detected	DX7764	IMERYS 479587
A07360-2	January 2008	Guangxi #2 RM Composite (MV Wina)	Part A (X-ray Diffraction): None detected	DX7764	IMERYS 479587
A08026-1	January 2008	Guangxi #2 RM Composite (MV Iguana)	Part A (X-ray Diffraction): None detected	DX7912	IMERYS-MDL-AB_0010469
A08026-1	January 2008	Guangxi #2 RM Composite (MV Iguana)	Part A (X-ray Diffraction): None detected	DX7912	IMERYS-MDL-AB_0010469
A08074-2	February 2008	Guangxi #2A Composite (MV Wina)	Part A (X-ray Diffraction): None detected	DX7852	IMERYS-MDL-AB_0010470
A08488-1	2008	Guangxi #2 Composite (MV Shi Dai)	Part A (X-ray Diffraction): None detected	DX7913	IMERYS-MDL-AB_0010471

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Imerys Ore Testing - J4-1 / USP					
Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
A08540-1	2008	Guangxi #2 Composite (MV Hellenic Sea #3)	Part A (X-ray Diffraction): None detected	DX7854	IMERYS-MDL-AB_0010472
A09020-1	2009	Guangxi #2 Composite (MV Anna Smile)	Part A (X-ray Diffraction): None detected	DX7855	IMERYS-MDL-AB_0010473
A09152-2	January 2009	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 1
A09154-2	February 2009	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 2
A09174-2	March 2009	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 3
A09220-2	April 2009	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 4
A09275-3	May 2009	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 5
A09309-2	June 2009	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 6
A09371-2	July 2009	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 7
A09426-2	August 2009	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 8
A09470-2	September 2009	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 9
A09481-1	2009	Guangxi #2 Composite (MV Beilun Dolphin)	Part A (X-ray Diffraction): None detected	DX7859	IMERYS-MDL-AB_0010501
A09561-3	November 2009	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 10
A10017-3	December 2009	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 11
A10044-1	2010	Guangxi #2 Composite (MV Blunenau)	Part A (X-ray Diffraction): None detected	DX7860	IMERYS-MDL-AB_0010509
A10078-3	January 2010	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 12
A10126-3	February 2010	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 13
A10179-3	March 2010	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 14
A10201-1	2010	Guangxi #2 Composite (MV Beilun Dolphin)	Part A (X-ray Diffraction): None detected	DX7861	IMERYS-MDL-AB_0010519

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Imerys Ore Testing - J4-1 / USP					
Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
A10228-3	April 2010	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 15
A10269-3	May 2010	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 16
A10342-3	June 2010	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 20
A10392-2	July 2010	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 21
A10431-2	August 2010	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 22
A10462-1	2010	Guangxi #2 Composite (MV Sonja C)	Part A (X-ray Diffraction): None detected	DX7862	IMERYS-MDL-AB_0010535
A10541-1	2010	Guangxi #2 Composite (MV Jiali Hai)	Part A (X-ray Diffraction): None detected	DX7863	IMERYS-MDL-AB_0010536
A10633-2	September 2010	Grade 25 USP	<0.5%	DX7906	IMERYS 484715
A10570-2	October 2010	Grade 25 USP	<0.5%	DX7905	IMERYS 484617
A10629-2	November 2010	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 24
A11032-2	December 2010	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 26
A11076-2	January 2011	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 27
A11128-1	2011	Guangxi #2 Composite (MV Hosagner)	Part A (X-ray Diffraction): None detected	DX7864	IMERYS-MDL-AB_0010552
A11136-2	February 2011	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 28
A11249-2	April 2011	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 29
A11305-2	May 2011	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 30
A11307-2	2011	Guangxi #2 RM Composite (MV Navious Star)	Part A (X-ray Diffraction): None detected	DX7865	IMERYS-MDL-AB_0010565
A11362-2	June 2011	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 31
A11393-2	July 2011	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 32
A11460-2	September 2011	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 33

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Imerys Ore Testing - J4-1 / USP					
Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
A11509-2	October 2011	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 34
A11511-1	2011	Guangxi #2 Composite (MV Prabhu Puni)	Part A (X-ray Diffraction): None detected	DX7964	IMERYS-MDL-AB_0010587
A11528-1	2011	Guangxi #2 RM Composite (MV Prabhu Puni)	Part A (X-ray Diffraction): None detected	DX7965	IMERYS-MDL-AB_0010591
A11548-2	November 2011	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 35
A12010-2	December 2011	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 36
A12069-1	2012	Guangxi #2 Composite (MV Silver Dragon)	Part A (X-ray Diffraction): None detected	DX7908	IMERYS-MDL-AB_0010598 pg 162
A12109-3	March 2012	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 37
A12171-3	April 2012	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 38
A13054-4	2013	Guangxi #2 Composite (MV Jin Shin)	Part A (X-ray Diffraction): None detected	DX7869	IMERYS-MDL-AB_0010636
A13149-2	2013	Guangxi #2 RM Composite (MV Ning Bo Dolphin)	Part A (X-ray Diffraction): None detected	DX7870	IMERYS-MDL-AB_0010650
A14072-2	2014	Guangxi #2 RM Composite (MV Cymbeline)	Part A (X-ray Diffraction): None detected	DX7908	IMERYS-MDL-AB_0010657 pg 221
A15275-3	January 2015	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 44
A15276-2	February 2015	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 45
A15274-2	March 2015	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 43
A15263-2	April 2015	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 41
A15181-2	May 2015	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 39
A15256-1	June 2015	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 40
A15273-2	July 2015	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 42
A15322-1	September 2015	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 46

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Imerys Ore Testing - J4-1 / USP					
Sample Name	Date of Sample	Identity	Result	Exhibit	Bates
A15409-1	November 2015	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 47
A16158-2	March 2016	Grade 25 USP	<0.5	DX7963	IMERYS-MDL-AB_0010742-789 pg 48

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McCrone/Bain: Quarterly TEM Testing for Serpentine Asbestos				
Sample Name	Identity	Result	Exhibit	Bates
Sample A	Weekly sample of 66 production	"we found extremely platy talc and no asbestiform minerals"	DX8151	JNJ 000264734
Sample B	Weekly sample of 66 production	"We find this sample to be completely free from asbestiform minerals."	DX7142	JNJ 000300405
1-HV66	3rd Quarter 1982	"No asbestos minerals were detected."	DX8187	JNJ 000237347
2-HV66	4th Quarter 1982	"No asbestos was detected. The detection limit of this technique is approximately 0.1% by weight of asbestos."	DX8170; DX8418	JNJ 000347015; JNJ 000237344
3-HV66	1st Quarter 1983	"No asbestos was detected."	DX8171; DX8419	JNJ 000266670; JNJ 000237340
4-HV66	2nd Quarter 1983	"It was examined by transmission electron microscopy and no asbestos was detected. This technique has a detection limit of 0.1% by weight."	DX8172	JNJ 000285154
5-HV66	3rd Quarter 1983	"Normally, a total of 20 grid squares are examined. However, this time 40 grid squares were examined and no asbestos was detected."	DX7188; DX8420	JNJ TALC000070307; JNJ 000237331
5A-HV66	3rd Quarter 1983	"No asbestos was in either sample."	DX8173	JNJ 000237321
6-HV66	4th Quarter 1983	"Examination by transmission electron microscopy did not detect the presence of asbestiform minerals in either of the samples."	DX7193; DX8422	JNJ 000237325; JNJ 000237299
7-HV66	1st Quarter 1984	"Examination by transmission electron microscopy did not detect the presence of asbestos in either of the samples."	DX7196; DX8423	JNJ 000237316; JNJ 000237298
10-HV66	4th Quarter 1984	"No quantifiable amounts of asbestos minerals were detected in any of the samples (i.e. the amounts of asbestos minerals detected were less than the limit of detection)." Detection limits: 0.00015 - 0.00045 weight %.	DX7209; DX8424	JNJ 000237304; JNJ 000285131
11-HV66	1st Quarter 1985			
12-HV66	2nd Quarter 1985			
13-HV66	3rd Quarter 1985			
15-HV66	1st Quarter 1986	"No asbestos minerals were detected in the sample...The detection limit for this sample is 0.0003 weight %."	DX7213; DX8426	JNJ 000266499; JNJ 000266498
16-HV66	2nd Quarter 1986	"No asbestos minerals were detected in the sample...The detection limit for this sample is 0.00015 weight %."	DX8174; DX8428	JNJ 000285111; JNJ 000237291
17-HV66	3rd Quarter 1986	"No asbestos minerals were detected in the samples. Based on independent studies of talc contamination and numerous analyses, I feel	DX8169; DX8429	JNJ 000266504; JNJ 000237281
18-HV66	4th Quarter 1986			
19-HV66	1st Quarter 1987	"No asbestos minerals were detected in the sample. The limit of detection for homogenous samples is below 0.1% by weight."	DX7217; DX8430	JNJ 000266503; JNJ 000246180
20-HV66	2nd Quarter 1987	"No asbestos minerals were detected in the sample. The limit of detection for homogenous samples is below 0.1% by weight."	DX8175; DX8431; DX8444	JNJ 000285446; JNJ 000246135; JNJ 000237278
21-HV66	3rd Quarter 1987	"No asbestos minerals were identified in the sample. The limit of detection for homogenous samples is below 0.1% by weight."	DX8176; DX8443	JNJ 000266500; JNJ 000237275
22-HV66	4th Quarter 1987	"No asbestos minerals were identified in the sample. The limit of detection for homogenous samples is below 0.1% by weight."	DX8177; DX8442	JNJ 000266479; JNJ 000237272

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McCrone/Bain: Quarterly TEM Testing for Serpentine Asbestos				
Sample Name	Identity	Result	Exhibit	Bates
23-HV66	1st Quarter 1988	"No asbestos minerals were identified in the sample. The limit of detection for homogenous samples is below 0.1% by weight."	DX8178; DX8440	JNJ 000266428; JNJ 000237227
24-HV66	2nd Quarter 1988	"No asbestos minerals were identified in the sample."	DX8179; DX8427	JNJ 000065570; JNJ TALC001272572
25-HV66	3rd Quarter 1988	"No asbestos minerals were identified in the sample."	DX8180; DX8441	JNJ 000266448; JNJ 000237229
26-HV66	4th Quarter 1988	"No asbestos minerals were identified in the sample."	DX8181; DX7541	JNJ 000239823; JNJ 000237232
27-HV66	1st Quarter 1989	"No asbestos minerals were identified in the sample."	DX8182; DX7541	JNJ 000239824; JNJ 000237232
28-HV66	2nd Quarter 1989	"No asbestos minerals were identified in the sample."	DX8183; DX7541	JNJ 000239825; JNJ 000237232
29-HV66	3rd Quarter 1989	"No asbestos minerals were identified in the sample."	DX8184; DX7541	JNJ 000266375; JNJ 000237232
30-HV66	4th Quarter 1989	"No asbestos minerals were identified in the samples."	DX7230; DX8432	JNJ 000237245; JNJ 000237244
31-HV66	1st Quarter 1990	"No asbestos minerals were identified in the sample."	DX8117; DX8432	JNJ 000237246; JNJ 000237244
32-HV66	2nd Quarter 1990	"No asbestos minerals were identified in the samples."	DX8118; DX8432	JNJ 000237247; JNJ 000237244
33-HV66	3rd Quarter 1990	"No asbestos minerals were identified in the samples."	DX8119; DX8432	JNJ 000237248; JNJ 000237244
34-HV66	4th Quarter 1990	"No asbestos minerals were identified in the samples."	DX8120; DX8433	JNJ 000237240; JNJ 000324762
35-HV66	1st Quarter 1991	"No asbestos minerals were identified in the samples."	DX8121; DX8433	JNJ 000223429; JNJ 000324762
36-HV66	2nd Quarter 1991	"No asbestos minerals were identified in the samples."	DX8123; DX8433	JNJ 000237242; JNJ 000324762
37-HV66	3rd Quarter 1991	"No asbestos minerals were identified in the samples."	DX7283; DX8433	JNJ 000237243; JNJ 000324762
38-HV66	4th Quarter 1991			
39-HV66	1st Quarter 1992	"No asbestos minerals were identified in the sample."	DX8126; DX8434	JNJ 000245524; JNJ 000324795
40-HV66	3rd Quarter 1992	Total Asbestos: N/D Detection limit: .0005 %	DX8693; DX8434	JNJ 000245548; JNJ 000324795
41-HV66	4th Quarter 1994	Total Asbestos: N/D Detection limit: .0005 %		

McCrone/Bain: Quarterly TEM Testing for Serpentine Asbestos				
Sample Name	Identity	Result	Exhibit	Bates
42-HV66	1st Quarter 1993	"No asbestos minerals were detected."	DX8128; DX8131	JNJ 000375819; JNJ 000375817
43-HV66	2nd Quarter 1993	"No asbestos minerals were detected."	DX8129; DX8131	JNJ 000375820; JNJ 000375817
44-HV66	3rd Quarter 1993	"No asbestos minerals were detected."	DX8130; DX8131	JNJ 000375821; JNJ 000375817
45-HV66	4th Quarter 1994	"No asbestos minerals were detected."		
46-HV66	1st Quarter 1994	"No asbestos minerals were detected."	DX8186; DX8135	JNJ 000239634; JNJ 000239630
47-HV66	2nd Quarter 1994	"No asbestos minerals were detected."	DX8132; DX8135	JNJ 000239635; JNJ 000239630
48-HV66	3rd Quarter 1994	"No asbestos minerals were detected."	DX8133; DX8135	JNJ 000239636; JNJ 000239630
49-HV66	4th Quarter 1994	"No asbestos minerals were detected."	DX8134; DX8135	JNJ 000239637; JNJ 000239630
96-290-1	1st Quarter 1996	Asbestos minerals detected: N/D Detection limit: N/D	DX8285	IMERYS475969
96-291	2nd Quarter 1996	Asbestos minerals detected: N/D Detection limit: 0.0004	DX8286	IMERYS475978
96-412	3 rd Quarter 1996	Asbestos minerals detected: N/D Detection limit: 0.0004	DX8512	IMERYS 475449
97-008	4 th Quarter 1996	Asbestos minerals detected: N/D Detection limit: 0.0004	DX8513	IMERYS 342519
97-319	1st Quarter 1997	Asbestos minerals detected: None detected Detection limit: 0.0004	DX8514	IMERYS 478026
97-320	2nd Quarter 1997	Asbestos minerals detected: N/D Detection limit: 0.0004	DX8515	IMERYS 478033
97-346	3rd Quarter 1997	Asbestos minerals detected: N/D Detection limit: 0.0004	DX8518	IMERYS 478038
97-448	4th Quarter 1997	Asbestos minerals detected: N/D Detection limit: 0.0004	DX8516	IMERYS 476982
A98014	1st Quarter 1998	Total Asbestos: N/D Detection limit: 0.0004	DX8517	IMERYS 476592
A98288	2nd Quarter 1998	Total Asbestos: N/D Detection limit: 0.0004	DX8519	IMERYS 476768
A98354	3rd Quarter 1998	Total Asbestos: N/D Detection limit: 0.0004	DX8521	IMERYS 476829

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McCrone/Bain: Quarterly TEM Testing for Serpentine Asbestos				
Sample Name	Identity	Result	Exhibit	Bates
A98444	4th Quarter 1998	Total Asbestos: N/D Detection limit: 0.0004	DX8522	IMERYYS 475840
A99062	1st Quarter 1999	Total Asbestos: N/D Detection limit: 0.0004	DX8524	IMERYYS 477879
A99190	2nd Quarter 1999	Total Asbestos: N/D Detection limit: 0.0004	DX8523	IMERYYS 476570
A99373	3rd Quarter 1999	Total Asbestos: N/D Detection limit: 0.0004	DX8525	IMERYYS 475529
A00003	4th Quarter 1999	Total Asbestos: N/D Detection limit: 0.0004	DX8526	IMERYYS 475702
A00188	1st Quarter 2000	Total Asbestos: N/D Detection limit: 0.0003	DX8527	IMERYYS 472069
A00406	2nd Quarter 2000	Total Asbestos: N/D Detection limit: 0.0004	DX8528	IMERYYS 480224
A00809	3rd Quarter 2000	Total Asbestos: N/D Detection limit: 0.0004	DX8529	IMERYYS 480516
A01012	4th Quarter 2000	Total Asbestos: N/D Detection limit: 0.0004	DX8530	IMERYYS 480163
A01189	1st Quarter 2001	Total Asbestos: N/D Detection limit: 0.0004	DX8287	IMERYYS013224
A01314	2nd Quarter 2002	Total Asbestos: <0.0017 Detection limit: 0.0017	DX8288	IMERYYS171533
A01571	3rd Quarter 2002	Total Asbestos: <0.0009 Detection limit: 0.0009	DX8288	IMERYYS171533
A02008	4th Quarter 2002	Total Asbestos: <0.0009 Detection limit: 0.0009	DX8288	IMERYYS171533
A02224	1st Quarter 2002	Total Asbestos: N/D Detection limit: 0.03 ppm	DX7728	IMERYYS 342780
A02400	2nd Quarter 2002	Total Asbestos: N/D Detection limit: 0.04 ppm	DX7728	IMERYYS 342780
A02524	3rd Quarter 2002	Total Asbestos: N/D Detection limit: 0.03 ppm	DX7728	IMERYYS 342780
A03038	4th Quarter 2002	Total Asbestos: N/D Detection limit: 0.04 ppm	DX7728	IMERYYS 342780
A03098	1st Quarter 2003	Total Asbestos: N/D Detection limit: 0.03	DX8290	IMERYYS077642

McCrone/Bain: Quarterly TEM Testing for Serpentine Asbestos				
Sample Name	Identity	Result	Exhibit	Bates
A03372	2nd Quarter 2003	Total Asbestos: N/D Detection limit: 0.02	DX8290	IMERYS077642
A03499	3rd Quarter 2003	Total Asbestos: N/D Detection limit: 0.05	DX8290	IMERYS077642

Worldwide Talc Surveys (Various Tests by Various Entities)

Date	Testing Entity	Test	Identity	Result	Exhibit	Bates
1975	J&J Internal / McCrone	optical microscopy, XRD, DTA, TEM	Grade 66, Vermont	Amphibole / Chrysotile: none; "no chrysotile asbestos was found"	DX8535	JNJ 000061342
	J&J Internal / McCrone	optical microscopy, XRD, DTA, TEM	SVC 00000, Italy	Amphibole / Chrysotile: none; "no chrysotile asbestos was found"		
	J&J Internal / McCrone	optical microscopy, XRD, DTA, TEM	SVC 00000, Italy	Amphibole / Chrysotile: none; "no chrysotile asbestos was found"		
1976	J&J Internal	optical microscopy, XRD, DTA	Grade 66, Vermont	Amphibole / Fibrous Serpentine : none	DX8536	JNJTALC000348670
	J&J Internal	optical microscopy, XRD, DTA	SVC 00000, Italy	Amphibole: "one large piece of columnar, prismatic tremolite/actinolite, non-fibrous trace = less than 0.10%" Fibrous Serpentine: none		
	McCrone	TEM	Grade 66, Vermont	"[W]e did not find any asbestiform minerals either serpentine or amphibole in any of these samples. Occasionally we would find a rare sample of a talc ribbon or talc fiber, but in all cases we identified these fibers with electron diffraction as being other than asbestiform minerals."		
	McCrone	TEM	SVC 00000, Italy	"[W]e did not find any asbestiform minerals either serpentine or amphibole in any of these samples. Occasionally we would find a rare sample of a talc ribbon or talc fiber, but in all cases we identified these fibers with electron diffraction as being other than asbestiform minerals."		
1976	J&J Internal	XRD	V-66, Canada	Amphibole / Fibrous Serpentine : none	DX8537	JNJTALC000348694
	J&J Internal	XRD	SVC 00000, Italy	Amphibole / Fibrous Serpentine : none		

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Worldwide Talc Surveys (Various Tests by Various Entities)						
Date	Testing Entity	Test	Identity	Result	Exhibit	Bates
1976	EMV Associates	SEM	V-66, Canada	"No asbestos microfibers observed in this sample at any magnification."	DX7721	JNJ TALC000348700; JNJ TALC000348703
	EMV Associates	SEM	SVC 00000, Italy	"No asbestos microfibers observed in this sample at any magnification."		
1977	J&J Internal	J4-1	V-66, Canada	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"	DX8538	JNJ TALC000166674
	J&J Internal	J4-1	SVC 00000, Italy	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"		
	EMV Associates	SEM	V-66, Canada	"no asbestos detected"		
	EMV Associates	SEM	SVC 00000, Italy	"no asbestos detected"		
1979	J&J Internal	optical microscopy, XRD, DTA	V-66, Canada	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"	DX8539	JNJ TALC000348794
	J&J Internal	optical microscopy, XRD, DTA	SVC 00000, Italy	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"		
	EMV Associates	SEM	V-66, Canada	"No asbestos material detected."		
	EMV Associates	SEM	SVC 00000, Italy	"No asbestos material detected."		
1979-1980	J&J Internal	optical microscopy, XRD, DTA	V-66, Canada	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"	DX8540	JNJ TALC000166705
	J&J Internal	optical microscopy, XRD, DTA	SVC 00000, Italy	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"		

Worldwide Talc Surveys (Various Tests by Various Entities)

Date	Testing Entity	Test	Identity	Result	Exhibit	Bates
1981	J&J Internal	optical microscopy, XRD, DTA	V-66, Canada	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"	DX8541	JNJ TALC000166716
	J&J Internal	optical microscopy, XRD, DTA	SVC 00000, Italy	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"		
	EMV Associates	SEM	V-66, Canada	"No asbestos detected."		
1983	J&J Internal	optical microscopy, XRD, DTA	V-66, Canada	Amphibole: "trace"; Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"	DX8543	JNJ TALC000166736
	J&J Internal	optical microscopy, XRD, DTA	V-66, Canada	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"		
1985	J&J Internal	optical microscopy, XRD, DTA	SVC 00000, Italy	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"	DX8545	JNJ TALC000166745
	J&J Internal	optical microscopy, XRD, DTA	V-96, Canada	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"		
1993-1994	J&J Internal	optical microscopy, XRD, DTA	V-96, Canada	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"	DX7381	JNJ TALC000166630
	J&J Internal	optical microscopy, XRD, DTA	V-96, USA	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"		
	J&J Internal	optical microscopy	SVC 00000, Italy	Amphibole / Fibrous Serpentine: "none"; "All talcs passed the freedom from fibrous amphibole test prescribed in CTFA J4-1"		
1995-1996	J&J Internal	optical microscopy	V-96, Canada	Amphibole / Fibrous Serpentine: "none"; "All talcs were found clean and free from fibrous (asbestiform) minerals"	DX7409	JNJ 000089078
	J&J Internal	optical microscopy	SVC 00000, Morocco	Amphibole / Fibrous Serpentine: "none"; "All talcs were found clean and free from fibrous (asbestiform) minerals"		

RJ Lee: Quarterly Testing - TEM, XRD, PLM				
Sample Name	Identity	Result	Exhibit	Bates
1-1Q10	First Quarter 2010	"No asbestos was detected in the samples by any of the three employed analytical procedures."	DX7435	JNJ 000132159
1-2Q10	Second Quarter 2010	"No asbestos was detected in the samples by any of the three employed analytical procedures."	DX7437	JNJ 000134313
1-3Q10	Third Quarter 2010	"No asbestos was detected in the samples by any of the three employed analytical procedures."	DX7438	JNJ 000382024
1-4Q10	Fourth Quarter 2010	"No asbestos was detected in the samples by any of the three employed analytical procedures."	DX7439	JNJ 000134197
1-1Q11	First Quarter 2011	"No asbestos was detected in the samples."	DX7440; DX7441	JNJ 000381001; JNJ 000134159
1-2Q11	Second Quarter 2011	"No asbestos was detected in the samples."	DX7442	JNJ 000384469
1-3Q11	Third Quarter 2011	"No asbestos was detected in the samples."	DX7443	JNJ 000384502
1-4Q11	Fourth Quarter 2011	"No asbestos was detected in the samples."	DX7444	JNJ 000384551
1-1Q12	First Quarter 2012	"No asbestos was detected in the samples."	DX7445	JNJ 000134075
1-2Q12	Second Quarter 2012	"No asbestos was detected in the samples."	DX8801	JNJ 000134054
1-3Q12	Third Quarter 2012	"No asbestos was detected in the samples."	DX7448	JNJ 000134009
1-4Q12	Fourth Quarter 2012	"No asbestos was detected in the samples."	DX7449	JNJ 000382986
1-1Q13	First Quarter 2013	"No asbestos was detected in the samples."	DX7450	JNJ 000133797
1-2Q13	Second Quarter 2013	"No asbestos was detected in the samples."	DX7452	JNJ 000383338
1-3Q13	Third Quarter 2013	"No asbestos was detected in the samples."	DX7453	JNJ 000133908
1-4Q13	Fourth Quarter 2013	"No asbestos was detected in the samples."	DX7454	JNJ 000383087
1-1Q14	First Quarter 2014	"No asbestos was detected in the samples."	DX7455	JNJ 000133653
1-2Q14	Second Quarter 2014	"No asbestos was detected in the samples."	DX7457	JNJ 000133839
1-3Q14	Third Quarter 2014	"No asbestos was detected in the samples."	DX7459	JNJ 000383016

RJ Lee: Quarterly Testing - TEM, XRD, PLM				
Sample Name	Identity	Result	Exhibit	Bates
1-4Q14	Fourth Quarter 2014	"No asbestos was detected in the samples."	DX8435	JNJ 000558343
1-1Q15	First Quarter 2015	"No asbestos was detected in the samples."	DX8046	JNJ 000558360
1-2Q15	Second Quarter 2015	"No asbestos was detected in the samples."	DX8047	JNJ 000521505
1-3Q15	Third Quarter 2015	"No asbestos was detected in the samples."	DX8048	JNJ 000521516
1-4Q15	Fourth Quarter 2015	"No asbestos was detected in the samples."	DX8049	JNJ 000558931
1-1Q16	First Quarter 2016	"No asbestos was detected in the samples."	DX8050	JNJ 000558568
1-2Q16	Second Quarter 2016	"No asbestos was detected in the samples."	DX8051	JNJ 000558970
1-3Q16	Third Quarter 2016	"No asbestos was detected in the samples."	DX8052; DX8053	JNJ 000521581; JNJ 000558731
1-4Q16	Fourth Quarter 2016	"No asbestos was detected in the samples."	DX8054	JNJ 000631351
1-1Q17	First Quarter 2017	"No asbestos was detected in the samples."	DX8055; DX8156	JNJ TALC000196139; JNJ TALC000196576
1-2Q17	Second Quarter 2017	"No asbestos was detected in the samples."	DX8157	JNJ TALC000196176
1-3Q17	Third Quarter 2017	"No asbestos was detected in the samples."	DX8158	JNJ TALC000196252
1-1Q18	First Quarter 2018	"No asbestos was detected in the samples."	DX8919	JNJ TALC001084921
1-2Q18	Second Quarter 2018	"No asbestos was detected in the samples"	DX8920	JNJ TALC001054034
1-3Q18	Third Quarter 2018	"No asbestos was detected in the samples"	DX8921	JNJ TALC001082577
1-4Q18	Fourth Quarter 2018	"No asbestos was detected in the samples"	DX8922	JNJ TALC001083855
1-1Q19	First Quarter 2019	"No asbestos was detected in the samples."	DX8962	JNJ TALC001389105

RJ Lee: Quarterly Testing - TEM, XRD, PLM				
Sample Name	Identity	Result	Exhibit	Bates
1-2Q19	Second Quarter 2019	"No asbestos was detected in the samples"	DX8963	JNJTALC001389361
1-3Q19	Third Quarter 2019	"No asbestos was detected in the samples"	DX8964	JNJTALC001353867
1-4Q19	Fourth Quarter 2019	"No asbestos was detected in the samples"	DX8965	JNJTALC001391321

Exhibit C

STATE OF SOUTH CAROLINA : IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND : FOR THE FIFTH JUDICIAL CIRCUIT

SHELBY PAYNE, :
Plaintiffs, :
v. : C/A NO. 2022-CP-40-01281
3M COMPANY, et al., :
Defendants. :

CERTIFIED COPY

Video-Recorded Deposition of

Pfizer, Inc.

(MARY L. LEECH)

VOLUME III

Via Zoom Videoconferencing

30(b)6

Thursday, August 11, 2022

11:46 a.m.

Reported stenographically by:

Adam D. Miller, Registered Professional Reporter

Pfizer, Inc. (Mary Leech, PhD.)
August 11, 2022

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**Pfizer, Inc. (Mary Leech, PhD.)
August 11, 2022**

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Pfizer, Inc. (Mary Leech, PhD.)
August 11, 2022

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Page 11 1 On Behalf of Mary Kay Inc.: 2 RACHAEL ANNA, ESQUIRE 3 ranna@wyche.com 4 WYCHE, P.A. 5 200 East Broad Street, Suite 400 6 Greenville, South Carolina 29601 7 864.242.8200 8 On Behalf of Bahnson, Inc. and Velan Valve Corp.: 9 DELANEY N. BLAKEY, ESQUIRE 10 dblakey@grsm.com 11 GORDON REES SCULLY MANSUKHANI, LLP 12 2200 Ross Avenue, Suite 3700 13 Dallas, Texas 75201 14 214.231.4660 15 On Behalf of Covil Corporation: 16 CURTIS J. SHIPLEY, ESQUIRE 17 curtis.shipley@elliswinters.com 18 ELLIS & WINTERS LLP 19 300 North Greene Street, Suite 800 20 Greensboro, North Carolina 27401 21 P.O. Box 2752 22 Greensboro, NC 27402 23 336.217.4193 24 25																									Page 13 1 INDEX 2 DEPONENT: MARY L. LEECH 3 EXAMINATION BY: PAGE 4 ATTORNEY BUHA 17 5 - - - - - 6 EXHIBITS 7 NAME DESCRIPTION PAGE 8 Exhibit 77 1/9/73 Pfizer Occupational 19 9 Health & Safety Report, 10 PFI_SEL_00000153 11 Exhibit 78 4/30/74 Memo, with attachment, 25 12 PFI_SEL_00011682 to 11683 13 Exhibit 79 "Proceedings of the Symposium 30 14 on Talc, Washington, D.C., May 15 8, 1973," BASF_EM TAL000001304 16 to 1408 17 Exhibit 80 Carcinogen Registration Form 49 18 Response, PFI_SEL_00000534 19 Exhibit 81 12/20/76 Memo, PFZ01162_017052 54 20 to '57 21 Exhibit 82 5/10/73 Memo, PFI_TIPP_00001924 31 22 to 1929 23 Exhibit 83 9/14/16 Nitsche Deposition 39 24 Transcript 25																								

Pfizer, Inc. (Mary Leech, PhD.)
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1	Exhibit 84	6/20/79 Memo, PFI_FINC_00004824	61	1	Exhibit 106	10/23/75 Memo, et al., Pfizer	218
2	Exhibit 85	Contact Report, PFZ01162_00609	64	2		characterization Re 0.1% by	
3	Exhibit 86	4/9/79 Letter, PFI_SEL_00005544	67	3		weight 001 to 28	
4		to 5545		4	Exhibit 107	5/7/79 Memo, PFI_SEL_00001160	248
5	Exhibit 87	4/17/79 Memo, PFI_SEL_00005488	74	5		to 1161	
6		to 5492		6	Exhibit 108	6/1/76 Memo, PFI_SEL_00000048	217
7	Exhibit 88	Handwritten Notes	77	7	Exhibit 109	1/10/75 Memo, PFI_SEL_00010471	224
8	Exhibit 89	1/2/80 Test Results,	84	8		to '76	
9		PFI_TIPP_00003825		9	Exhibit 110	8/18/76 Letter, et al., Pfizer	237
10	Exhibit 90	5/5/86 Test Results, et al.,	86	10		- Talc 1615 Reported versus	
11		PRE92TEM-001803, et al.		11		recorded in notebooks 001 to 45	
12	Exhibit 91	4/25/86 Test Results, et al.,	93	12			
13		PRE92TEM-001794		13			
14	Exhibit 92	3/13/87 Test Results, et al.,	123	14			
15		PRE92TEM-002037, et al.		15			
16	Exhibit 93	3/12/87 Test Results, et al.,		16			
17		PRE92TEM-002034, et al.		17			
18		(not introduced)		18			
19	Exhibit 94	3/26/79 Memo, PFI_ROY_00001216	97	19			
20		to 1220		20			
21	Exhibit 95	9/10/91 Test Results, et al.,	110	21			
22		PRE92TEM-003391, et al.		22			
23	Exhibit 96	5/5/86 Test Results, et al.,	121	23			
24		PRE92TEM-001803, et al.		24			
25				25			

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1	Exhibit 97	12/2/75 Memo, PFI_FINC_00007530	116	1	THE VIDEOGRAPHER: We are now on the		
2		to 7531		2	record at 11:46 a.m. on August 11th, 2022.		
3	Exhibit 98	7/16/76 Memo, PFI_SEL_00000052	117	3	This is the continued video-recorded		
4		to 54		4	deposition of Mary Leech taken in the		
5	Exhibit 99	Stanley Paper,	139	5	matter of Shelby Payne versus 3M Company,		
6		PFI_FINC_00004732 to 4744		6	et al. This deposition is being held		
7	Exhibit 100	10/26/82 Memo,	154	7	remotely. Appearance and applicable		
8		PFI_FINC_00004763		8	stipulations will be reflected on the		
9	Exhibit 101	11/24/82 Memo,	19	9	stenographic record. My understanding is		
10		PFI_FINC_00004753		10	that the witness is still under oath, so		
11		(not introduced)		11	you may proceed.		
12	Exhibit 102a	4/5/00 Memo (Excerpted from	160	12	- - - - -		
13		Exhibit 102b)		13	MARY L. LEECH, having been previously		
14	Exhibit 102b	February 2001 Final	160	14	duly sworn according to law, was examined		
15		Environmental Impact Statement		15	and testified as follows:		
16	Exhibit 103	12/22/75 Test Results, et al.,	178	16	- - - - -		
17		Pfizer MP by TEM-SAED Asbestos		17	BY ATTORNEY BUHA:		
18		fiber findings 001 to 21		18	Q. Okay. Dr. Leech, do you understand		
19	Exhibit 104	4/18/80 Memo, PFI_SEL_00000401	207	19	that today is the third day of your deposition		
20		to 405		20	in the Shelby Payne case?		
21	Exhibit 105	4/8/80 Letter,	25	21	A. I understand that.		
22		PFI_TIPP_00006135 to 6137		22	Q. And do you understand that you are		
23		(not introduced)		23	the corporate representative for Pfizer in this		
24				24	case?		
25				25	A. I do.		

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Page 90 1 THE WITNESS: I understand you're 2 going to ask me questions on those topics. 3 BY ATTORNEY BUHA: 4 Q. Okay. And I want to make sure we're 5 on the same page, and I don't want to reread 6 old ground. But I believe that we -- the other 7 day we went through other information besides 8 fibers, the designation of fibers that were 9 in -- that are, that are notated in Pfizer's 10 laboratory notebooks. And one of the things 11 that we listed was rolled talc; correct? 12 A. Rolled talc is noted in the lab 13 notebooks occasionally. 14 Q. One of the things -- and we just saw 15 it -- was Pfizer would sometimes note talc 16 fibers; correct? 17 A. Yes. 18 Q. Pfizer would sometimes note the 19 presence of fibrous talc; correct? 20 A. I believe so, using different 21 phrases. The different analysts had different 22 notations. 23 Q. Sure. And another one was pieces of 24 fibrous talc. I think they would say "PCS 25 fibrous talc"; correct?	Page 92 1 THE WITNESS: Yes. It was noting the 2 different components it saw within the 3 talc. And each analyst, over time, had 4 their own way of writing those notes in 5 the lab notebooks. 6 BY ATTORNEY BUHA: 7 Q. Okay. One second. 8 Hold on. I'm about to put a few more 9 things in the... 10 And so Pfizer would agree that if, if 11 Pfizer records information that there are fibers 12 but it does not state that there are -- that 13 they are talc fibers, Pfizer would agree that, 14 that that separate notation has significance? 15 ATTORNEY STERK: Object to form; 16 overbroad. 17 THE WITNESS: Would you please ask 18 that again. 19 BY ATTORNEY BUHA: 20 Q. I will try to rephrase because I do 21 recognize that was a poorly worded question. 22 Because Pfizer knew how to record 23 when it saw or identified a structure of a -- of 24 talc versus when it identified a structure that 25 was of one of the mineral species of one of the
Page 91 1 A. We saw some of those. 2 Q. Okay. Pfizer knew how to record when 3 a particle that it saw was talc versus one of 4 the, the mineral species of one of the asbestos 5 minerals; correct? 6 ATTORNEY STERK: Object to form. 7 THE WITNESS: It would note when 8 there were regulated fibers, which 9 includes non-asbestiform particles in 10 addition to those that are actually 11 mineralogic asbestos. 12 BY ATTORNEY BUHA: 13 Q. So I want to -- I appreciate your 14 response. You said that a number of times. I 15 want to focus on the mineral species now. And I 16 will address your concerns about the morphology 17 and shape and habit and those things in a 18 moment. 19 But Pfizer knew how to record the 20 difference between when it saw talc in a 21 particular particle versus when it noted 22 tremolite or actinolite or one of the six 23 mineral species that were identified in 24 regulations; fair? 25 ATTORNEY STERK: Object to form.	Page 93 1 asbestos minerals, there is a difference when 2 Pfizer would record fibers versus when Pfizer 3 would record talc fibers; correct? 4 A. When it specified talc fibers, they 5 could identify the talc in the TEM. The, the 6 notation that shows just "fibers" are referring 7 to the regulated particles, not necessarily -- 8 well, one of the regulated fibers that met those 9 physical parameters, not necessarily mineralogic 10 asbestos. 11 Q. Okay. Okay, got it. Let me add a 12 couple more things. 13 Okay. I put ninety- -- Exhibits 91 14 to 93 in the Dropbox. And I have 91 up on the 15 screen-share. 16 A. Okay. 17 (Exhibit 91 was marked for 18 identification.) 19 BY ATTORNEY BUHA: 20 Q. Okay. And this is a, a Pfizer 21 laboratory notebook; correct? 22 A. Yes. 23 Q. You see the date of April 28th, 1986; 24 correct? 25 A. I do.

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Page 94 1 Q. And here it states "fibrous mate" -- 2 and I presume that means "material" -- "not 3 asbestos"; correct? 4 A. That's what it looks like to me; yes. 5 Q. Okay. Pfizer would agree this is 6 another example of where Pfizer would identify 7 and distinguish when it was identifying 8 structures that were one of the six regulated 9 asbestos minerals versus something that was a 10 different mineral that was not regulated; 11 correct? 12 ATTORNEY STERK: Object to form. 13 THE WITNESS: I think I disagree with 14 that. I, I don't think that they were 15 noting every different type of particle 16 they encountered, just the regulated 17 fibers; occasionally talc that looked like 18 a fiber when it's on edge. And if it had 19 found asbestos -- which its, its tests 20 showed they never did -- it would have 21 indicated the mineralogic asbestos too. 22 BY ATTORNEY BUHA: 23 Q. Okay. I don't think I asked all of 24 that. Let me try this a different way. 25 This is another example of where	Page 96 1 THE WITNESS: That's my understanding 2 of the notebooks, is that they were 3 marking any particles that met the shape 4 criteria from the OSHA regulation and that 5 fell -- 6 [Crosstalk.] 7 BY ATTORNEY BUHA: 8 Q. Go ahead. I'm sorry. 9 A. And that fell within the -- one of 10 those six regulated minerals that can grow in an 11 asbestiform way. 12 Q. Okay. So when it says "fibers," it 13 is a structure of certain criteria, shape 14 criteria, which may not be asbestos -- or 15 mineralogic asbestos. But when it says 16 "fibers," it is either tremolite, anthophyllite, 17 actinolite, crocidolite, amosite, or a 18 chrysotile; correct? 19 ATTORNEY STERK: Object to form. 20 THE WITNESS: That's my 21 understanding; though, in general, I 22 believe that they were encountering 23 tremolite. And I think that's a 24 reasonable assumption because you see in 25 some places they note when it's not
Page 95 1 Pfizer distinguishes when a particle meets 2 different shape criteria but that particle is 3 not one of the regulated asbestos minerals; 4 correct? 5 A. Pfizer would note any particle that 6 met the shape criteria, as you put it, from the 7 1972 regulation. 8 Q. Right. But what we don't see here is 9 Pfizer classifying that as fiber and recording 10 that as a fiber; because Pfizer recognized that 11 the particle that met the shape criteria was not 12 one of the asbestos minerals; correct? 13 A. I'm not sure what you're asking here. 14 That was -- could you try again, maybe rephrase. 15 Q. Okay. Let's try this a different 16 way. 17 When Pfizer's technicians recorded 18 one or two or three or however number of 19 fibers -- as distinguished from talc fibers, 20 organic material, or anything else -- when it 21 was recording fibers, that was a structure that 22 was one of the six asbestos minerals as -- 23 regulated minerals as opposed to something that 24 was not regulated; is that fair? 25 ATTORNEY STERK: Object to form.	Page 97 1 tremolite. 2 BY ATTORNEY BUHA: 3 Q. Okay. So we've talked about mineral 4 species. Now I'm going to ask you about the 5 shape criteria that we've been talking about. 6 A. Okay. 7 Q. And so I'm going to -- I think I may 8 just skip Exhibit 92 and 93 that I put in the 9 Drop -- in the chat because I think we've cut to 10 the chase. 11 (Exhibit 94 was marked for 12 identification.) 13 BY ATTORNEY BUHA: 14 Q. So here is Exhibit 94. Okay. 15 So, first, have you reviewed this document 16 before? 17 A. Give me one moment. I'm trying to 18 get it open here. 19 It looks familiar. I can't say -- I 20 can't say certainly, but it looks familiar. 21 Q. Okay. And I'm not trying to test 22 your -- turn this into a memory test or 23 anything. 24 So you see the document is dated 25 March 26th of 1979; correct?

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Page 142 1 discussion of -- or, no, sorry -- two 2 pages prior it shows the fiber count used 3 in the calibration curve and gives you the 4 formula for a line: y equals mx plus b. 5 The reason that line doesn't go through 6 the origin or where the x- and y-axis meet 7 is because b is a positive number and 8 represents the background levels that are 9 found in the talcs. 10 BY ATTORNEY BUHA: 11 Q. Okay. And so the, the curve doesn't 12 go through the origin. The curve goes through 13 the point where it is 1 fiber per field of view; 14 correct? 15 ATTORNEY STERK: Object to form; 16 misstates the document. 17 THE WITNESS: It's .95, it says. 18 BY ATTORNEY BUHA: 19 Q. Okay. So 95 fibers per 100 fields of 20 view; right? 21 ATTORNEY STERK: Object to form. 22 THE WITNESS: That would be the 23 background levels. 24 BY ATTORNEY BUHA: 25 Q. Okay. So according to this curve,	Page 144 1 And we simply won't finish today if I 2 keep getting the same speech regardless of 3 the question. 4 ATTORNEY STERK: I will just note 5 that Dr. Leech has been answering your 6 questions and many of the questions are 7 unclear and, as Dr. Leech as said, don't 8 take into account the actual document. 9 So she's answering your questions 10 and -- 11 ATTORNEY BUHA: I understand you're 12 going to make that comment. But I think 13 the record will be abundantly clear that 14 on numerous, numerous questions she has 15 responded with words but those words are 16 not responsive to the question. 17 We'll leave it at that. I'm just 18 stating that we may not get done today if 19 this continues. 20 BY ATTORNEY BUHA: 21 Q. You mentioned that the other 22 regulatory agencies were looking to Pfizer. And 23 can you find that any regulatory agency or any 24 scientific body that, that even commented on 25 Pfizer's calibration curve specifically?
Page 143 1 the background level of fibers is 95 fibers per 2 100 fields of view? 3 ATTORNEY STERK: Object to form; 4 misstates the document. 5 THE WITNESS: Yes. There's some 6 level of fibers that are going to be in 7 the environment and then show up in these 8 analyses. 9 And they show the work in this paper, 10 so -- and this was a well-regarded study. 11 As I said, the regulatory agencies were 12 looking at fiber -- at Pfizer and -- to 13 see that they were leading the way with 14 this science. They were using TEM. They 15 were using SAED. They had the methodology 16 to find asbestos, asbestos if it was in 17 the samples. They never did. 18 And they were able to establish this 19 calibration curve that worked above 20 0.1 percent, weight percent of the fibers. 21 Below 0.1 percent, the curve breaks down. 22 There is no correlation. 23 ATTORNEY BUHA: Respectfully move to 24 strike the nonresponsive portions, which I 25 believe was the entirety of that response.	Page 145 1 I'm not asking about their 2 microscopes or the use of TEM. I'm asking 3 specifically about the calibration curve. 4 ATTORNEY STERK: Object to form. 5 THE WITNESS: Cal/OSHA had -- 6 Mr. Ganotes from Cal/OSHA had detailed 7 conversation with Norwood at Pfizer about 8 their work. 9 The memo that I've looked at doesn't 10 talk about the calibration curve 11 specifically. 12 BY ATTORNEY BUHA: 13 Q. Uh-huh. 14 A. But Cal/OSHA, who had mistakenly 15 cited one of Pfizer's customers, changed their 16 methodology so that they would be in agreement 17 with Pfizer. 18 Q. Okay. And that had nothing to do 19 with calibration curve; right? 20 ATTORNEY STERK: Object to form. 21 THE WITNESS: I disagree. 22 BY ATTORNEY BUHA: 23 Q. Okay. So, so I know the documents; 24 I'm going to pull them up in a second. 25 So, so what about that conversation