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S.C. SUPREME COURT

Attachment 1

**09/02/2026 Barnett-Gerken Updated Plaintiff's 1st Amended
Notice of Deposition 30b6 of Johnson & Johnson and Kenvue**

STATE OF SOUTH CAROLINA) **IN THE COURT OF COMMON PLEAS**
)
COUNTY OF RICHLAND) **FOR THE FIFTH JUDICIAL CIRCUIT**

DEBRA McANDREW BARNETT

Plaintiff,

V.

JOHNSON & JOHNSON, et al.

Defendants.

C/A NO. 2026-CP-40-01257

In Re:

Asbestos Personal Injury Litigation Coordinated Docket

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

**ANDREW T. GERKEN, as Personal
Representative of the Estate of ANNA
MARIE L. GERKEN, Deceased**

Plaintiff,

V.

AVON PRODUCTS, INC., et al.

Defendants.

IN THE COURT OF COMMON PLEAS

FOR THE FIFTH JUDICIAL CIRCUIT

C/A NO. 2023-CP-40-06111

In Re:

Asbestos Personal Injury Litigation Coordinated Docket

PLAINTIFFS' FIRST AMENDED NOTICE OF THE 30(b)(6) DEPOSITION OF
DEFENDANT JOHNSON & JOHNSON AND SUBPOENA DUCES TECUM

ALL DEFENDANTS AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, will take the videotaped deposition of the designated representative of **Johnson & Johnson** on **September 16, 2026 at 9:30 a.m. ET** and will take place in person at ***Kirkland & Ellis LLP 601 Lexington Avenue, New York, NY 10022*** and via Zoom at which time you are

notified to appear and take part as you see fit and proper in such examination. The deposition will take place before a certified court reporter and videographer. If necessary, the deposition shall continue day to day.

Zoom Meeting Link: [CLICK HERE](#)

Zoom Meeting ID: 98487104193

Dial-In Phone #: 408 638 0968

The deposition is to be taken for the purpose of discovery or for use at trial, or both. The topics to be covered at the deposition are listed in Exhibit “A” attached hereto. Pursuant to Rule 30(b)(5), Defendant is requested to produce documents responsive to the descriptions listed in Exhibit “B” also attached hereto. Pursuant to Rule 30(b)(5) the time for production of these documents is governed by Rule 34, which holds all responsive documents were due produced to Plaintiff in 30 days from service. Plaintiffs reserve the right to use the deposition and exhibits thereto, including the deposition transcript, audio recording, and videorecording of the testimony, for any purpose, including at trial in this and in any subsequent matter, particularly as neither Deponent nor its Person(s) Most Qualified are residents of the state of California, and are therefore unavailable at trial as defined by California Evidence Code section 240. All parties given notice of this deposition are advised of Plaintiffs’ intent to use the transcript, audio recording, and videorecording of the testimony for the purpose of preserving the witness's testimony as a proxy for trial testimony which may be used in this and any subsequent matters. All parties are advised to take full and fair opportunity of their right to examine the witness in anticipation that the testimony, and/or portions thereof, is intended for use at trial.

Respectfully submitted,

/s/ David C. Humen

David C. Humen (SC Bar No. 104536)

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ATTORNEYS FOR PLAINTIFF

September 2, 2026
Dallas, Texas

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was served on counsel for all parties via Certified U.S. Mail Return Receipt, U.S. Mail Standard First Class, and/or electronic mail this on September 2, 2026.

s/ David C. Humen
Attorney for Plaintiffs

EXHIBIT A

For purposes of these topics, the following words shall have the following meanings: Definitions: "RECORD" or "RECORDS" or "DOCUMENT" or "DOCUMENTS" means any and all written, printed, typed, recorded or graphic material, however produced, or reproduced, stored, known to exist, by way of example and not by limitation, invoices, contracts evidencing purchase or receipt, ledger cards, material requests, communications, writings, printings, records, worksheets, abstracts, summaries, statistics, notes, market data, journals, ledgers, expense reports, specifications, contracts, contract bids, purchase orders, bills of lading, shipping orders, dock receipts, cancelled checks, computer print-outs, microfilm, microfiche, which in any way pertain to the document request made herein.

The terms "YOU" and "YOUR" mean responding party and all of its divisions, predecessors- in-interest, successors-in-interest, subsidiaries, parent companies, sister companies, joint ventures, partners and divisions thereof, including all current and former owners, employees, managers, officers, directors, agents, attorneys and any other person(s) acting upon its behalf.

The term "ASBESTOS" shall be interpreted, not in a limited regulatory sense, but broadly and include non-regulated and non-commercial forms of asbestos, all forms of elongate mineral particles, fibrous minerals, fibrous talc, cleavage fragments of amphiboles, individual fibers, bundles, fibrils and transition/transitional fibers. "Asbestiform" shall also be interpreted broadly and without particular limitation regarding fiber size, length, dimension, ratio, presence of multiple fibers, or geologic origin or "habit." The foregoing notwithstanding, "asbestos" also includes talc, whether or not known or acknowledged by defendant(s) to contain asbestiform minerals or other elongate mineral particles. See, e.g., Egilman, et al., Health Effects of Censored Elongated Mineral Particles: A Critical Review, Detection Limits in Air Quality and Environmental Measurements (STP 1618, 2019; doi: 10.1520/STP161820180080); January 6, 2020, Executive Summary of Preliminary Recommendations on Testing Methods for Asbestos in Talc and Consumer Products Containing Talc (available at <https://www.fda.gov/media/134005/download>) ("The difficulty of identifying and quantifying individual asbestos or other mineral particles present at low concentrations in talc is compounded by the presence of non-asbestiform analogs with the same elemental composition and crystal structure, but different growth habit. Using TEM, differentiation of chrysotile from non-asbestiform serpentine analogs is relatively straightforward; however, each of the non-asbestiform amphiboles can disaggregate into particles resembling asbestiform fibers, giving rise to disputes between laboratories over whether elongate amphibole particles are truly asbestos, or are particles resulting from attrition of larger particles of a non-asbestiform analog. Because both types of elongate minerals are suspected of having biological activity with similar pathological outcomes, the distinction is irrelevant...").

The term "TALC" includes all grades of talc including but not limited to industrial, cosmetic, food, and/or pharma, unless specified otherwise.

The term "PERSON" and "PERSONS" means a natural person, firm, association, organization, partnership, business trust, limited liability company, corporation, or public entity.

Please provide a corporate representative to be deposed on the following subject matters:

1. Any and all communications between YOU and the Department of Health & Human Services (HHS), the Federal Drug Administration (FDA), and the Executive Branch of the U.S. Government regarding:
 - a. the Consolidated Appropriations Act of 2023 (H.R. 2617 and PL 117-328);
 - b. the Modernization of Cosmetics Regulation of 2022 (MoCRA);
 - c. FDA's Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products (proposal and withdrawal of 89 FR 105490); and
 - d. the May 20, 2025 Expert Panel with the FDA.
2. All trade organizations, trade associations, and any other groups with which YOU discussed the Consolidated Appropriations Act of 2023 (H.R. 2617 and PL 117-328), the Modernization of Cosmetics Regulation of 2022 (MoCRA), and FDA's Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products (proposal and withdrawal of 89 FR 105490).
3. Any and all internal communications YOU regarding to the Consolidated Appropriations Act of 2023 (H.R. 2617 and PL 117-328), the Modernization of Cosmetics Regulation of 2022 (MoCRA), and FDA's Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products (proposal and withdrawal of 89 FR 105490).
4. When and how YOU first learned that Dr. Andrey Korchevskiy intended to write the FDA regarding the Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products and/or the May 20, 2025 Expert Panel with the FDA.
5. YOUR involvement with the June 9, 2025 letter written by Dr. Andrey Korchevskiy to Dr. Martin Makary, including the selection of co-signatories, the drafting of the letter, and the development of its content.
6. YOUR knowledge of how the June 9, 2025 letter was drafted, including how feedback was provided to Dr. Korchevskiy and how drafts were exchanged between signatories.
7. When and how YOU first learned that the FDA intended to withdraw and did withdraw its proposed Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products (89 FR 105490).
8. A understanding of which entities historically made Johnson's Baby Powder or other cosmetic talc product at the time YOU spun off your cosmetic segment. The date that cornstarch was made available in each location. The discussions, efforts and actions taken to stop selling talc based cosmetic products. This is not limited to cosmetic talc products in the United States or Canada.
9. Listing of all individuals involved with the decision to stop selling talc in Johnson's Baby Powder and the steps involved to execute that decision. This includes efforts by YOU after the cosmetic segment sold.
10. An understanding of payments made by YOU to your experts in this case for any matter for the last five years including an understanding of the nature of the payment (consulting, testifying, regulatory issues, etc.).

11. An understanding of payments made by YOU directly or indirectly to Shu-Chun Su or Ann Wylie for any matter for the last five years including an understanding of the nature of the payment (consulting, testifying, regulatory issues, etc.).
12. Actions taken by YOU or at YOUR behalf to respond to the Lancet Retraction ([https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(26\)00552-0/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(26)00552-0/fulltext)). This includes understanding the actions taken, time spent, individuals involved and cost incurred.
13. Identify all individuals and organizations involved with “Johnson's Baby Talcum Powder: A Comprehensive Review.” Current as of March 17, 2020, starting with bates JNJTALC 001540233. Identify all cost incurred in preparing for and writing the Comprehensive Review. Identify and discuss all efforts to update the alleged Comprehensive Review. Identify and discuss information known or knowable to the company that was not included or considered in the alleged Comprehensive Review. Identify and discuss the topics covered in the Comprehensive Review.
14. YOUR participation in professional, industrial, and trade organizations, including but not limited to the Cosmetic, Toiletry & Fragrance Association (CTFA); the Cosmetic, Toiletry & Perfumery Association (CTPA); and the Personal Care Products Council (PCPC). This includes an understanding of when membership began, cost of membership, donations or contributions related to talc issues.
15. All information related to each entity’s conversion from talc to “talc free” baby powder, including the volume of sales, last date of sale and handling of existing inventory.
16. All information relating to YOUR involvement with, knowledge regarding, and communications with or about any European health agency relating to its assessment of a potential ban on talc.
17. All documents produced by YOU and any opinions you intend to give at trial in this case.
18. What YOU did to prepare for this deposition (documents searched for, documents reviewed, people searched for, people interviewed, etc.)
19. Information regarding document searches YOU have performed in this particular case. (i.e., when the search occurred, where it occurred, terms queried, by whom, results, bates-stamp range applied to all documents produced, etc.).

EXHIBIT B

For purposes of these requests, the following words shall have the following meanings:

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The terms "YOU" and "YOUR" mean responding party and all of its divisions, predecessors- in-interest, successors-in-interest, subsidiaries, parent companies, sister companies, joint ventures, partners and divisions thereof, including all current and former owners, employees, managers, officers, directors, agents, attorneys and any other person(s) acting upon its behalf.

The term "ASBESTOS" shall be interpreted, not in a limited regulatory sense, but broadly and include non-regulated and non-commercial forms of asbestos, all forms of elongate mineral particles, fibrous minerals, fibrous talc, cleavage fragments of amphiboles, individual fibers, bundles, fibrils and transition/transitional fibers. "Asbestiform" shall also be interpreted broadly and without particular limitation regarding fiber size, length, dimension, ratio, presence of multiple fibers, or geologic origin or "habit." The foregoing notwithstanding, "asbestos" also includes talc, whether or not known or acknowledged by defendant(s) to contain asbestiform minerals or other elongate mineral particles. See, e.g., Egilman, et al., Health Effects of Censored Elongated Mineral Particles: A Critical Review, Detection Limits in Air Quality and Environmental Measurements (STP 1618, 2019; doi: 10.1520/STP161820180080); January 6, 2020, Executive Summary of Preliminary Recommendations on Testing Methods for Asbestos in Talc and Consumer Products Containing Talc (available at <https://www.fda.gov/media/134005/download>) ("The difficulty of identifying and quantifying individual asbestos or other mineral particles present at low concentrations in talc is compounded by the presence of non-asbestiform analogs with the same elemental composition and crystal structure, but different growth habit. Using TEM, differentiation of chrysotile from non-asbestiform serpentine analogs is relatively straightforward; however, each of the non-asbestiform amphiboles can disaggregate into particles resembling asbestiform fibers, giving rise to disputes between laboratories over whether elongate amphibole particles are truly asbestos, or are particles resulting from attrition of larger particles of a non-asbestiform analog. Because both types of elongate minerals are suspected of having biological activity with similar pathological outcomes, the distinction is irrelevant...").

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The term "PERSON" and "PERSONS" means a natural person, firm, association, organization, partnership, business trust, limited liability company, corporation, or public entity.

1. All communications between YOU and the Department of Health & Human Services (HHS), the Federal Drug Administration (FDA), and the White House regarding the Consolidated Appropriations Act of 2023 (H.R. 2617 and PL 117-328), the Modernization of Cosmetics Regulation of 2022 (MoCRA), and FDA's proposed Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products (89 FR 105490).
2. All communications between YOU and any identified trade organizations regarding the Consolidated Appropriations Act of 2023 (H.R. 2617 and PL 117-328), the Modernization of Cosmetics Regulation of 2022 (MoCRA), and FDA's proposed Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products (89 FR 105490).
3. All communications between YOU and Dr. Korchevskiy regarding the Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products and the May 20, 2025 Expert Panel with the FDA.
4. All records related to the June 9, 2025 letter to Dr. Martin Makary.
5. If YOU have withheld any document based on a claim of privilege, please produce a privilege log identifying each such document, its author, recipients, date of preparation, and the specific privilege or work product protection claimed.
6. All documents reviewed to make the witness knowledgeable about each topic above, and/or to prepare the witness to testify as to the above topics.
7. All documents used to refresh the recollection of the designated witness and/or prepare that person to testify as to areas of inquiry listed above.
8. All documents related to, or that form the foundation for, YOUR responses to discovery requests in talc litigation.
9. All documents that will be used to prove YOUR cross-claims, if any, against other alleged tortfeasors in this lawsuit.
10. All documents, depositions, interrogatories, statements, certifications and/or affidavits that will be used to evidence all potential exposure to Plaintiff other than the alleged exposures to YOUR products.
11. All documents YOU intend to use at trial in this matter.
12. Any documents relating to testing done by the FDA of talc products in 2009 and 2010.
13. Any documents relating to consideration, development, approval, use, accuracy, inaccuracy, detection limit, limitations, promotion or disapproval of any other method for the analysis of talc for the presence of asbestos (other than the J4-1 method).
14. Any documents related to the 1993 FDA Talc Symposium.
15. Any documents relating to YOUR involvement and knowledge of the Expert Panel with the FDA on talc on May 20, 2025.
16. Any documents relating to the identity of entities that made and sold Johnson's Baby Powder with talc, regardless of geography, at the time each entity went "talc-free."
17. All documents related to YOUR decision to stop the sale and/or manufacturing talc baby powder in United States.
18. All documents related to YOUR continued sale and/or manufacturing of talc baby powder in other countries after YOU discontinued sales and/or manufacturing in the United States.

19. All documents relating to YOUR efforts and activates relating to communication and efforts related to the safety of talc in Europe when assessing a ban on talc. This includes efforts known to J&J involving Kenvue.
20. All documents relating to YOUR knowledge of the dangers of talc as relayed by the FDA.

DEBRA McANDREW BARNETT	)	
	)	
Plaintiff,	)	C/A NO. 2026-CP-40-01257
v.	)	
	)	<i>In Re:</i>
JOHNSON & JOHSON, et al.	)	Asbestos Personal Injury Litigation
	)	Coordinated Docket
Defendants.	)	
_____	)	
	)	

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF RICHLAND) FOR THE FIFTH JUDICIAL CIRCUIT
)
ANDREW T. GERKEN, as Personal)
Representative of the Estate of ANNA) **C/A NO. 2023-CP-40-06111**
MARIE L. GERKEN, Deceased)
) *In Re:*
Plaintiff,) Asbestos Personal Injury Litigation
) Coordinated Docket
v.)
)
AVON PRODUCTS, INC., et al.)
)
Defendants.)

PLAINTIFFS' FIRST AMENDED NOTICE OF THE 30(b)(6) DEPOSITION OF
DEFENDANT KENVUE INC. AND SUBPOENA DUCES TECUM

ALL DEFENDANTS AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, will take the videotaped deposition of the designated representative of **Kenvue Inc.** on **September 18, 2026 at 9:30am ET** and will take place in person at ***Kirkland & Ellis LLP 601 Lexington Avenue, New York, NY 10022*** and via Zoom at which time you are notified to appear and take part as you see fit and proper in such examination. The deposition will take place

before a certified court reporter and videographer. If necessary, the deposition shall continue day to day.

Zoom Meeting Link: [CLICK HERE](#)

Zoom Meeting ID: 91098708905

Dial-In Phone #: 408 638 0968

The deposition is to be taken for the purpose of discovery or for use at trial, or both. The topics to be covered at the deposition are listed in Exhibit “A” attached hereto. Pursuant to Rule 30(b)(5), Defendant is requested to produce documents responsive to the descriptions listed in Exhibit “B” also attached hereto. Pursuant to Rule 30(b)(5) the time for production of these documents is governed by Rule 34, which holds all responsive documents were due produced to Plaintiff in 30 days from service. Plaintiffs reserve the right to use the deposition and exhibits thereto, including the deposition transcript, audio recording, and videorecording of the testimony, for any purpose, including at trial in this and in any subsequent matter, particularly as neither Deponent nor its Person(s) Most Qualified are residents of the state of California, and are therefore unavailable at trial as defined by California Evidence Code section 240. All parties given notice of this deposition are advised of Plaintiffs’ intent to use the transcript, audio recording, and videorecording of the testimony for the purpose of preserving the witness's testimony as a proxy for trial testimony which may be used in this and any subsequent matters. All parties are advised to take full and fair opportunity of their right to examine the witness in anticipation that the testimony, and/or portions thereof, is intended for use at trial.

Respectfully submitted,

/s/ David C. Humen

David C. Humen (SC Bar No. 104536)

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jrutkoski@kassellaw.com
Other email: emoultrie@kassellaw.com
ATTORNEYS FOR PLAINTIFF

September 2, 2026
Dallas, Texas

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was served on counsel for all parties via Certified U.S. Mail Return Receipt, U.S. Mail Standard First Class, and/or electronic mail this on September 2, 2026.

s/ David C. Humen
Attorney for Plaintiffs

EXHIBIT A

For purposes of these topics, the following words shall have the following meanings: Definitions: "RECORD" or "RECORDS" or "DOCUMENT" or "DOCUMENTS" means any and all written, printed, typed, recorded or graphic material, however produced, or reproduced, stored, known to exist, by way of example and not by limitation, invoices, contracts evidencing purchase or receipt, ledger cards, material requests, communications, writings, printings, records, worksheets, abstracts, summaries, statistics, notes, market data, journals, ledgers, expense reports, specifications, contracts, contract bids, purchase orders, bills of lading, shipping orders, dock receipts, cancelled checks, computer print-outs, microfilm, microfiche, which in any way pertain to the document request made herein.

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2. All trade organizations, trade associations, and any other groups with which YOU discussed the Consolidated Appropriations Act of 2023 (H.R. 2617 and PL 117-328), the Modernization of Cosmetics Regulation of 2022 (MoCRA), and FDA's Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products (proposal and withdrawal of 89 FR 105490).
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5. YOUR involvement with the June 9, 2025 letter written by Dr. Andrey Korchevskiy to Dr. Martin Makary, including the selection of co-signatories, the drafting of the letter, and the development of its content.
6. YOUR knowledge of how the June 9, 2025 letter was drafted, including how feedback was provided to Dr. Korchevskiy and how drafts were exchanged between signatories.
7. When and how YOU first learned that the FDA intended to withdraw and did withdraw its proposed Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products (89 FR 105490).
8. Which of YOUR subsidiaries made Johnson's Baby Powder and other cosmetic talc product. The discussions, efforts and actions taken to stop selling talc based cosmetic products. This is not limited to cosmetic talc products in the United States or Canada.
9. Listing of all individuals involved with the decision to stop selling talc in Johnson's Baby Powder and the steps involved to execute that decision.
10. An understanding of payments made by YOU to your experts in this case for any matter including an understanding of the nature of the payment (consulting, testifying, regulatory issues, etc.).
11. An understanding of payments made by YOU directly or indirectly to Shu-Chun Su or Ann Wylie for any matter including an understanding of the nature of the payment

(consulting, testifying, regulatory issues, etc.).

12. Actions taken by YOU or at YOUR behalf to respond to the Lancet Retraction ([https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(26\)00552-0/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(26)00552-0/fulltext)). This includes understanding the actions taken, time spent, individuals involved and cost incurred.
13. YOUR participation in professional, industrial, and trade organizations, including but not limited to the Cosmetic, Toiletry & Fragrance Association (CTFA); the Cosmetic, Toiletry & Perfumery Association (CTPA); and the Personal Care Products Council (PCPC). This includes an understanding of when membership began, cost of membership, donations or contributions related to talc issues.
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16. All documents produced by YOU and any opinions you intend to give at trial in this case.
17. What YOU did to prepare for this deposition (documents searched for, documents reviewed, people searched for, people interviewed, etc.)
18. Information regarding document searches YOU have performed in this particular case. (i.e., when the search occurred, where it occurred, terms queried, by whom, results, bates-stamp range applied to all documents produced, etc.).

EXHIBIT B

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The terms "RECORD" or "RECORDS" or "DOCUMENT" or "DOCUMENTS" means any and all written, printed, typed, recorded or graphic material, however produced, or reproduced, stored, known to exist, by way of example and not by limitation, invoices, contracts evidencing purchase or receipt, ledger cards, material requests, communications, writings, printings, records, worksheets, abstracts, summaries, statistics, notes, market data, journals, ledgers, expense reports, specifications, contracts, contract bids, purchase orders, bills of lading, shipping orders, dock receipts, cancelled checks, computer print-outs, microfilm, microfiche, which in any way pertain to the document request made herein.

The terms "YOU" and "YOUR" mean responding party and all of its divisions, predecessors- in-interest, successors-in-interest, subsidiaries, parent companies, sister companies, joint ventures, partners and divisions thereof, including all current and former owners, employees, managers, officers, directors, agents, attorneys and any other person(s) acting upon its behalf.

The term "ASBESTOS" shall be interpreted, not in a limited regulatory sense, but broadly and include non-regulated and non-commercial forms of asbestos, all forms of elongate mineral particles, fibrous minerals, fibrous talc, cleavage fragments of amphiboles, individual fibers, bundles, fibrils and transition/transitional fibers. "Asbestiform" shall also be interpreted broadly and without particular limitation regarding fiber size, length, dimension, ratio, presence of multiple fibers, or geologic origin or "habit." The foregoing notwithstanding, "asbestos" also includes talc, whether or not known or acknowledged by defendant(s) to contain asbestiform minerals or other elongate mineral particles. See, e.g., Egilman, et al., Health Effects of Censored Elongated Mineral Particles: A Critical Review, Detection Limits in Air Quality and Environmental Measurements (STP 1618, 2019; doi: 10.1520/STP161820180080); January 6, 2020, Executive Summary of Preliminary Recommendations on Testing Methods for Asbestos in Talc and Consumer Products Containing Talc (available at <https://www.fda.gov/media/134005/download>) ("The difficulty of identifying and quantifying individual asbestos or other mineral particles present at low concentrations in talc is compounded by the presence of non-asbestiform analogs with the same elemental composition and crystal structure, but different growth habit. Using TEM, differentiation of chrysotile from non-asbestiform serpentine analogs is relatively straightforward; however, each of the non-asbestiform amphiboles can disaggregate into particles resembling asbestiform fibers, giving rise to disputes between laboratories over whether elongate amphibole particles are truly asbestos, or are particles resulting from attrition of larger particles of a non-asbestiform analog. Because both types of elongate minerals are suspected of having biological activity with similar pathological outcomes, the distinction is irrelevant...").

The term "TALC" includes all grades of talc including but not limited to industrial, cosmetic, food, and/or pharma, unless specified otherwise.

The term "PERSON" and "PERSONS" means a natural person, firm, association, organization, partnership, business trust, limited liability company, corporation, or public entity.

1. All communications between YOU and the Department of Health & Human Services (HHS), the Federal Drug Administration (FDA), and the White House regarding the Consolidated Appropriations Act of 2023 (H.R. 2617 and PL 117-328), the Modernization of Cosmetics Regulation of 2022 (MoCRA), and FDA's proposed Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products (89 FR 105490).
2. All communications between YOU and any identified trade organizations regarding the Consolidated Appropriations Act of 2023 (H.R. 2617 and PL 117-328), the Modernization of Cosmetics Regulation of 2022 (MoCRA), and FDA's proposed Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products (89 FR 105490).
3. All communications between YOU and Dr. Korchevskiy regarding the Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products and the May 20, 2025 Expert Panel with the FDA.
4. All records related to the June 9, 2025 letter to Dr. Martin Makary.
5. If YOU have withheld any document based on a claim of privilege, please produce a privilege log identifying each such document, its author, recipients, date of preparation, and the specific privilege or work product protection claimed.
6. All documents reviewed to make the witness knowledgeable about each topic above, and/or to prepare the witness to testify as to the above topics.
7. All documents used to refresh the recollection of the designated witness and/or prepare that person to testify as to areas of inquiry listed above.