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

- - - - -X

SHARON PIPES and ANDREW
SLUPSKI,

Plaintiffs,

-against-

Case No.
CJ-2017-3487

JOHNSON & JOHNSON, et al,
Defendants.

- - - - -X

August 28, 2018
9:17 a.m.

VIDEOTAPED DEPOSITION of LISA GALLO, a
witness on behalf of a Defendant, AVON PRODUCTS,
herein, taken pursuant to Court Order, and held at
the offices of Crowne Plaza Suffern, 3 Executive
Boulevard, Suffern, New York, before Douglas F.
Colavito, a Court Reporter and Notary Public of the
State of New York.

	Page 2	Page 4
<p>1 A P P E A R A N C E S : 2 DEAN, OMAR & BRANHAM 3 Attorneys for Plaintiff 302 North Market Street, Suite 300 4 Dallas, Texas 75202 5 BY: JESSICA M. DEAN, ESQ. 6 7 HOLLINGSWORTH, LLP 8 Attorneys for Defendant 1350 I Street, Northwest 9 Washington, D.C. 20005 10 BY: NEIL S. BROMBERG, ESQ. 11 12 AVON PRODUCTS 13 Attorneys for AVON PRODUCTS 601 Midland Avenue 14 Rye, New York 10580 15 BY: KAREN ABRAVANEL, ESQ. 16 17 MCAFFEE & TAFT 18 Attorneys for AVON PRODUCTS 2 West Second Street, Suite 1100 19 Tulsa, Oklahoma 74103 20 BY: VANI SINGHAL, ESQ. (Appearing via telephone) 21 22 FOLIART, HUFF, OTTAWAY & BOTTOM 23 Attorneys for JOHNSON & JOHNSON, 24 JOHNSON & JOHNSON CONSUMER, INC., 25 JOHNSON & JOHNSON CONSUMER, INC., f/k/a JOHNSON & JOHNSON CONSUMER COMPANIES, INC., PIGGLY WIGGLY LLC, AND HAC, INC. 201 ROBERT S. Kerr Avenue, 12th Floor Oklahoma City, Oklahoma 73102 BY: LARRY D. OTTAWAY, ESQ. -and- MICHAEL T. MALOAN, ESQ. (Appearing via telephone)</p>	<p>1 LISA GALLO, 2 having first been duly sworn by the Notary Public 3 (Douglas F. Colavito), and stating her business 4 address as 1 Avon Place, Suffern, New York 10901, 5 was examined and testified as follows: 6 7 MR. BROMBERG: This is Neil Bromberg, 8 counsel for Avon Products, Inc. In the Pipes 9 case. And there will be documents introduced 10 at today's deposition, I'm sure, that Avon has 11 produced in this litigation subject to a 12 protective order in the Pipes case. The 13 parties in this case are close to finalizing an 14 agreement with respect to the documents in the 15 Pipes case, whereby Avon will drop its 16 confidentiality designations on documents 17 marked as such, and reproduce the documents 18 without a confidentiality stamp so they can be 19 used freely in this litigation without having 20 to seek a motion to seal, to file them with the 21 Court. There's a corresponding agreement 22 that's not finalized yet. We've been working 23 out with plaintiffs, whereby they will not use 24 these documents outside this litigation or 25 outside -- or outside this case for any</p>	
<p>1 A P P E A R A N C E S : 2 3 RHODES, HIERONYMUS, JONES, TUCKER & GABLE, PLLC 4 Attorneys for WHITTAKER CLARK & DANIELS, INC. 2 West 2nd Street, Suite 1000 5 Tulsa, Oklahoma 74103 6 BY: THERESA N. HILL, ESQ. (Appearing via telephone) 7 8 FRANDEN, FARRIS, QUILLIN, GOODNIGHT & ROBERTS 9 Attorneys for CYPRUS and IMERYS 2 West 2nd Street, Suite 900 10 Tulsa, Oklahoma 74103 11 BY: MICHAEL J. O'MALLEY, ESQ. (Appearing via telephone) 12 13 THE LAW OFFICE OF ROBERT H. ALEXANDER, JR., P.C. 14 Attorneys for PROCTER & GAMBLE, WYETH HOLDINGS, INC., GLAXOSMITHKLINE LLC 100 North Broadway 15 Post Office Box 868 Oklahoma City, Oklahoma 73101 16 BY: ROBERT H. ALEXANDER, JR., ESQ. (Appearing via telephone) 17 18 PHILLIPS MURRAH P.C. 19 Attorneys for COLGATE-PALMOLIVE COMPANY 101 North Robinson, 13th Floor 20 Oklahoma City, Oklahoma 73102 21 BY: LYNDON WHITMIRE, ESQ. (Appearing via telephone) 22 23 ALSO PRESENT: 24 JIM BRADY, Videographer 25</p>	<p>1 non-litigation purposes. And under those 2 circumstances, we are willing to remove the 3 confidentiality designations and drop whatever 4 fight the parties currently have over the 5 confidentiality of Avon's documents. 6 Accordingly, we will not mark the 7 transcript of this deposition as confidential 8 with respect to plaintiff's counsel in this 9 case. But we would ask that any -- any other 10 co-defendants who want a copy of the transcript 11 or the exhibits to the deposition agree to the 12 same parameters that plaintiff's counsel and I 13 are -- are finalizing. 14 MS. DEAN: This is Jessica Dean for the 15 plaintiffs. I just want to clarify, first, the 16 limitations worked out and agreed to, and it's 17 a little bit different than what was stated by 18 defense counsel. Moreover, it was stated 19 several times that this wasn't final. I have 20 written agreements by Vani Singhal about the 21 nature of the agreement, which I suggested to 22 make sure there was no ambiguity to be put in 23 one written form. This needs to be finalized. 24 We have a motion due on Friday. If we don't 25 finalize it by the end of the day, we're going</p>	

<p style="text-align: right;">Page 6</p> <p>1 to seek costs for having to respond to that 2 motion, but I'm hopeful we can. This is the 3 agreement that Avon is to provide copies of the 4 AV, underscore, Pipes documents produced in 5 this case without any confidentiality or 6 protective markings. 7 Two, that Avon is to provide the 8 depositions of Avon's representatives taken in 9 this case without any confidentiality or 10 protective markings for all exhibits to those 11 depositions that Avon have provided, which 12 we'll know from Avon Bates labels. 13 Three, to provide the court reporter and 14 the deposition taken in this case of Lisa 15 Gallo, copies of all the exhibits that are 16 identified right now that have a 17 confidentiality or protection marking without 18 that marking within five days of the deposition 19 so the exhibits can be changed. 20 Four, Avon is to notify the Court by today 21 that the motion to seal filed by Avon is 22 withdrawn, and that's the one that's saying, If 23 we can't reach this agreement by the end of 24 day, we're going to seek cost. Just cause -- 25 otherwise, we have a response to Friday.</p>	<p style="text-align: right;">Page 8</p> <p>1 That's my understanding. And the one 2 thing that I heard in your enumeration of it is 3 that we only made this agreement as for 4 litigation purposes in this case, and that was 5 explicitly not the case. I believe that these 6 are not confidential documents; that they were 7 marked confidential in bad faith. And so the 8 agreement I was seeking -- and I'm not saying 9 anybody has to agree with that here. I'm just 10 saying that in agreeing to withdraw that, we 11 intend to use these documents with others in 12 litigation whether they are with our firm or 13 not for litigation purposes with the limitation 14 that I just articulated. 15 MR. BROMBERG: Let me -- let me briefly 16 respond. When I said the agreement wasn't 17 final, I meant that it had not been put to 18 paper and signed by the parties, which is what 19 you had requested. The general terms that you 20 -- that you set forth, we agree with, and we 21 can certainly -- to the extent that there are 22 things we need to do today, we can certainly 23 make that happen. 24 MS. DEAN: Okay. The other few things 25 that I wanted to state on the record are that</p>
<p style="text-align: right;">Page 7</p> <p>1 The next condition is Avon is to agree to 2 file with the Court by today an indication that 3 they're seeking that the confidentiality order 4 signed by Judge Davis is withdrawn and no 5 longer sought by Avon, and agree that until 6 this is done, Avon is not seeking to enforce 7 confidentiality order against plaintiffs. 8 And finally, Avon is to make redaction to 9 formula sheets identified in the documents so 10 that we can easily review to make sure that 11 we're on the same page and don't have any 12 objections about those redactions. 13 In return, we have agreed that plaintiff 14 would indicate in writing the following: That 15 the Avon documents produced in this case will 16 be used for litigation purposes only. That 17 plaintiffs will not publish the documents on 18 our website or otherwise sell the documents. 19 Further, we have agreed the documents will not 20 be used by any attorney of record for any 21 non-litigation purpose. 22 Finally, where there's not an explicit 23 deadline identified in this agreement, we 24 indicated it will be done on or before 25 September 25th, 2018.</p>	<p style="text-align: right;">Page 9</p> <p>1 we are taking this pursuant to the rules of 2 evidence and procedure in Oklahoma. 3 And two, that an objection by one 4 defendant is good for all so that the court 5 reporter can be relieved of having to ask the 6 identity of the defense attorneys objecting and 7 can just put "defense objection." Is that 8 agreeable? 9 MR. BROMBERG: It's agreeable. 10 MS. DEAN: Okay. And then my 11 understanding -- and I tried to seek clarity 12 from Ms. Singhal on this, and she wanted to 13 wait until you got back -- but I still haven't 14 heard an answer, is that: If we wanted to 15 determine that these documents are authentic, 16 or that they are business records as defined by 17 the Oklahoma hearsay exception, my 18 understanding is that that is a different 19 witness. And I've seen Ms. Bryan's testimony 20 as custodian in records in past cases, but I 21 just wanted to confirm that that's not 22 something that I'm supposed to be talking to 23 Ms. Gallo about. 24 MR. BROMBERG: Well, let me just state for 25 the record: As we -- as we indicated to you in</p>

<p style="text-align: right;">Page 10</p> <p>1 a conversation about a month ago or so, we 2 would go back through the document production 3 and identify the documents in the production 4 which we cannot verify as to authenticity, 5 because they are not Avon records. They may be 6 government records. They may be records of 7 other co-defendants that were produced to us in 8 the course of cosmetic talc litigation. So we 9 put together a list of those Bates numbers from 10 the production which we cannot verify, and Ms. 11 Gallo is prepared to provide that information 12 to you. 13 MS. DEAN: So she already has. And I've 14 looked at the list, and my question to her and 15 you was: For the documents that are not 16 authenticated where -- I want to talk to a 17 human about that. 18 And second, for the second legal issue, 19 which is not authenticity but business records, 20 where I need to establish when they were 21 created, how they were maintained if they were 22 in the regular course of business, things of 23 that nature, who do I need to talk to, or is 24 there further stipulation we can reach to maybe 25 avoid talking to someone? And the response I</p>	<p style="text-align: right;">Page 12</p> <p>1 questions you're going to ask. She can, like I 2 said, verify that other than the documents on 3 this list, all the other documents in our 4 production are Avon business records. If -- if 5 it's a matter of questioning about where 6 individual documents were stored, or how they 7 were stored, or how they were individually 8 collected, that's not Ms. Gallo. 9 MS. DEAN: Okay. And I want to follow up 10 and if we attach the list, I think we'll get 11 more clarity. But what I understood it to be 12 was more limited than what you just said, which 13 may help a lot. I mean, are these just an 14 agreement that the records that have been Bates 15 labeled in this case, except for those on the 16 list, are authentic, or can we also establish 17 that they are Avon business records as defined 18 by the business record exception? 19 MR. BROMBERG: They are authentic Avon 20 business records. 21 MS. DEAN: Okay. 22 MR. BROMBERG: They are Avon documents. 23 MS. DEAN: Okay. Then let's go ahead and 24 attach that list as Exhibit 63. For the 25 record, and which I will email that to you and</p>
<p style="text-align: right;">Page 11</p> <p>1 got was to wait until you got back, and then I 2 followed up when you got back and then I 3 haven't heard anything. So the -- the only 4 thing I'm trying to -- to verify today is to 5 the extent that we can't reach an agreement, 6 and you guys were very helpful to limit your 7 documents to two pages of documents, single -- 8 single-spaced listed documents, not documents 9 themselves. That might help reduce the number 10 of questions I have about authenticity. But if 11 we can't further reduce that, and I need to 12 talk to someone, is that Ms. Bryan? Is that 13 Ms. Gallo? I just need to know for today. I 14 have the list if I need to pull those exhibits 15 to ask her about authenticity. 16 MR. BROMBERG: You have the list of the 17 documents that we're saying we can't verify? 18 MS. DEAN: It is a list of documents that 19 say, All but these. We can say are authentic. 20 I didn't ever get a response to my email about 21 business records. 22 And then my -- my question was: Is it Ms. 23 Gallo that I then talk to -- somebody -- to 24 about this, or is it Ms. Bryan or someone else? 25 MR. BROMBERG: Well, I don't know what</p>	<p style="text-align: right;">Page 13</p> <p>1 the court reporter at the end of the deposition 2 just to make sure we're talking about the same 3 list. 4 MR. BROMBERG: Well, we brought a copy of 5 it. So I -- 6 MS. DEAN: Oh, do you mind if I mark it? 7 MR. BROMBERG: You can mark Lisa's copy of 8 it. 9 THE WITNESS: I think I have handwritten 10 notes on it but -- 11 MS. DEAN: Anything -- 12 MR. BROMBERG: No. It's just -- 13 THE WITNESS: It's just a number. 14 MS. DEAN: Oh. Perfect. 15 THE WITNESS: Just the summary of the 16 amount. That's it. 17 MS. DEAN: Perfect. 18 19 (Plaintiffs' Exhibit 63, DOCUMENT, was 20 marked for identification.) 21 22 MS. DEAN: And then in terms of proceeding 23 with the deposition as I mark exhibits, and 24 we've already talked to him, I'll probably just 25 lay them in front of you like this on. And</p>

<p style="text-align: right;">Page 14</p> <p>1 then on breaks try to put them in numerical 2 order so if we need to re-reference we can. 3 THE WITNESS: Okay. 4 MS. DEAN: The other couple of things I 5 just wanted to reference before the beginning 6 of the deposition is -- and we had some 7 discussion about this -- I understand Avon and 8 plaintiffs do not agree -- but we believe that 9 some of the information Avon was compelled to 10 produce prior to this deposition, specifically 11 on the 22nd and that Avon in written form 12 agreed to produce by August 27th if the court 13 ordered it has not been produced in advance of 14 this deposition. There -- there are several 15 examples of that. And I think they will be 16 eliminated most easily as we go through the 17 examination, but the one we spent most time 18 talking about are just the source for talcs for 19 different beauty dust products and fragrance 20 products sold by Avon between 1961 and 1973. 21 And without that information, I think much time 22 in this deposition is going to be inefficient. 23 And we will unfortunately need an opportunity 24 to review those documents when they are 25 obtained and talk to you again about them.</p>	<p style="text-align: right;">Page 16</p> <p>1 MS. DEAN: Sorry. 2 MR. BROMBERG: All right. First of all, 3 plaintiff's counsel in this case asked that 4 Avon produce product formulas for approximately 5 70 products that plaintiff's counsel, not 6 plaintiff, identified from brochures that we 7 produced in this case. Mrs. Pipes has 8 identified three products: Imari, Timeless, 9 and Topaz as the Avon products she used, and 10 indicated that there were additional Avon 11 products, somewhere between three and five that 12 she could not recall the products that she 13 used. We, therefore, offer to produce and we 14 did produce brochures so Ms. -- Mrs. Pipes 15 could go back and review those brochures and 16 identify additional products that she used. 17 Plaintiff's counsel opted not to have Ms. Pipes 18 do that and we received a list of more than 70 19 products none of which we received any evidence 20 or indication from Mrs. Pipes that she ever 21 used. And so we therefore rightfully objected 22 to a fishing expedition to produce formulas for 23 products that there is no product ID for in 24 this case. And we have filed a motion for 25 clarification with the court on that which has</p>
<p style="text-align: right;">Page 15</p> <p>1 In addition, we were ordered to review 2 prior transcripts taken by corporate 3 representatives which I have done first hand, 4 not only of Ms. Gallo, but of the other two 5 corporate representatives for Avon. One of the 6 questions that I asked Avon just for efficiency 7 is, you know, I wasn't involved in the 8 deposition. The Sharon Pipes case haven't even 9 been filed for most of them. And so when 10 objections were made by Avon's counsel to form 11 or otherwise, I obviously wasn't in the 12 position to address those objections and 13 readjust. And so I ask if Avon intends to 14 enforce those objections against us even though 15 we weren't there and got written confirmation 16 yesterday or this morning, I should know which 17 but it was one of those two, that they are not. 18 And I think that means that there are at least 19 some questions that I've tried to identify that 20 are sufficiently important that I want to make 21 sure I have a non-objection question to before 22 I get the answer. 23 MR. BROMBERG: May I respond to that? 24 MS. DEAN: Sure. 25 MR. BROMBERG: Okay.</p>	<p style="text-align: right;">Page 17</p> <p>1 been fully briefed, but not ruled upon by the 2 court. In light of this pending dispute, we 3 offer to plaintiff's counsel last week to 4 adjourn the deposition scheduled for today and 5 hold it at a different time once the issue was 6 resolved with the court. We are under no time 7 constraints in terms of completing or having 8 done the deposition today. Plaintiff's counsel 9 chose to reject that offer and proceed today 10 and so in my -- in Avon's position, plaintiff 11 proceeded, you know, at her -- at her own -- 12 her peril with respect to this. She could have 13 waited until this was resolved as to the scope 14 of discovery allowed, and we will -- we will 15 pose any -- any future deposition of Ms. Gallo 16 in this case beyond today of course the 17 ultimate resolution of that is up to the court. 18 Can you just tell me what the second issue 19 was? I've lost track. 20 MS. DEAN: Oh. I had asked if you would 21 waive objections made. 22 MR. BROMBERG: Oh, in terms of -- in terms 23 of the deposition itself, the deposition is 24 operating under an order entered by the court 25 on August 21st, 2018, limiting the deposition</p>

<p style="text-align: right;">Page 18</p> <p>1 to quote "matters pertinent to this plaintiff's 2 lawsuit and shall not cover topics previously 3 covered with more leeway as to the 1961 to 1974 4 time frame." That's the order entered by the 5 court. And we will defend the deposition 6 pursuant to that order and evaluate questions 7 asked by plaintiff's counsel. I don't -- I 8 don't think the fact that an objection to form 9 was raised to a question at a prior deposition 10 requires plaintiffs to go back and harass this 11 witness and ask the same questions again. 12 Objections to form are made merely -- none of 13 the objections to form raised by Avon's counsel 14 in any of the depositions have ever been ruled 15 on by a court. And plaintiff's counsel 16 certainly has an opportunity to oppose those 17 objections to form. In any event, I think to 18 the extent that objections to form were raised, 19 they were generally followed up by questions 20 from Plaintiff's counsel at those depositions 21 to ask a proper question. 22 MS. DEAN: Briefly, the notion that Avon 23 can enforce an objection for instance to form 24 for compound and it not be corrected and that 25 counsel who weren't present somehow are bound</p>	<p style="text-align: right;">Page 20</p> <p>1 party opponent. I do not agree and just want 2 to make it very clear that this deposition of 3 Ms. Gallo or any other corporate representative 4 at Avon can be countered and page line 5 designations have to be used in any way, shape, 6 or form. They are not -- you are not a party 7 opponent of yourself. I was not present. I 8 did not get involved with the questioning and 9 examination there. And so to the extent that 10 Avon intends on using those prior depositions, 11 I just want everybody to know that we will 12 object to any use of the depositions. 13 MR. BROMBERG: We obviously disagree. 14 MS. DEAN: I think unless somebody else 15 has something they want to state on the written 16 record. 17 Oh, we have agreed that all appearances 18 can be made in the written record by emailing 19 Doug, the court reporter, as opposed to having 20 to state them on the video record just to save 21 some time. I think that's it for the written 22 record. 23 MR. BROMBERG: I don't have -- 24 MS. DEAN: Okay. Anybody on the phone. 25 Okay. Then let's --</p>
<p style="text-align: right;">Page 19</p> <p>1 by that and if you are still making the 2 objection and claim that we can't fix the 3 defect, I don't think is a -- a reasonable 4 position. 5 Second, as to the issue of the motion to 6 compel, this is a deposition we've been seeking 7 now for over three months for a case that has 8 been on file for a year for information that 9 has implications not just to this defendant, 10 but co-defendants who are suppliers for 11 instance. And so I do not believe that when 12 you are compelled to do a deposition on this 13 date, and to give us information prior to this 14 date that if the court agrees that her ruling 15 was clear on the 10th and that the 16 clarification you were seeking was clear on the 17 10th when she ordered it, the notion that we 18 just need to follow up, because we didn't have 19 everything we were supposed to give, I don't 20 think is a fair one, but we'll see what the 21 Court says. 22 The final thing I just want to make clear 23 is: Admissions by a party appointed through a 24 sworn testimony of a corporate representative 25 are exactly that, hearsay admissions against a</p>	<p style="text-align: right;">Page 21</p> <p>1 2 (Discussion held off the record.) 3 4 MS. DEAN: One last thing on the written 5 record: Avon produced at about 4:00 central 6 time new documents that were responsive both to 7 our discovery, written discovery, and to our 8 deposition notice. They were not voluminous. 9 I think it was five or six pages of documents, 10 but I was already in transit to this 11 deposition. I asked to have copies available 12 for me first thing in the morning so I would 13 have time to review before the start of the 14 deposition. That request wasn't apparently 15 even read, let alone honored. At the start of 16 the deposition, I asked again. I was told, on 17 a break, they are going to try to fax them; 18 they would look into it. But again, in terms 19 of being efficient in a deposition, 20 late-produced documents that I still don't have 21 creates inefficiency. 22 MR. BROMBERG: And I'll just -- I'll just 23 respond briefly. We asked that -- I reached 24 out to my office to see if we can have those 25 documents faxed over here. I don't believe</p>

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1 it's my obligation to print documents for --
2 for plaintiff's counsel. They were certainly
3 sent in a time that Ms. Dean could have
4 directed somebody from her office to print them
5 and text them. And -- although, you did send
6 an email making that request, no one responded
7 to it indicating that we would print those
8 documents for you. Nor do I have an ability
9 from here to have -- to have done that myself
10 easily on -- when I received that email late
11 last night.
12 So I suggest we conclude all this
13 preliminary stuff and get to why we're here
14 which is the deposition of Ms. Gallo.
15 MS. DEAN: And the only point in doing
16 that that is efficiency is hampered when there
17 isn't cooperation by opposing counsel, and I
18 think this is a clear example of that problem.
19 Okay.
20
21 (Discussion held off the record.)
22
23 THE VIDEOGRAPHER: Today's date is August
24 28th, 2018. The first time is 9:42. My name
25 is Jim Brady. I'm the videographer. Here

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1 today at the Crowne Plaza in Suffern, New York.
2 Here today in the matter of Sharon Pipes, et al
3 versus Johnson & Johnson, et al. Today's
4 witness's name is Lisa Gallo. Today's
5 appearances by all attorneys will show upon the
6 transcript.
7 I ask now that the court reporter please
8 swear in the witness.
9
10 (Witness sworn in.)
11
12 EXAMINATION
13 BY MS. DEAN:
14 Q. Good morning.
15 A. Hi. Good morning.
16 Q. I introduced myself before we started.
17 I'm Jessica Dean, and I represent Sharon Pipes.
18 Can you hear me okay?
19 A. I can.
20 Q. We are likely to use this videotape with
21 the jury. And so if I ever reference them -- that's
22 why I'm doing it starting off with now.
23 Do you mind introducing yourself to the
24 jury?
25 A. Yes. Hi, my name is Lisa Gallo. I work

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1 for Avon Products. I'm a vice president in research
2 and development.
3 Q. And you understand that today we didn't
4 actually seek the deposition of you, Lisa Gallo, but
5 we wanted to learn about Avon. And so there's a
6 process where we can identify what subjects we care
7 about, give you guys an opportunity to review that,
8 find the best person, look at documents, get
9 prepared and then we sit in the room with a court
10 reporter and videographer and ask those questions.
11 And you were picked as that person for at least the
12 subjects that we identified for today; right?
13 A. Yes.
14
15 (Plaintiffs' Exhibit 1, DEPOSITION NOTICE,
16 was marked for identification.)
17
18 Q. I'm going to hand you what I marked as
19 Exhibit 1. That is just a copy the of the
20 deposition notice except with the original time. We
21 moved it yesterday at your request to start a little
22 earlier.
23 But have you seen that before?
24 A. Yes.
25 Q. And are you prepared to discuss the topics

Page 25

1 that we've identified there?
2 MR. BROMBERG: I'll just say she is
3 prepared to testify with respect to the topics
4 here subject to the objections Avon raised in
5 its notice.
6 A. Yes.
7 Q. I tend to get informal in one way. I mean
8 that by when I say "you" when I'm talking to you as
9 a person, but you understand that I'm asking you on
10 behalf of Avon throughout the course of this
11 deposition?
12 A. Yes. I understand.
13 Q. If, at any point in time, you feel like
14 you cannot speak on behalf of the company, would you
15 let me know to see if I can clarify my question?
16 A. Yes, I will.
17 Q. You have been deposed in a few other case
18 before today.
19 A. I have.
20 Q. And each time you were deposed, it was in
21 the same role where you were acting as the person
22 most knowledgeable or the company representative for
23 Avon; correct?
24 A. That's correct.
25 Q. And in those depositions, you went through

<p style="text-align: right;">Page 26</p> <p>1 your history with the company? 2 A. I did. 3 Q. You did not start with the company until 4 the 1990s? 5 A. Right. 1994. 6 Q. And did you read the deposition of Sharon 7 Pipes? 8 A. I read parts of it. Yes, I did. 9 Q. Okay. 10 A. Definitely. 11 Q. Did you read the deposition of her 12 daughters? 13 A. I definitely read parts of it. But again 14 it's a very long deposition. So I have it with me. 15 I can reference it. 16 Q. Okay. 17 A. Yes. 18 Q. You are aware that she indicated that in 19 the 60s, 70s, and 80s, she used Avon products; 20 right? 21 A. Yes. 22 Q. And in terms of just trying to narrow the 23 products we have to talk about today, the products 24 that she identified working with were loose powders 25 that I think in Avon's catalogs, they -- they call</p>	<p style="text-align: right;">Page 28</p> <p>1 never worked in the department that handled beauty 2 dust and fragrance talcs. You worked in different 3 parts of Avon; correct? 4 A. I worked in all parts of research and 5 development, every category. So I do work with 6 those types of products now. But it's been over the 7 course of my career; I have been there almost 25 8 years. So -- 9 Q. Let me ask a better question. 10 In 2002, talcs stopped being used in the 11 products that we're going to call "the beauty dust 12 and the fragrance talcs"; right? 13 A. Yes. 14 Q. And you did not work in research and 15 development or otherwise during the time frame that 16 talc was an ingredient in these products? 17 A. Actually -- 18 MR. BROMBERG: I'm just going to raise an 19 objection, Counsel. Pursuant to the court's 20 order, the topic of when Ms. Gallo joined Avon 21 and various time frames in terms of what was 22 happening at Avon while she was at the company. 23 She has already been questioned about this. I 24 would consider this an objectionable line of 25 questioning based on the court's order.</p>
<p style="text-align: right;">Page 27</p> <p>1 "beauty dusts"? 2 A. I think -- I thought they were also shaker 3 -- they were shaker powders as well. 4 Q. Okay. 5 A. Perfume -- perfume talcs is how we 6 referenced them. 7 Q. So you just -- you beat me to the punch. 8 So there were two different types. One is a loose 9 powder that comes kind of with a powder puff that's 10 called a beauty dust in brochures and literature. 11 And then the second is what is called "perfumed 12 dust" which often comes in a shaker sold by Avon; 13 right? 14 A. Right. 15 Q. And there were other products sold by Avon 16 that involved talc from eye liners to eye shadows to 17 aerosol powders, but those weren't identified by Ms. 18 Pipes at least in your review; correct? 19 A. That's correct. 20 Q. Okay. And so unless I state otherwise, 21 I'm going to be asking questions that talk about the 22 beauty dusts and fragrance talc products since those 23 are the products that Ms. Pipes identified. Okay? 24 A. Okay. 25 Q. During your time frame in Avon, you have</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. You can still answer. Unless he -- 2 MR. BROMBERG: I'm instructing her not to 3 answer. This deposition is supposed to be 4 focused on topics not previously covered. 5 MS. DEAN: This is in direct violation of 6 Section 12-3230E. 7 And for everyone's benefits so they don't 8 think I'm too strange. I say the word 9 "dinosaur" so I can easily find things in the 10 transcript. So if I just randomly say 11 "dinosaur," please ignore me. 12 Q. Are you going to follow that instruction? 13 THE WITNESS: I'm being advised to so I 14 will follow it. 15 Q. Okay. After working for Avon, I think you 16 said for almost 25 years, do you consider yourself a 17 loyal employee to Avon? 18 A. I do. 19 Q. Are you paid for your time? 20 A. Yes. 21 Q. How are you paid for your time doing this? 22 A. For this, I'm paid as an associate of Avon 23 to do my job. 24 Are you saying am I paid directly to do 25 this?</p>

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1 Q. Yes.
2 A. I'm paid as an Avon associate. So my job
3 is quite encompassing. I was chosen as a corporate
4 witness. I'm doing the due diligence to make sure
5 that I represent my company in the appropriate way,
6 but my job is a vice president of research and
7 development where my team develops all the products
8 for Avon around the world. So that is my day-to-day
9 job.
10 MS. DEAN: And let me object to
11 non-responsive and indicate that that's not an
12 indication that it's not helpful. It's just
13 that it's not responsive.
14 Q. And my -- my only question: Are you paid
15 independently for this time, or is this just part of
16 your -- your role and you are paid a salary for the
17 company?
18 A. This is part of my role. I'm paid a
19 salary for the company.
20 Q. In addition to your salary, do you get
21 bonuses?
22 A. I do if the company does -- you know there
23 are certain criteria that you need to meet to get a
24 bonus. A lot of it's financial. And based on KPI
25 of corporate decision makers.

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1 Q. Were you given --
2 A. We don't always get them.
3 Q. Were you given any kind of salary increase
4 or bonus or reward that maybe I'm not thinking of in
5 taking on this additional role to be company
6 representative for Avon in asbestos cases?
7 A. No.
8 Q. Okay. In terms of preparing for today's
9 deposition, outside of reviewing the deposition of
10 Sharon Pipes and her daughters, have you reviewed
11 any other specific non-Avon-produced documents to
12 prepare for today?
13 A. No. Not that I'm aware of.
14 Q. Do you have any disagreements on behalf of
15 Avon with the description of how Avon products were
16 used by Sharon and her daughters?
17 A. Could you repeat that.
18 Q. Sure.
19 Do you have any disagreements on behalf of
20 Avon on how Sharon Pipes or her daughters described
21 using Avon products?
22 A. No.
23 MR. BROMBERG: I would just raise an
24 objection to form. And also an objection that
25 discovery is not complete in this case. And so

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1 any positions that we take in this case are
2 based on information currently available.
3 A. I was going to further clarify from what I
4 read in the depositions. No, I don't have anything.
5 Q. Okay. And if any opinions change or
6 develop as a result of new information, we, of
7 course need the opportunity to ask about that.
8 Do you have, on behalf of Avon, any reason
9 to believe that Sharon Pipes acted unreasonably in
10 how she conducted herself in using talc powders?
11 A. No.
12 Q. Okay. Have you talked to any other person
13 other than Avon's lawyers to prepare for today's
14 deposition?
15 A. No, I have not. Not for today.
16 Q. And so there are company -- there are
17 chemist and toxicologists, designers, researchers,
18 safety personnel that work at Avon; right?
19 A. Yes.
20 Q. Okay. Did you talk to any suppliers of
21 talc used by Avon historically in order to determine
22 what, if anything, they know about the issues that
23 we identified in this notice in terms of the talc
24 used by Avon in the years that Sharon was using it?
25 A. I have not personally spoken to any

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1 suppliers.
2 Q. Have you obtained any information about
3 suppliers through any other means outside of Avon's
4 own internal documents?
5 A. I have some discovery responses -- that I
6 reviewed to prepare for today.
7 Q. Okay. You pointed to something. Do you
8 mind telling me what you're talking about?
9 A. Sure. I have a binder with information in
10 it, and I have those discovery responses in there.
11 Q. Okay. Do you mind if I take a look?
12 A. Sure.
13 MR. BROMBERG: Do you want the whole
14 binder or just --
15 MS. DEAN: If you want -- it's up to you.
16 Q. We'll start here. Are these the supplier
17 information that you reviewed?
18 A. Yes.
19 Q. Perfect.
20 And you pulled these out of a binder. Are
21 there any other information in that binder or
22 otherwise that you've looked at that has told you
23 about Avon suppliers outside of Avon's own
24 documents?
25 A. In this binder, there are formulas and raw

<p style="text-align: right;">Page 34</p> <p>1 ingredients specifications. 2 Q. Yes. 3 A. On the raw ingredient specifications, it 4 would list who the supplier of this particular raw 5 ingredient is. So it's basically their name on the 6 raw ingredient specifications. 7 Q. So for instance, you'll see a document 8 that indicates that WCD, Whittaker Clark & Daniels 9 is a supplier during certain -- 10 A. Right. 11 Q. And those were all ingredients 12 specifications sometimes called RI codes? 13 A. They are RI, yeah. No, they're RI specs. 14 Q. Okay. Are documents that came from Avon 15 and were provided in this case and have a label at 16 the bottom; right? 17 A. Yes. 18 Q. And my question is just outside of the 19 information that is in Avon's records and these 20 interrogatories that you handed me, have you 21 reviewed any other information from the actual 22 suppliers of talc that Avon used to prepare for 23 today's deposition? 24 A. So there are some documents talking about 25 different types of testing and so forth that was</p>	<p style="text-align: right;">Page 36</p> <p>1 Outside of those documents and the 2 interrogatories that you just handed me, do you have 3 any other information about suppliers that you have 4 reviewed or researched before today's deposition? 5 A. I have this document, but it doesn't have 6 an AV label on it so I just want to be -- 7 Q. Okay. Do you mind handing me that one. 8 Okay. Perfect. Anything else? 9 MR. BROMBERG: Maybe I can help shorten 10 this process. To the extent that Ms. Gallo in 11 her materials that she has brought today has 12 documents that are stamped with an AV stamp, 13 whether it's for the Pipes case or another 14 case, I'll explain that in a minute. Those 15 would be documents that were from Avon's files. 16 To the extent that they are stamped by a 17 different company like the one we just handed 18 you, WCD, that would be a document that -- that 19 was produced by a supplier in cosmetic talc 20 litigation. I would just also say with respect 21 to Ms. Gallo's binders that she has brought 22 with her, Jessica, that, as you know, Ms. 23 Gallo has testified for seven full days in 24 other cases and so she has documents with her 25 which were provided to her and that she</p>
<p style="text-align: right;">Page 35</p> <p>1 done. Trying to remember if they were from 2 suppliers or if they were just to review real quick. 3 They are from suppliers, yes. 4 Q. Are they from Avon's records, or are they 5 independent? 6 A. Let me see if they are on the list. Do 7 you have the list? I just want to make sure. Just 8 cross-reference this to make sure that they are -- 9 this is labeled "WCD." This is Avon. 10 Q. And so the list that you just grabbed is 11 Exhibit 63? 12 A. This is Exhibit 63, yes. So let me just 13 go ahead, and this is an Avon document. 14 Q. And let me clarify because I think it 15 might help. 16 A. Yeah. 17 Q. I'm asking about the Avon Bates-labeled 18 documents, not where they came from, but if they are 19 Bates labeled. Because I've had the opportunity to 20 review the Bates-labeled documents. 21 A. Are you talking about this? 22 Q. Yeah. Which is the references to AV, 23 underscore -- 24 A. Right. 25 Q. -- Pipes and then a series of numbers.</p>	<p style="text-align: right;">Page 37</p> <p>1 reviewed in connection with those other cases 2 and they have not been re-stamped with a Pipes 3 Bates number for purposes of today's 4 deposition, but we can certainly work something 5 out with that with respect to the exhibits 6 following the deposition. 7 Q. And my question is: Just so I have some 8 efficient way to understand what you have done other 9 than the document WCD Smith 1101 that you just 10 handed me and the interrogatories. And then 11 Avon-produced documents that have Avon's Bates 12 numbers at the bottom. Is there anything else that 13 you've either reviewed or researched to understand 14 information about the suppliers of talc that Avon 15 used historically? 16 A. I have one more that doesn't have an AV 17 code. 18 Q. Okay. So you also have the Cyprus Smith 19 document that has some Bates numbers that are not in 20 order. So I'll just say Cyprus Smith that you just 21 handed me. Right? 22 A. Uh-huh. 23 Q. Right. Anything else? 24 A. No. I think that that's all at least, you 25 know, that I have with me right now.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. How did you obtain the two documents in 2 three interrogatory sets that you just handed me 3 that didn't come from Avon's files? 4 A. I obtained them from counsel, working with 5 counsel. 6 Q. Okay. Are you aware that, for instance, 7 in these productions whether it be from Cyprus or 8 Whittaker Clark & Daniels that there are many, many 9 more documents that you haven't, if I understand 10 your answer correctly, haven't reviewed? 11 A. Again, I'm not sure of what's out there 12 and available that I haven't reviewed. I have an 13 awful lot of documents here with me. I don't know 14 if any of the ones you are referencing are 15 specifically in here. So I don't know what I don't 16 know, unfortunately. So I am not sure what I 17 haven't seen. 18 Q. So for instance, there's information from 19 Whittaker Clark & Daniels again that I see in the 20 Avon-produced files. But there's also productions 21 that they have given to lawyers and litigation where 22 Avon was involved and involved thousands of pages of 23 documents. Were you aware that those even existed? 24 A. Not the specifics of them. 25 Q. Okay. Can you give me an estimate and if</p>	<p style="text-align: right;">Page 40</p> <p>1 A. That's correct. 2 Q. And I want to talk to you a little bit 3 about some of the things that are said in the 4 supplemental interrogatories that were provided to 5 me. I marked them as Exhibit 6. And if you want to 6 look you can see that those are verified by you on 7 the last page. Once you've had a chance to look at 8 them, just confirm that that's right? 9 A. Yes. That's correct. 10 Q. If you go to page 6, you can get to our 11 first question. 12 A. Okay. 13 Q. I have underlined part of the answer Avon 14 gives. And it says there that "Avon has not located 15 any individuals to date with firsthand knowledge of 16 most of the subject matters inquired about in these 17 interrogatories, and therefore Avon's response to 18 the interrogatories are based on and limited to 19 records that Avon has been able to locate." 20 Do you see that? 21 A. I do. 22 Q. Okay. And that is something that you 23 verified to be accurate; correct? 24 A. Yes. 25 Q. And that is simply not true.</p>
<p style="text-align: right;">Page 39</p> <p>1 a range makes you feel more comfortable I'm happy 2 for that too, but how much time you've spent 3 preparing for this deposition? 4 A. For this particular deposition? 5 Q. Yes, ma'am. 6 A. Probably between 10 and 13 hours. 7 Q. And how much time have you spent with 8 Avon's lawyers? 9 A. With Avon's lawyers maybe nine, ten hours. 10 Q. And which lawyers did you meet with? 11 A. I met with Karen and Neil. 12 Q. And you're gesturing so the jury can see 13 it but they're sitting to your -- 14 A. Yes. 15 Q. -- right? 16 A. To my right. Yes. 17 Q. In addition to preparing for today's 18 deposition, you were also the person that verified 19 the interrogatories in this case; right? 20 A. Yes. 21 Q. And interrogatories are just questions. 22 We give it a formal name, but they're just questions 23 that Avon answers and they verified through you that 24 they are accurate to the best of your knowledge; 25 right?</p>	<p style="text-align: right;">Page 41</p> <p>1 A. I'm sorry? 2 Q. That is an inaccurate statement. 3 A. I'm -- I'm not sure what you're talking 4 about. 5 Q. There are individuals with firsthand 6 knowledge of the subject matters included in these 7 interrogatories that are well-known to Avon; right? 8 A. I'm not exactly sure what you're talking 9 about. I'm going to need you to be more specific. 10 Because that's -- that's what I understand. I 11 wouldn't have signed it if I didn't understand that 12 to be true. 13 Q. First of all, what effort did you make for 14 Avon's former employees to determine whether any of 15 them that were in the actual documents where you 16 knew that they were involved because they were in 17 the documents that Avon produced in this case, to 18 determine if they were available since they do have 19 personal knowledge? 20 A. Again, over the course of many depositions 21 that I've been part of, there are people at Avon 22 that have been contacted. So what this sentence 23 says is that Avon has not located any individuals to 24 date with firsthand knowledge of most of the subject 25 matters. There are people that have been contacted</p>

<p style="text-align: right;">Page 42</p> <p>1 that have little bits of information and that should 2 be, you know, I'm sure that was shared with you if 3 that's what you're referencing. But this says "most 4 of the subject matter." And to my knowledge, nobody 5 of that -- nobody exists that has most of this 6 subject matter. 7 Q. With does the rest of that answer say that 8 says most of the subject matter? There are no 9 individuals located with individual knowledge? 10 A. So it says most of the subject matters 11 inquired about in these interrogatories and 12 therefore Avon's responses to the interrogatories 13 are based on and limited to records that Avon has 14 been able to locate. 15 Q. So the responses they tell us and it's 16 clear they are provided solely from -- they are 17 based on and limited to records; right? 18 MR. BROMBERG: Objection to form. 19 Argumentative. 20 A. Again, do records -- does record mean 21 phone conversation or -- you know. Again, based off 22 of my understanding this is an accurate statement. 23 Q. So you indicated that you were sure that 24 there's information that bits and pieces that you 25 were able to find people that were conveyed to us,</p>	<p style="text-align: right;">Page 44</p> <p>1 deposition transcripts where she's been asked 2 questions about any individuals that she may 3 have spoken to or reached out to to become a 4 corporate representative. 5 A. So again, you know, as I mentioned to you. 6 MS. DEAN: Dinosaur. 7 A. There were, you know, there may have been 8 bits and pieces that I don't know that they were 9 specifically address -- you know, asked in these 10 questions. So -- 11 Q. So in terms of the information that you 12 gathered to be a company representative to 13 understand and speak for the company, can you give 14 me any names from the list of people that you gained 15 information from? 16 A. I can name -- I don't know if I'm going to 17 say his name right -- Walter Luckewicz; he was an 18 Avon associate. There's a lot of information in 19 these documents in regards to him. There was an 20 engineer. Her name was -- is she's still alive -- 21 Marylou Postin [ph.]. She was a processing engineer 22 who just processed batches. I'm trying to think if 23 there was anybody else who's no longer -- again, 24 Vince Reardon. I don't know if he -- he worked in 25 analytical at the time. These are just people that</p>
<p style="text-align: right;">Page 43</p> <p>1 where, how? 2 A. Sorry? Well, so again, from my knowledge, 3 as we were going through different documents, if 4 there was a name that -- because I've been there for 5 25 years. If there's a name I recognized that, you 6 know, that had worked there I would say, you know, 7 this is person that has worked at Avon. Do you know 8 if they're still alive, are they still -- and where 9 I might have had knowledge of that I would have 10 shared that with -- with counsel. You know, to see 11 if they were interested in having a further 12 conversation. So where I was able to recognize 13 somebody from my history there. 14 Q. But my question is: You claim that this 15 was shared, and I'm wondering whether the list of 16 people that you tried to reach out to or the list of 17 people that you succeeded to get in contact with or 18 most importantly the limited information those 19 people had that were involved firsthand, where that 20 information was conveyed anywhere in these 21 responses? 22 A. Again, I'm not sure. 23 MR. BROMBERG: By "these responses," do 24 you mean her interrogatories or document 25 production? We've provided Ms. Gallo's</p>	<p style="text-align: right;">Page 45</p> <p>1 are still alive that had worked at Avon at some 2 point. 3 Q. Anyone else that you can think of? 4 A. I'm trying to think if there's someone 5 else. 6 MR. BROMBERG: Are you asking her people 7 that she spoke with or people that she had -- 8 or that -- 9 A. That I'm aware of? 10 MR. BROMBERG: Or people that she's aware 11 of? 12 MS. DEAN: Let me get a complete answer, 13 and then I'll make sure we're on the same page. 14 Q. Is there any other name you can think of? 15 A. Not that I can think of right now. 16 Q. And my question was: Were there 17 individuals that you gathered information from that 18 had personal knowledge by talking to them to prepare 19 for today's deposition? 20 A. I did not speak to any of those, 21 personally speak to any of these three people. 22 Q. Outside of Avon documents, because for 23 instance you mentioned that Walter -- 24 A. Yes. 25 Q. -- Luckewicz was referenced a lot in those</p>

<p style="text-align: right;">Page 46</p> <p>1 documents. 2 A. Yes. 3 Q. Did you get any information about any of 4 those three people outside of what was already 5 written down in the records? 6 A. I did not, no. 7 Q. Okay. And so the answer here comports 8 with that. It says we are limiting our answers to 9 these written questions and answers to the records. 10 And in my understanding, you write that also in your 11 preparation for the deposition, you've limited kind 12 of your preparation from speaking to the lawyers and 13 reviewing the records. 14 MR. BROMBERG: I'm going to raise an 15 objection to form, and also state it can be 16 somewhat confusing because you're asking her 17 about preparation for today's deposition. 18 She's prepared for seven other days of 19 deposition prior to that and may have done 20 different work in relation to that. So are you 21 just limiting it to preparation for today's 22 deposition because a lot of the topics in the 23 notes are the same topics she's been deposed on 24 seven previous times. 25 MS. DEAN: My question is clear, and the</p>	<p style="text-align: right;">Page 48</p> <p>1 Counsel? 2 MS. DEAN: Yes. 3 Q. At that time, you were aware that Mr. 4 Luckewicz was deposed but had not reviewed his 5 transcript. Is that still the case? 6 A. Could you please repeat that. 7 Q. Sure. 8 You have been asked before that you were 9 aware that Mr. Luckewicz was being deposed. My 10 understanding is that you haven't reviewed the 11 deposition, and I'm just wondering if since then you 12 had a chance to review Mr. Lukowicz's sworn 13 testimony? 14 A. I have reviewed, again, it's very long. 15 So I have definitely reviewed it. I need to go back 16 and reference if you have a specific question 17 though. 18 Q. Okay. When you say you reviewed it, did 19 you review parts and how did you know which parts to 20 review if you only looked at parts of it? 21 A. Well, again I skimmed through it. And as 22 part of my preparation for all of these documents -- 23 there is a lot of information and I, you know, again 24 I skimmed through it, if I had questions I would ask 25 them and so forth. So, you know, I did a lot of</p>
<p style="text-align: right;">Page 47</p> <p>1 objection is inappropriate. 2 Q. Let me follow up by asking at any point in 3 time for the names that you can remember Mr. 4 Luckewicz, Ms. Postin and Mr. Reardon, did you speak 5 with those individuals to prepare to be a corporate 6 representative? 7 A. I did not personally speak to those 8 individuals. 9 Q. Did you obtain any information, 10 whatsoever, outside of information you learned from 11 these individuals in the Avon records that have been 12 Bates labeled, a summary of what they knew, prepared 13 by someone else for instance or anything? 14 A. No. I don't have anything. 15 16 (Plaintiffs' Exhibit 2, DEPOSITION 17 TRANSCRIPT, was marked for 18 identification.) 19 20 Q. I want to hand you what I've marked as 21 Exhibit 2. And you were asked about this briefly in 22 a prior deposition. It was the deposition of Mr. 23 Luckewicz taken on November 1st, 2017, and at that 24 -- time? 25 MR. BROMBERG: Do you have a copy for me,</p>	<p style="text-align: right;">Page 49</p> <p>1 homework on just referencing through these 2 documents. 3 MS. DEAN: I'm going to object to 4 non-responsive, and ask again. 5 Q. Just in terms of determining what parts to 6 review, did you review at all or were there 7 different parts. And if there were different parts, 8 how did you figure out which parts to read and which 9 ones not? 10 A. Again, the way I would typically would -- 11 would work is that I take the document and I would 12 review it and if there were any follow-ups, then I 13 would go back and have a conversation about it. 14 But, you know, I reviewed the document. 15 Q. When you say you had a conversation with 16 whom? 17 A. If I had a question I needed to ask Neil 18 anything, I would -- I would ask him a question 19 about it. But, honestly, I don't -- and I don't 20 know if I have it in my binder, but I don't remember 21 specifically having to do that with this document. 22 Q. But certainly because Mr. Luckewicz is 23 somebody that was in many of the documents was it 24 Avon firsthand for 20 years going all the way back 25 to 1970. This is something that informs you of what</p>

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1 is known to the company meaning Avon about what
2 was --
3 A. Right.
4 MR. BROMBERG: Let her ask her full
5 question before you answer, please.
6 THE WITNESS: Okay. Sure.
7 Q. About at least some of the issues that we
8 care about today. About what testing was done by
9 talc and when for instance?
10 MR. BROMBERG: I would raise an objection
11 to form. Misstates facts, lacks foundation.
12 You can answer.
13 A. So yes. It contains information about
14 what he did at Avon.
15 Q. Okay. And he, unlike you particularly and
16 we're talking about the 1970s and '80s worked at
17 Avon and had firsthand involvement with the talc
18 products; right?
19 MR. BROMBERG: Objection. Misstates
20 facts. You can answer.
21 A. His role was in the analytical department
22 which is a very specific, you know, role as part of
23 testing. It doesn't encompass the breadth of what I
24 do for example at Avon. So he is an analytical
25 chemist, and he did test methods.

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1 MS. DEAN: I object to non-responsive.
2 Q. And respectfully ask, do you remember my
3 question?
4 A. Your question was did he -- did he work on
5 the specific talc and my response is that he is an
6 analytical chemist so he did all the test methods
7 for it, but if you're asking did he work on formulas
8 and did he do anything else the answer is no.
9 MS. DEAN: Object to non-responsive and
10 try again.
11 Q. Mr. Luckewicz is somebody that actually
12 worked at Avon in the 70s and 80s and worked in the
13 talc department unlike you who did not start in the
14 1990s; right?
15 MR. BROMBERG: Objection. Argumentative.
16 Objection to the term "talc department." There
17 is no talc department.
18 A. He worked in analytical, and he did work
19 before I came to Avon, yes.
20 Q. And his work throughout the 70s and
21 throughout the 80s two decades before you ever even
22 showed up involved working and testing talc;
23 correct?
24 A. That was some -- that was part of his job.
25 But his job was an analytical chemist on lots of

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1 different raw ingredients, yes.
2 Q. When was the first time you reviewed the
3 deposition of Mr. Luckewicz?
4 A. I honestly can't remember the date that I
5 reviewed the deposition. I'm sorry.
6 Q. And often I don't mean exact dates. Is it
7 something that you reviewed in the last month, in
8 the last three months?
9 A. I did not review this document in
10 preparation for this deposition. I would have used
11 it in preparation for my last deposition which I
12 don't remember when it actually was the last one.
13 I've done so many.
14 Q. Are you familiar with outside of his name
15 in Avon records Steve Gettings?
16 A. Yes.
17 Q. Who is that?
18 A. Steve Gettings works for Avon right now.
19 He is the chief safety officer. He is a colleague
20 of mine.
21 Q. And he is a person who has been referenced
22 in Avon documents that have been shown to you in
23 past depositions talking about issues with talc and
24 asbestos. Do you remember that?
25 A. He was in CTFA documents.

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1 Q. And a CTFA is a trade organization that
2 Avon was involved in that discussed issues including
3 the issue of testing asbestos in talc?
4 A. CTFA actually membership varied, but Avon
5 did participate with the CTFA. They were a member
6 of the CTFA at various point in time.
7
8 (Plaintiffs' Exhibit 4, STEVE GETTINGS
9 PICTURE AND BACKGROUND INFO, was marked
10 for identification.)
11
12 Q. I only have one copy of Exhibit 4 so I'm
13 going to hand it to your counsel first.
14 A. Okay.
15 MR. BROMBERG: Do you have a paper clip or
16 something?
17 MS. DEAN: I'll find one on the next
18 break.
19 Q. And Exhibit 4 just shows a picture and
20 some background information about Mr. Gettings;
21 right?
22 MR. BROMBERG: Give her a chance to look
23 it over.
24 A. I see a picture. Yes.
25 Q. He is alive. He currently works for Avon

<p style="text-align: right;">Page 54</p> <p>1 and he is someone you personally know; correct? 2 A. He is alive. He -- yes. 3 Q. And you have not made any effort to have 4 discussions with him about what he has firsthand 5 knowledge of in relation to any of the subjects that 6 we put in our notice of deposition which we attached 7 as Exhibit 1; correct? 8 A. Again, there's a lot of documents as part 9 of the record that I've reviewed from his history at 10 CTFA, but I have not pursued conversations with him 11 in preparation for this deposition. 12 MS. DEAN: I'll object to the 13 non-responsive portions. 14 Q. I now want to hand you -- well, let me ask 15 you: Do you know who -- I'll ask a better question. 16 Laura -- Laureen MacEachern, which I may be 17 pronouncing wrong. 18 MR. BROMBERG: Can you maybe give the 19 spelling. 20 A. It's Laureen MacEachern. She used to work 21 at Avon. 22 Q. So Laureen MacEachern is somebody who used 23 to work at Avon, and you've seen some documents 24 where her name is in it in the production that Avon 25 has given about talc and asbestos litigation; right?</p>	<p style="text-align: right;">Page 56</p> <p>1 recognized her picture. 2 A. No. 3 Q. Okay. Have you made any effort at all to 4 contact her in order to determine anything outside 5 of what was actually written in the documents where 6 her name appears? 7 A. I have not. 8 Q. Okay. Who is Janice Teal? 9 A. Janice Teal was the chief scientific 10 officer at Avon, and she retired. 11 Q. Is she somebody that you've made any 12 effort at all to talk to about any of the documents 13 where her names appear or to learn anything outside 14 of what's written in the four corners of those 15 documents? 16 A. No, I have not. 17 MS. DEAN: Okay. I'm going to mark as 18 Exhibit 11, well, I'll just tell you it's a 19 handwritten -- not a handwritten but a typed up 20 list that I typed up of just the names I saw in 21 the documents. 22 (Plaintiffs' Exhibit 11, LIST OF NAMES, 23 was marked for identification.) 24 25</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Yes. 2 3 (Plaintiffs' Exhibit 5, LAUREEN MACEACHERN 4 PICTURE AND BACKGROUND INFO, was marked 5 for identification.) 6 7 Q. Okay. I have similar kind of just 8 background information about her that I've marked as 9 Exhibit 5. Again, this is one of the few I don't 10 have an extra copy of. 11 MR. BROMBERG: Was Gettings 4? 12 MS. DEAN: Yes. 13 Q. Is that her? 14 A. Actually, I didn't really know her 15 personally. When she left Avon, I don't have her -- 16 just give me one second. I don't see her years of 17 service at Avon on here. Am I missing it? I'm just 18 trying to see if she crossed over when I was there. 19 I don't know she's got Bristol-Myers Squibb, 20 December, June 2007. I don't know. Actually, I 21 don't have her years here. So I can't tell you if 22 we worked together. 23 MS. DEAN: Let me object to 24 non-responsive. 25 Q. My question was just whether you</p>	<p style="text-align: right;">Page 57</p> <p>1 THE WITNESS: Sure. 2 Q. My only question about it -- 3 MR. BROMBERG: What exhibit is it? 4 MS. DEAN: Exhibit 11. 5 THE WITNESS: 11. 6 Q. -- is just whether you have and we already 7 asked about Walter who is on here, but for any of 8 these other individuals, have you made any effort to 9 contact them or learn from somebody else's effort to 10 contact them information outside of what's written 11 in the four corners of the Avon documents that they 12 might have as individuals who were actually involved 13 with issues in the Avon documents produced about 14 asbestos and talc in this case? 15 A. I have not contacted or reached out to any 16 of these people to have personal conversations with 17 them in regards to this, no. 18 Q. Do you know any of the individuals on 19 Exhibit 11 personally other than Mr. Gettings I 20 think -- 21 A. He's it. 22 Q. Okay. Are you able to tell me one way or 23 another if any of these individuals other than Steve 24 and Walter who we talked about whether they are 25 alive, where they live, if they have any health</p>

<p style="text-align: right;">Page 58</p> <p>1 problem, anything like that? 2 A. No. 3 4 (Plaintiffs' Exhibit 6, DISCOVERY 5 RESPONSES, was marked for identification.) 6 7 Q. If you go back to Exhibit 6 which is the 8 thickest document in the stack which is the 9 discovery responses, the second question which is on 10 page 7: "Ask Avon to state the names of each person 11 who was spoken to or who provided information 12 answering these interrogatories. Do you see that? 13 A. I do. 14 Q. Okay. And they -- they reference your 15 name and then two others Ms. Bryan and Ms. Grant. 16 Do you see that? 17 A. I do. 18 Q. In both of those individuals have worked 19 for Avon for less time than you have; right? 20 A. As far as I understand, yes. 21 Q. Okay. And both of those individuals have 22 been deposed as corporate representatives for Avon 23 in the past. Have you had an opportunity to review 24 their depositions? 25 A. I have not.</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Have you ever met her? 2 A. I have met her. 3 Q. Have you ever talked to her about asbestos 4 in preparation for this deposition or other 5 deposition in terms of just understanding your body 6 of knowledge about asbestos and talc issues? 7 A. No. 8 Q. Do you have any idea why she was deposed? 9 A. It's my understanding she is responsible 10 for the Avon marketing and sales information in 11 regards to this matter. 12 Q. Do you know what limits there were in the 13 deposition that I've marked as Exhibit 7 in terms of 14 what marketing area they were even talking about? 15 A. No. 16 Q. And so if I represent to you this was a 17 deposition about Illinois activity by Avon, you 18 wouldn't have any basis to dispute that? 19 A. What does that mean Illinois activity? 20 Q. What marketing work connections Avon had 21 with the State of Illinois? 22 A. Avon doesn't work like that. I mean, I 23 know that just from my history with the company. We 24 don't have representation with a particular state. 25 It's the North America market.</p>
<p style="text-align: right;">Page 59</p> <p>1 2 (Plaintiffs' Exhibit 3, DEPOSITION OF MS. 3 BRYAN, was marked for identification.) 4 5 Q. I hand you what I've marked as Exhibit 3. 6 This is a deposition of Ms. Edwards. 7 MR. BROMBERG: Ms. Edwards? 8 Q. Ms. Bryan. Thank you. Do you know how 9 old Ms. Bryan is? 10 A. I do not, no. I'm sorry. 11 Q. Estimate, 30s? 12 A. I don't know her. 13 Q. Have you ever spoken to her? 14 A. No. 15 Q. Okay. I also have a deposition of a Ms. 16 Grant. Have you had an opportunity to review her 17 deposition? 18 A. No. 19 MS. DEAN: I'll mark this a Exhibit 7. 20 21 (Plaintiffs' Exhibit 7, DEPOSITION OF MS. 22 GRANT, was marked for identification.) 23 24 Q. Do you know how old Ms. Gina Grant is? 25 A. I have absolutely no idea.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. So in terms of what legal limitations they 2 were placed on this deposition, in other words, 3 whether the notice was just limited to what 4 marketing Avon did in Illinois, you don't know about 5 that one way or another? 6 A. No. 7 Q. You do know Ms. Pipes was exposed in Texas 8 and Oklahoma; right? 9 MR. BROMBERG: Objection to the term 10 "exposed." 11 A. I think that's -- I think you're asking me 12 is that where she used products. That's where she 13 lived. Yes. That's in her deposition. 14 Q. Okay. In terms of understanding Avon's 15 supplemental response to Question 2: You verified 16 these answers and it said that some of them came 17 from Ms. Bryan and Ms. Grant. What contributions 18 did these two women provide to answering these 19 questions? 20 A. Again, they each have a separate role in 21 this as, you know, as the witness and Ms. Bryan, 22 she's the office, you know, the holder of records 23 and Gina provided the marketing -- the marketing and 24 sales information. So as the questions were 25 relative to that. They would have provided the</p>

<p style="text-align: right;">Page 62</p> <p>1 appropriate responses.</p> <p>2 MS. DEAN: I'm going to object to</p> <p>3 non-responsive and try again.</p> <p>4 Q. I'm not looking for kind of their broad</p> <p>5 purpose in terms of why Avon has used them as</p> <p>6 corporate representatives. I'm asking in this</p> <p>7 actual document with sworn answers from Avon.</p> <p>8 Before you verified it, what information came from</p> <p>9 them as opposed to you?</p> <p>10 MR. BROMBERG: Objection. Asked and</p> <p>11 answered.</p> <p>12 A. Again, they're responsible for very</p> <p>13 particular information, and I am responsible for</p> <p>14 very particular information. So as the question was</p> <p>15 appropriate that's where the information would have</p> <p>16 come from because they are the experts and that --</p> <p>17 those particular matters.</p> <p>18 MS. DEAN: Let me object to</p> <p>19 non-responsive. And try to approach this</p> <p>20 again.</p> <p>21 Q. Are you even familiar with what questions</p> <p>22 were being asked here?</p> <p>23 A. I am familiar with the subject matter that</p> <p>24 these two representatives were being asked about,</p> <p>25 yes.</p>	<p style="text-align: right;">Page 64</p> <p>1 where appropriate their information was used just as</p> <p>2 mine was. So I don't know exactly know what you're</p> <p>3 try to get at. I'm sorry.</p> <p>4 Q. So the Question 2 asks for the names of</p> <p>5 each person that was spoken to who provided</p> <p>6 information in answering these interrogatories,</p> <p>7 these questions. And then it asks to give the</p> <p>8 number of interrogatory for which the information is</p> <p>9 provided.</p> <p>10 Do you see that?</p> <p>11 A. That yes, I do.</p> <p>12 Q. And that was not done.</p> <p>13 A. State the names of each person --</p> <p>14 MR. BROMBERG: Objection. Argumentative.</p> <p>15 A. Again, I'm not exactly sure what you're</p> <p>16 trying to get at here. And, you know, I'm a little</p> <p>17 confused by your questioning. So I'm not sure what</p> <p>18 you're, you know, what you're really asking me.</p> <p>19 Q. Sure.</p> <p>20 A. I'm sorry.</p> <p>21 Q. Question 3 asks --</p> <p>22 MR. BROMBERG: Question 2 --</p> <p>23 A. Question 2 or Question 3?</p> <p>24 Q. Question 3 asks Avon to identify the dates</p> <p>25 that Avon manufactured talcum products that bore the</p>
<p style="text-align: right;">Page 63</p> <p>1 MS. DEAN: I'm going to object to</p> <p>2 non-responsive.</p> <p>3 Q. Are you familiar with what questions we</p> <p>4 asked as the lawyers for Ms. Pipes in these</p> <p>5 interrogatories?</p> <p>6 A. Of course. Of course. I wouldn't have</p> <p>7 signed it if I wasn't familiar with it.</p> <p>8 Q. And that's why I'm asking. I understand</p> <p>9 what Ms. Bryan and Ms. Grant do, but what in the</p> <p>10 world do their roles have to do with a single</p> <p>11 question asked about in Exhibit 6?</p> <p>12 MR. BROMBERG: Objection. Argumentative.</p> <p>13 Asked and answered.</p> <p>14 A. They were referenced here as experts in</p> <p>15 particular subject matter and that's what is in this</p> <p>16 question. I mean, that's what it says that Counsel</p> <p>17 also used information obtained from Ms. Bryan who</p> <p>18 was the former custodian of records to identify</p> <p>19 potential locations of Avon documents relevant to</p> <p>20 all interrogatories. And Gina Grant in answering</p> <p>21 interrogatories related to Avon's corporate history</p> <p>22 and marketing.</p> <p>23 So I'm confused. I don't know what</p> <p>24 specifically you're asking me to answer. They were</p> <p>25 responsible for particular areas of interest. And</p>	<p style="text-align: right;">Page 65</p> <p>1 Avon name in the U.S.; right?</p> <p>2 A. Yes.</p> <p>3 Q. And there's questions that ask Avon to</p> <p>4 define asbestos or ask them to determine the source</p> <p>5 mine for Topaz, and you're familiar with these</p> <p>6 questions; right?</p> <p>7 A. Yes.</p> <p>8 Q. And Question 2 says I want to know who you</p> <p>9 talked to to learn this, and which question that you</p> <p>10 provided answer to. So you can say Lisa Gallo is</p> <p>11 the one who collected information for Question 3, or</p> <p>12 Gina Grant was the person that collected information</p> <p>13 for Question 5 or 6. And my question is simply that</p> <p>14 the second part of Question 2, to provide the number</p> <p>15 of the interrogatory for which the information was</p> <p>16 provided to the person who provided it was not done</p> <p>17 in the answer to Question 2; right?</p> <p>18 MR. BROMBERG: Objection. Argumentative.</p> <p>19 This is approaching badgering. You're well</p> <p>20 aware, Ms. Dean, that the answers here were</p> <p>21 provided -- that the answers to interrogatories</p> <p>22 were drafted by counsel, not Ms. Gallo. She</p> <p>23 reviewed the answers to verify them. It's</p> <p>24 quite clear in Interrogatory Number 2 that</p> <p>25 information was obtained from other cases for</p>

<p style="text-align: right;">Page 66</p> <p>1 Ms. Bryan and Ms. Grant in answering these 2 discovery requests; we've answered similar 3 discovery requests previously. It's quite 4 clear from the document we did not specifically 5 identify which specific interrogatory was 6 answered by each of these individuals. 7 MS. DEAN: Dinosaur. 8 Q. You can go ahead and answer. 9 A. Again, you know, as I mentioned to you 10 before, you know, we all represented different parts 11 of responsibility here. And each was listed, you 12 know, to represent their part and of course, you 13 know, I signed it. So, again, I'm a little 14 confused. Did you expect it to have different 15 paragraphs for each one? I'm just, you know, I 16 don't know. They're responsible for different 17 aspects of this case and, you know, their answers 18 were taken into consideration here. So -- 19 MS. DEAN: I object to non-responsive. 20 Q. Did Avon in Question 2 identify which 21 questions different individuals provided answers? 22 A. Apparently, Neil just said that if you 23 wanted them broken up differently. But they are 24 listed in bulk. That they were responsible for 25 those different pars, but it doesn't seem to have</p>	<p style="text-align: right;">Page 68</p> <p>1 be relevant to Ms. Bryan. So in my mind, I don't -- 2 I'm not -- again, I'm sorry. I'm not following the 3 line of questioning. I don't know why that's -- why 4 that's being questioned. But they both have 5 relevant pieces to information in this document. 6 MS. DEAN: I object to non-responsive. 7 Q. Outside of what you suspect that they may 8 know or what happened, do you know what parts of 9 these answers, if any, came from Gina or from Ms. 10 Grant or Ms. Bryan? 11 A. I'm happy to -- 12 MR. BROMBERG: I'm going to put a stop to 13 this. This is harassment. She's answered your 14 question as best as she's been able to answer 15 it four or five times. Move onto another 16 areas, Counsel. 17 MS. DEAN: Are you instructing the witness 18 not to answer? 19 MR. BROMBERG: I'm -- you asked the 20 question five or six times. She indicated to 21 you where she thought they provided 22 information, move on. 23 MS. DEAN: Dinosaur. 24 Q. You can answer the question. 25 MR. BROMBERG: No. I'm instructing her</p>
<p style="text-align: right;">Page 67</p> <p>1 been broken down the way you're asking for it. It's 2 the best I can do at this point. I don't know how 3 else to answer you. 4 Q. Gina Grant who was listed as a person 5 having information for corporate history and 6 marketing that has nothing to do with a single 7 question that was asked in these questions; right? 8 MR. BROMBERG: Objection. Argumentative. 9 A. Again, you know there's questions about, 10 you know, the history of products in here. So I 11 don't necessarily disagree that -- I agree that she, 12 you know, she may have had something to do with 13 this. There is historical questions in here. So -- 14 Q. Are you able to tell me which questions? 15 A. So -- yeah. So here it's talking about, 16 you know, particular types of products, and, you 17 know, within a certain time frame. So once again, 18 you know, as part of -- as part of this, you know, 19 brochures may have been reviewed. And that's -- 20 those are historical questions about Avon. So I 21 don't see that that's -- you know, I see that 22 that's, you know, relevant. Also, you know, as the 23 custodian of records, you know, there's questions 24 about collecting documents and so forth and as a 25 custodian of records, I would expect that that would</p>	<p style="text-align: right;">Page 69</p> <p>1 not to answer. You can move onto another area. 2 Q. Are you going to follow that instruction? 3 A. Yes, I am. 4 Q. Would you agree with me that the three 5 people listed in the answer to Interrogatory 2: 6 You, Gina Gallo -- 7 A. Gina Grant. 8 Q. Gina Grant. You are Lisa Gallo. Sorry. 9 And Ms. Bryan were all individuals that started in 10 1994 or later? 11 A. 1994 or later? 12 Q. Yes. 13 A. Yes. 14 Q. Okay. The first question I wanted to ask 15 about kind of Avon's business is whether you know if 16 during any particular period of time when Avon was 17 selling a line of products in the same source mine 18 was used in that line, and let me explain what I 19 mean. If I had Topaz and they sell different Topaz 20 products that contain talc from the beauty dust to 21 the fragrance to the aerosols, would those products 22 use the same source mine at the same period of time. 23 I understand throughout time it might change, but 24 during the same period of time? 25 MR. BROMBERG: Objection to form. You can</p>

<p style="text-align: right;">Page 70</p> <p>1 answer. 2 A. So -- 3 MR. BROMBERG: If you know. 4 A. Well, I'm going to give you the answer 5 that is relevant. So the way that it works is that, 6 you know, there's formulas and each formula has a 7 combination of different raw ingredients in it. 8 Those raw ingredients have specifications set which 9 outline the quality and different quality control 10 tests that need to be done in order to meet our 11 specifications. We're not in the business of 12 mandating what mine products come from. We're in 13 the business of making sure our raw ingredient is in 14 the right specification. So as long as it comes in 15 from the vendor and meets the specification, we 16 don't mandate what mine it comes from. 17 MS. DEAN: I'll object to non-responsive. 18 Q. My question is just this: If you take a 19 particular product that has different product name 20 something like Topaz that has different types 21 including beauty dust, fragrance talc, and others 22 what -- if you took any particular piece of time, 23 let's take 1962, would the beauty dust and the 24 fragranced talc use the same source if it was in the 25 same time and the same fragrance, same product?</p>	<p style="text-align: right;">Page 72</p> <p>1 question. 2 MS. DEAN: Let me object to non-responsive 3 and clarify again. 4 Q. What I'm asking is during any particular 5 point in time. So we take off the table if there 6 were forced changes throughout time, not if the 7 products were identical, which is what you just 8 referenced, but whether the source mines involved -- 9 whether it be a blend or a single one would be the 10 same if you had a beauty dust and a fragrance talc 11 that bore the exact same product name, for instance, 12 Topaz. 13 MR. BROMBERG: Objection. Asked and 14 answered. Object on form. 15 A. I need to see a beauty dust formula next 16 to a talc -- next to perfume talc formula first of 17 all to make sure they even use the same talc. And I 18 need to do that -- these I believe are all shaker 19 talc formulas in here. So I don't know that if I 20 have a beauty dust formula in here. But I first 21 need to verify that that talc is exactly the same 22 raw ingredient that was used. Again, you know, if I 23 could see them next to each other than I could 24 probably better answer your question. 25 Q. So without -- without the formula both for</p>
<p style="text-align: right;">Page 71</p> <p>1 MR. BROMBERG: Objection to form. Are you 2 asking just specifically with respect to that 3 product line or all products? 4 Q. If it's all, that's great. If you can 5 only tell me for Topaz, then we can go from there. 6 But I didn't know if a matter of practice, they 7 would use the same mine for the same name product 8 but has different variations. 9 A. First, I need to see the formulas to see 10 if they even have the same raw ingredients in them, 11 right. So what you're asking me is are the formulas 12 identical between an aerosol and a beauty dust and 13 if they had one particular talc in it, would that 14 talc be sourced from the same mine. Again, as I 15 mentioned to you, I do have information on 16 particular mines that different raw ingredient codes 17 came from. But the answer is very complicated 18 because what you're asking me is, you know, there's 19 various talcs that are used at various different 20 times within these particular formulas. So, you 21 know, it could have come from, you know, one 22 supplier or another but again, you know, I have some 23 information on particular mines, but at the same 24 time I would need to have a more specific question 25 because it's too vague for me to answer the</p>	<p style="text-align: right;">Page 73</p> <p>1 the beauty dust and the fragrance, there wasn't kind 2 of a general policy that you were aware of that you 3 could tell me that they would typically or regularly 4 use the same either source mine or mines for the 5 exact same product for the exact same years if it's 6 a beauty dust versus fragrance talc? 7 MR. BROMBERG: Objection to form. Assumes 8 facts in evidence about using the same mine. 9 A. Yeah, again it's a super vague question. 10 And I can't without -- I can't make a link between 11 beauty dust and fragrance talc without looking at 12 the two formulas next to each other -- but as I, you 13 know, as I mentioned to you, you know, for example 14 in a particular time period of let's say March of 15 1976 to 1989 for the product Topaz perfumed talc, 16 you know, I know that Olympic talc was the source of 17 talc. And I know from the discovery responses that 18 I gave to you already that that particular talc was 19 from Beaverhead, Montana or Vermont from the -- or 20 Argonaut Mine. So that I can tell you. That piece 21 of information, you know, I can tell you. That's a 22 specific question in a specific time period on a 23 specific formula. But if it's the same as beauty 24 dust, I don't know. Because I don't know if 0752 25 was used in beauty dust. I need to see that to</p>

<p style="text-align: right;">Page 74</p> <p>1 verify that for you. 2 MS. DEAN: Let me object to 3 non-responsive. 4 Q. And what are you looking at what when you 5 were referencing the '76 to '89 Topaz? 6 A. I'm looking at a product chart. 7 Q. Okay. Do you mind if I -- So do you mind 8 if I mark this as Exhibit 62? 9 10 (Plaintiffs' Exhibit 62, PRODUCT CHART, 11 was marked for identification.) 12 13 A. I don't mind. 14 Q. And this appears to me to be a product 15 that lists or a chart that lists the products years 16 of alleged use, when the product was introduced, the 17 primary talc years in effect in the mine, and it 18 goes through this for three different products. 19 Topaz, Timeless, and Imari? 20 A. That's correct. 21 Q. And one thing I wasn't sure, but when you 22 were looking at the primary talc which is the fourth 23 column here, you believe that that's looking at what 24 we've called both fragrance talc or shaker talc and 25 not the beauty dust?</p>	<p style="text-align: right;">Page 76</p> <p>1 whether the summary is limited to shakers or if it 2 also includes beauty dust? 3 A. Yes. I was focusing on the shaker talc 4 formulas, yes. I just need to see them. 5 6 (Plaintiffs' Exhibit 8, AVON BOOK, was 7 marked for identification.) 8 9 Q. Examples help me. I'm going to hand you 10 what I've marked as Exhibit 8 and this is just -- 11 sorry. 12 A. Okay. 13 Q. Long list. It's still a stretch. Exhibit 14 8 is a Avon book that I obtained from Avon. That 15 you can tell from the second page is from 1972. 16 A. I'm just trying to find where you see 17 1972. I'm sorry. 18 Q. Second page right by the Number Two. In 19 the actual article, it has the Avon -- 20 A. I see. 21 Q. -- registered agent in '72? 22 A. Is that a trademark though? 23 Q. It looks like trademark Avon Products, 24 Inc. 1972. 25 Do you see that?</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Again, I know that that particular code is 2 in the perfumed talc formula, but the beauty dust 3 formula, I would have a need to verify that for you. 4 Q. Okay. Did you create this chart? 5 A. I created it with counsel. 6 Q. Do you believe the information contained 7 in here both the written information, the typed and 8 the handwritten information is a fair and accurate 9 summary of the information it lists out? In other 10 words, by way of example, if it says Topaz years of 11 alleged use '61 to 80s products introduced in the 12 Pipes case 1961 that the primary talc is the Italian 13 0749. And then you have a parens -- 14 A. 0747 I think it is. 15 Q. 0747. 16 A. Sorry. 17 Q. No. I appreciate that. 18 A. Okay. 19 Q. And then talc 1650 -- this is a fair 20 summary that you and Counsel have created of what's 21 actually included in Exhibit 62? 22 MR. BROMBERG: Objection to form. You can 23 answer if you understand. 24 A. Yes. 25 Q. What you don't know as you sit here is</p>	<p style="text-align: right;">Page 77</p> <p>1 A. I do. 2 Q. Okay. And if you go to page 7 of the Avon 3 book which is Bates 1997, there is a -- 4 MR. BROMBERG: Are you talking about -- 5 THE WITNESS: This right here, 7. 6 MR. BROMBERG: Charisma. 7 Q. Yeah. They show two lines of products. 8 One for Bird of Paradise and one for Charisma; 9 right? 10 A. Yes. 11 Q. I don't know if I'm using the terminology 12 right, but the product Bird of Paradise they have 13 looks like 15 different options in the Bird of 14 Paradise smell; right? 15 A. Yes. 16 Q. Or for Charisma, it's -- all bear the name 17 Charisma, but there's nine different things that you 18 can buy that have the Charisma smell; right? 19 A. That's correct. 20 Q. And so for Charisma, they show the second 21 product which is a beauty dust, the sixth product is 22 a perfume talc then they have a perfumed powdered 23 mist. 24 Do you see that? 25 A. I do.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. And if I want to know if across this line 2 of Charisma products where they are using talc if 3 they are using the same source mine just for this 4 year 1972. Is the only way you know how to answer 5 that question for any product or any year is if you 6 look to the formulas? 7 MR. BROMBERG: I'm just going to raise an 8 objection to form. You keep referring to the 9 term "source mine." 10 A. So let's just for -- for this moment, 11 let's take the -- let's say that it was Topaz shaker 12 talc, right, and you were interested in 1971, right, 13 December let's say. That particular formula has a 14 combination of different talcs that would have been 15 approved to use in that formula. And so you know 16 what could have been used, but I don't -- I can't 17 tell you -- for example, in that particular formula, 18 part of the formula was either Italian talc or Talc 19 2450. Either of those would have been acceptable to 20 use from a manufacturing point of view. But I don't 21 have the particular record from 1971 of what was 22 manufactured. So I could not tell you that that 23 came from a particular mine for that -- for that 24 example. And then to further complicate things and 25 there's two other talcs that were approved. So</p>	<p style="text-align: right;">Page 80</p> <p>1 perfumed powder mist? 2 MR. BROMBERG: Objection to form. 3 A. Again, you know, I need to make sure the 4 first thing I need to do is -- is the same talc used 5 in those three formulas? 6 Q. That's the question. 7 MR. BROMBERG: Let her answer. 8 A. I need those three formulas in front of me 9 to do that. So I don't have those three particular 10 formulas in front of me. I need to verify, first of 11 all, is beauty dust, you know, using the same talc 12 as the shaker talc is using the same as the spray 13 talc. I don't want to make any assumptions. I'd 14 like to see the formulas to verify whether they are 15 using the same talc. 16 Q. And so in terms of broad policy that we 17 would as a standard use the same sources that have 18 been approved along the same product line even if 19 there are differences, there's not something like 20 that you would need to get into the formulas for the 21 particular years? 22 A. I would need to get into the individual 23 formula, yes. 24 Q. Do you know if there were any reason in 25 terms of the nature of a product why beauty dust</p>
<p style="text-align: right;">Page 79</p> <p>1 again, there are four different options to make this 2 formula that would have been acceptable by this 3 particular formula. 4 MS. DEAN: Let me object to 5 non-responsive. 6 MR. BROMBERG: She may not have understood 7 your question. She's just asking you can you 8 say -- 9 MS. DEAN: Let me try. 10 MR. BROMBERG: Okay. You can try. 11 Q. In a particular product for a particular 12 year, where we know that they have more than one 13 option using talc, for instance Charisma, where you 14 have Number 2 beauty dust, Number 3 perfume talc, 15 and Number 6 perfume talc, and 7 perfume powder 16 mist, if I were to look at the raw ingredient 17 specifications and determine what talcs were 18 approved to be used, would it be the same, not an 19 amount, but in what was approved among the different 20 types of products used for a particular line of 21 products in a particular time frame? 22 MR. BROMBERG: Objection to form. 23 Q. So, for example, the Charisma raw 24 ingredient specification list the same sources of 25 talc whether it be beauty dust, perfumed talc, or</p>	<p style="text-align: right;">Page 81</p> <p>1 would routinely be using a different type of talc 2 than what would be used in the exact same product 3 namely Charisma or Topaz in a perfume talc? 4 MR. BROMBERG: Objection to form. Are you 5 asking over the course of the history of Avon 6 or over a particular year? 7 Q. If you're aware of at any time when they 8 were using talc why they would want something 9 different in a beauty dust versus a perfume talc? 10 I just didn't know -- 11 A. It's a formulation difference, right. So 12 it's a different product form. So, you know, a 13 beauty dust performs different than a shaker talc 14 versus an aerosol talc which is much more obvious, 15 right. So the aesthetic differences may require 16 different ingredients or the same ingredients at 17 different levels. Because the performance from an 18 aesthetic point of view is different in a shaker 19 versus a beauty dust. 20 Q. In the very few examples that I could find 21 in all the documents Avon provided, where I actually 22 had an aerosol, a beauty dust, and a perfume talc to 23 compare, I would see differences in amounts but not 24 the actual talcs called out. And so I give that by 25 an example just to say do you know any practical</p>

<p style="text-align: right;">Page 82</p> <p>1 reason why it would be a different ingredient versus 2 a different amount because of the application type 3 meaning a beauty dust loose powder versus a shaker 4 dust fragrance versus an aerosol? 5 A. It could be yes. Again, aesthetics are 6 very different between a beauty dust and a shaker. 7 So again depending on, you know, what you were 8 looking for from, you know, an application point of 9 view it could have been different. You know, for 10 example, you know, you know, for a beauty dust you 11 may have wanted maybe a lighter, you know, a lighter 12 application. Because, you know, it's on a puff. 13 You may have wanted a lighter application. So you 14 may have used a different talc. For a fragrance 15 talc, again, you're shaking it in your hand. So 16 there may be other ingredients in there for example 17 binders and so forth that give the aesthetic, you 18 know, a different appearance. And again the 19 aesthetics of the talc as well. I'm sure you know 20 that depending on, you know, the different talc it 21 could feel a little bit differently. 22 MS. DEAN: And let me object to the 23 non-responsive portions and follow up. 24 Q. You said there could be reasons why in the 25 exact same product line again Charisma, Bird of</p>	<p style="text-align: right;">Page 84</p> <p>1 you may require a different talc ingredient 2 specifically because here in the beauty dust, you're 3 taking a puff and you're, you know, you're applying 4 it on yourself. With a shaker talc you're shaking 5 it into your hand and applying it with your hand. 6 The feel of the talc may be different depending on 7 the application method that you use. So for example 8 a puff feels, you know, it's lovely, it's soft, and 9 so forth. And where a shaker you're using your 10 hand. So you may look for a different silkiness, 11 smoothness of the talc to get the consumer desired 12 application properties depending on a particular 13 type of formula. 14 Q. As you sit here today, is there any 15 information you can give me in the 60s, 70s, or 80s 16 time frame of how often either a range or percentage 17 or a concrete number that ingredients would be 18 different in terms of just the talc ingredient for 19 the beauty dust versus the perfume talc? 20 MR. BROMBERG: Objection to form. 21 A. Again, I don't have the beauty dust 22 formulas with me. So I couldn't make that. I need 23 to do the comparison between the beauty dust and the 24 shaker talc to do that comparison. 25 Q. Okay. And whether we're talking about</p>
<p style="text-align: right;">Page 83</p> <p>1 Paradise, Topaz, that a beauty dust would use 2 different talc ingredient than the perfumed talc or 3 the aerosol talc. Are you aware of any concrete 4 examples of that being the case between 1960 and 5 1989? 6 A. I would have to review those formulas side 7 by side. I would need to get these formulas and 8 review them side by side. 9 Q. And at least right now that hasn't been 10 done? 11 A. I have not done that. 12 MR. BROMBERG: Objection to form. 13 Argumentative. 14 Q. And then you gave a helpful example to me 15 of, you know, look there might be a binder 16 difference between a perfume talc and an aerosol or 17 a beauty dust because of how it feels the nature of 18 the product. Can you give me any rationale why not 19 the binder but why the type of talc would be 20 different between those three types of products? 21 A. Sure. For aesthetics. It's, you know, 22 you choose your raw ingredients as a formulator to 23 give a particular aesthetic quality. And, you know, 24 think about the way you're applying a beauty dust 25 versus the application of a shaker talc, right. So</p>	<p style="text-align: right;">Page 85</p> <p>1 Timeless, Topaz, or Imari or any other of the 2 documents referenced in the brochures, are you able 3 to do that for me as you sit here right now? 4 MR. BROMBERG: I'm sorry. Can you read 5 it. I'm just going to ask the reporter to read 6 back the question. 7 8 (Record read back.) 9 10 MR. BROMBERG: Objection to form. 11 A. You're asking me the comparison between 12 beauty dust and the shaker talc that's the question. 13 Q. Yes. 14 A. I don't have the comparison between the 15 beauty dust. So today as I sit before you, I don't 16 have those in front of me. So I can't answer that. 17 Q. And in page 17 of the same Avon book list 18 out beauty dust? 19 MR. BROMBERG: Let's get there first. 20 Q. Are you there? 21 A. Yes. 22 Q. And they have on the right hand part of 23 the Avon book beauty dust and then they depict ten 24 different beauty dust and it says right underneath 25 that gift box, luxurious puff and gives the</p>

<p style="text-align: right;">Page 86</p> <p>1 six-ounces. 2 Do you see that? 3 A. I do. 4 Q. Okay. And here in the beauty dust 5 section, they list all ten products so that you know 6 what they are on the left hand column that are being 7 provided in this 1972 brochure; right? 8 A. I do. 9 Q. And they have something similar for the 10 perfume talc a couple of pages later which is page 11 21 of the book. 12 A. Yes. I see that. 13 Q. It looks like there are a few more a 14 little bit less than a couple dozen shakers that 15 Avon is offering in 1972; right? 16 A. Yes. 17 Q. That's all I wanted to ask you about. 18 MR. BROMBERG: We've been going for over 19 an hour. Can we take a break? 20 MS. DEAN: Any time you want to unless 21 we're right in the middle -- 22 THE VIDEOGRAPHER: We're off the record. 23 The time is 10:58. 24 25 (Recess taken.)</p>	<p style="text-align: right;">Page 88</p> <p>1 In particular the ones that have combinations of 2 talc, there's four different combinations that could 3 have been used at any time to produce that formula. 4 So it would be very difficult, impossible actually 5 to say at a particular, you know, at a particular 6 shaker talc which was used in there because of the 7 different variations. And we don't have the lot 8 numbers. The lot numbers are records that -- I 9 mean, these are so old. That they wouldn't need to 10 be retained based off of document retention. So -- 11 MS. DEAN: Let me object to 12 non-responsive. 13 Q. The question was just were you able to 14 identify or understand the question well enough to 15 know what you were looking for? 16 A. Yeah. 17 Q. I think you referenced them as formula 18 sheets. 19 A. As formulas, yes. But I obviously know 20 what a lot number is and a code is. But I'm 21 assuming that's RI code, not formula code. Code 22 could mean RI code. Code could mean formula code. 23 Lot, I would assume, do you mean the lot of each of 24 the raw ingredients? Grade, I don't know what 25 particular that's referencing or other designation.</p>
<p style="text-align: right;">Page 87</p> <p>1 2 THE VIDEOGRAPHER: Back on the record. 3 The time is 11:20. Beginning of DVD Number 4 Two. 5 BY MS. DEAN: 6 Q. So Exhibit 6 again the interrogatories: 7 In Question 6, which starts on page 13 asks from '60 8 to '89 to identify the geographic mine source of 9 talc for Topaz. Let me know when you get there. 10 A. Okay. 11 Q. And the original response first said the 12 term "code lot grade" or other designation is vague, 13 ambiguous or undefined. 14 Do you see that? 15 A. I do. 16 Q. You are familiar that there are raw 17 ingredient specification that identify what sources 18 were used during different times so that you were 19 able to answer this question posed; right? 20 MR. BROMBERG: Objection to form. 21 Argumentative. 22 A. Again, so let's take Topaz for example. 23 For the years 1961 through 1989, there are multiple 24 formula variations of the shaker talc which have 25 different talcs or different combination of talcs.</p>	<p style="text-align: right;">Page 89</p> <p>1 So, you know, there are some ambiguity here that 2 would need further definition to answer 3 appropriately. 4 Q. Did you understand it well enough that 5 when you were answering this question you feel like 6 you've done a reasonable search to define all of the 7 formulas that identify which minor mines the talc 8 came from that were being used by Avon in Topaz from 9 '60 to '89? 10 MR. BROMBERG: Objection to form. 11 A. There is not complete information on all 12 of the mines listed in Topaz from 1960 to the 1980s. 13 MS. DEAN: I'm going to object to 14 non-responsive. 15 Q. I'm not asking if there's complete 16 information. I'm asking if you understood the 17 question well enough to reasonably search Avon's 18 files and find what you could? 19 MR. BROMBERG: I'm just going to raise an 20 objection to this line of questioning. We 21 stated our answers. The answers were prepared 22 by counsel, not Ms. Gallo. Ms. Gallo verified 23 the responses. She did not write the 24 responses. 25 MS. DEAN: Thanks.</p>

<p style="text-align: right;">Page 90</p> <p>1 MR. BROMBERG: So I think it's not 2 appropriate to be asking Ms. Gallo about 3 objections raised by counsel from a legal 4 standpoint to the various discovery response 5 that plaintiff made. If you want to ask her 6 about the substance of the response, I'm okay 7 with that. But in terms of asking her about 8 the objections, those were framed by counsel. 9 Q. Do you remember the question? 10 A. Yeah. 11 So, again, I think that's probably what 12 you're getting frustrated with me is I'm answering 13 what the content is. And that's where my, you know, 14 that's where my expertise lies. So if it's a legal 15 framing of the question, it's not within my area of 16 expertise. So maybe that's not why I'm answering 17 the way you're expecting me to. 18 MS. DEAN: Object to non-responsive. 19 Q. My question is just: You indicated in the 20 last answer that I said was non-responsive that you 21 don't know if everything still exists? 22 A. What do you mean? 23 Q. In terms of every formula during the time 24 frame '60 to '89 for Topaz. The question I'm asking 25 is not whether every document exists. My question</p>	<p style="text-align: right;">Page 92</p> <p>1 can -- I can confirm that on a break. We may 2 not have formulas for Topaz beauty dust. I'm 3 not even sure there was a Topaz beauty dust. 4 THE WITNESS: I haven't seen one. 5 MR. BROMBERG: So it's my understanding 6 and the way we generally produce is we produce 7 all formulas for the products identified if 8 they are, you know, powder formats. But I can 9 definitively confirm that during the break. 10 MS. DEAN: That would be helpful. 11 Q. As you sit here now I thought I heard you 12 say when Neil of speaking that -- do you know if 13 Topaz made a beauty dust in the years 1960 to 1974? 14 A. I have not seen evidence of that. 15 Q. The initial answer provided by Avon in the 16 sworn answers asking about Topaz between 1960 and 17 1989 was limited to answering about Topaz perfume 18 talc in 1989 and that it may have come from Montana 19 or Vermont. Do you see that on page 13? 20 A. I'm reading it. 21 Q. Sorry. 22 A. Yes. 23 Q. And then a supplemental response gave a 24 lot more information. It gave information about 25 April of 1961, June of 1967, March of 1971, January</p>
<p style="text-align: right;">Page 91</p> <p>1 is: Between 1960 and 1989 with Topaz, do you 2 believe Avon has done a reasonable search and 3 provided to us all information they have for 4 formulas for Topaz in that time frame? 5 A. I believe Avon has done a reasonable 6 search for Topaz shaker talc. I want to be clear on 7 that because we talked about beauty dust and other 8 things, yes. I do. 9 Q. That is helpful. So you do not believe 10 that any non-shaker talc product including beauty 11 dust is provided in this answer; correct? 12 A. Again, for purposes of preparation for 13 this particular deposition, my focus was on the 14 shaker talcs, not the beauty dust. 15 Q. Okay. And so not just for this 16 deposition, but for what I asked about in my last 17 question in response to Interrogatory Number 6, do 18 you know if any information other than shaker talc 19 information was provided in an answer by Avon for 6? 20 A. No. It's my understanding it was directed 21 at shaker talc. 22 Q. Okay. 23 MR. BROMBERG: And, Counsel, I can find 24 out -- it's my understanding we produced all 25 the formulas for Topaz talcs that we had. I</p>	<p style="text-align: right;">Page 93</p> <p>1 of 1972, and March of 1976 for various Topaz 2 formulas and it also provided the reference document 3 that was used; right or documents that were used? 4 A. Yes. 5 Q. My first question is: Why in the world 6 was that information not produced in the first 7 response? 8 A. It's my understanding that the -- he ask 9 for more details is when a supplemental response is 10 put together. And again, that's when they -- the 11 team provided the additional details that were asked 12 for is my understanding. So based off the original 13 response, more details were asked for and this is 14 where the supplemental response came from. 15 MR. BROMBERG: Again -- 16 A. It's my understanding. 17 MR. BROMBERG: Again, Counsel, you're 18 well, aware that these discovery responses were 19 prepared by counsel, not Ms. Gallo. We 20 submitted our responses. The court ordered 21 Avon to provide additional information on 22 various interrogatories based on a hearing with 23 the court and we did that. 24 Q. So you verified both the first response 25 and the second; right?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. I did.</p> <p>2 Q. And the first response in terms of what</p> <p>3 details were asked about Topaz and specifically for</p> <p>4 the years 1960 and 1989. And that's in the</p> <p>5 three-line question; right?</p> <p>6 A. Yes.</p> <p>7 Q. And the only information Avon gave was for</p> <p>8 1989; right?</p> <p>9 MR. BROMBERG: Objection. Asked and</p> <p>10 answered.</p> <p>11 A. Again, I think we explained what happened</p> <p>12 to you. So go ahead.</p> <p>13 Q. The years 1961, 1967, 1971, 1972, and 1976</p> <p>14 all fall within the range of 1960 to 1989; right?</p> <p>15 A. Yes.</p> <p>16 Q. And all of the products that were listed</p> <p>17 in the response and supplemental response deal with</p> <p>18 Topaz; right?</p> <p>19 A. Yes.</p> <p>20 Q. Why when we asked for those years in the</p> <p>21 original question were they not provided when we</p> <p>22 first asked?</p> <p>23 MR. BROMBERG: Objection. Asked and</p> <p>24 answered.</p> <p>25 A. I think it's been answered already. The</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Again, I would just reiterate what we've</p> <p>2 already heard was that we provided responses. We</p> <p>3 were asked for more. All the responses are here.</p> <p>4 So again, I'm not sure what else I could tell you</p> <p>5 about that.</p> <p>6 Q. Was there a new box or source of document</p> <p>7 that became known from Avon from when you first</p> <p>8 verified these answers and later that made the</p> <p>9 information in the supplemental response new to</p> <p>10 Avon?</p> <p>11 MR. BROMBERG: Same objections. The</p> <p>12 responses were prepared by counsel. They were</p> <p>13 verified by Ms. Gallo. She doesn't have the</p> <p>14 information to answer your question.</p> <p>15 A. I don't know how else to answer you. I'm</p> <p>16 sorry.</p> <p>17 Q. When you signed and verified the response</p> <p>18 that were limited to the original response, that</p> <p>19 only answered about 1989 part of what you verified</p> <p>20 was that was the best information known to Avon;</p> <p>21 right?</p> <p>22 A. That's correct.</p> <p>23 Q. And when Avon wrote that and when you</p> <p>24 verified that, Avon had in its possession</p> <p>25 information in its files that already had been Bates</p>
<p style="text-align: right;">Page 95</p> <p>1 information is here. So I'm not sure what, you</p> <p>2 know. It's here.</p> <p>3 Q. So you claim there were further details</p> <p>4 that require further response. What details existed</p> <p>5 that weren't already clearly stated in Question 6</p> <p>6 that required Avon to go from only providing 1989</p> <p>7 information to providing lots of additional</p> <p>8 information that was asked about in the original</p> <p>9 question?</p> <p>10 MR. BROMBERG: Objection to form. Asked</p> <p>11 and answered. Let's move on, Counsel. You</p> <p>12 know, the situation. We answered discovery.</p> <p>13 The court asked us to provide supplemental</p> <p>14 information. We provided supplemental</p> <p>15 information. And now you're complaining that</p> <p>16 you got supplemental information. Okay. This</p> <p>17 is a legal argument you're trying to make of</p> <p>18 this witness. We didn't come here for a</p> <p>19 deposition of Ms. Gallo to discuss procedure of</p> <p>20 answering discovery responses. Okay. You</p> <p>21 asked for a substantive deposition. Let's get</p> <p>22 to some substance in this deposition. We've</p> <p>23 been going almost two hours you haven't asked</p> <p>24 any substantive questions of her.</p> <p>25 Q. You can go ahead and answer.</p>	<p style="text-align: right;">Page 97</p> <p>1 labeled for this case that were responsive to that</p> <p>2 answer that were not included; right?</p> <p>3 MR. BROMBERG: Objection. Argumentative.</p> <p>4 Don't answer that question.</p> <p>5 Q. Are you going to follow that instruction?</p> <p>6 A. Yes.</p> <p>7 Q. Is there any good faith explanation Avon</p> <p>8 can give for why they did not produce the</p> <p>9 information in this supplemental response when it</p> <p>10 was first asked in the initial response, anything at</p> <p>11 all?</p> <p>12 MR. BROMBERG: Objection. Again, the</p> <p>13 answers were prepared by counsel. They were</p> <p>14 not prepared by Ms. Gallo. And she is not a</p> <p>15 witness to answer the question or the</p> <p>16 information that we had at the time. You know</p> <p>17 very well, Counsel, we were under a deadline to</p> <p>18 answer. Discovery is often an ongoing</p> <p>19 investigation into issues and to gather</p> <p>20 information, and that's what happened here.</p> <p>21 The court ordered us to provide supplemental</p> <p>22 information. We provided supplemental</p> <p>23 information. Okay. Is your only purpose in</p> <p>24 doing this deposition to seek some kind of</p> <p>25 discovery motion or some type of sanctions,</p>

<p style="text-align: right;">Page 98</p> <p>1 motions or do you have some real questions for 2 this witness? 3 MS. DEAN: Dinosaur. 4 Q. Unfortunately, a lot of my time is going 5 to be spent showing what we don't have, and I know 6 you weren't at the hearing -- what was so -- 7 MR. BROMBERG: What did you -- what did 8 you say my name is? 9 THE WITNESS: She says "dinosaur" because 10 she's trying to hold a place in her -- she said 11 dinosaur. Is that why you're -- 12 MR. BROMBERG: Why are you saying 13 dinosaur? 14 THE WITNESS: It's something -- she 15 mentioned it earlier. She does that to mark a 16 place in the script. 17 MR. BROMBERG: Okay. I didn't understand. 18 I thought she was calling me dinosaur. 19 THE WITNESS: No. No. No. 20 MS. DEAN: Look to the earlier record. 21 You'll see that we talked about that. 22 I was in the middle of a sentence. I'll 23 repeat it. I know you weren't at the hearing 24 and you don't yet have the transcript. What is 25 particularly disturbing about Response Number 6</p>	<p style="text-align: right;">Page 100</p> <p>1 Same objection as before. The responses 2 were prepared by counsel, they were not 3 prepared by Ms. Gallo. Ms. Gallo has been 4 required to verify responses. You know very 5 well that discovery responses are prepared by 6 counsel. You also know very well that 7 discovery is a process you are allowed to 8 supplement. It is quite common in discovery to 9 supplement discovery responses. You want to 10 imply that, you know, something nefarious 11 happened because you didn't get the full 12 information in the first answer. That's 13 completely not the case. You can answer if you 14 know, Lisa. 15 A. Again, as Neil has already said, 16 additional information was asked for, and it was 17 supplied. It's all here. So -- 18 Q. What additional information was asked for 19 in Number 6 between the first? 20 A. My understanding that additional details 21 were asked for and that's what the -- that's what 22 was put together for the supplemental responses. 23 Q. What additional details -- 24 MR. BROMBERG: Objection. Argumentative. 25 As we've stated multiple times, the court</p>
<p style="text-align: right;">Page 99</p> <p>1 is that it wasn't even a discussion at the 2 hearing. If I read six, I believed I had a 3 full answer. The hearing wasn't about more 4 information about Topaz, it was why didn't I 5 have all the information on all the other 6 products. And then you supplemented it. It is 7 only by happenstance that I learned that Avon 8 did not answer the question almost at all. I 9 left out 19 years of relevant information. And 10 so you keep making inappropriate objections 11 about this hearing and that you were just 12 following a court order. That is 13 fundamentally, factually inaccurate. 14 MR. BROMBERG: It's my -- 15 MS. DEAN: And so I'm going to ask the 16 witness one more time and if you instruct her 17 not to answer, we'll deal with it. 18 Q. Do you have any explanation to when you 19 verified this to the complete and to the best of 20 your knowledge the first time where it only included 21 the 1989 information why it didn't include all of 22 the other information from 1961 up to that 1981 23 date? 24 MR. BROMBERG: Don't answer the question 25 until I got my objection on the record.</p>	<p style="text-align: right;">Page 101</p> <p>1 ordered Avon to provide -- to go back through 2 the discovery responses and to provide 3 supplemental answers to all discovery response 4 which is what we did. 5 Q. And I'm just wondering what additional 6 information when you verified this did you believe 7 was sought between the supplemental response and the 8 other? 9 MR. BROMBERG: Objection. Asked and 10 answered. Let's move on, Counsel. She's 11 answered your question as best as she can 12 multiple times. This is now harassment. I'm 13 going to ask you to move onto a different 14 question. 15 Q. I'd like an answer. 16 Just I'm wondering what additional details 17 you believe were being verified for were ordered or 18 even if the word "order" doesn't mean anything but 19 that were different between the response and 20 something else? 21 MR. BROMBERG: Don't answer that question. 22 She's asked the question multiple times. She's 23 answered as best as she could. You might not 24 have gotten the answer that you like, Ms. Dean, 25 but she's answered the question. Move onto</p>

<p style="text-align: right;">Page 102</p> <p>1 another topic. 2 Q. Are you going to follow that instruction? 3 A. Yes. 4 Q. The information provided in the supplement 5 that was not provided in the original answer 6 indicates that for years that Sharon Pipes was using 7 the Avon products that some of the sources were used 8 included Italian talc, northern talc, North Carolina 9 talc and others. And that's not an exhaustive list 10 but those are some examples; fair? 11 A. Italian talc, northern talc and did you 12 say something else? 13 Q. North Carolina talcs. 14 A. Talcs from North Carolina, yes. 15 16 (Plaintiffs' Exhibit 13, FORMULA SHEET, 17 was marked for identification.) 18 19 Q. I hand you what I've marked as Exhibit 13. 20 And I'll represent what I handed counsel is almost 21 identical to the last page I just got from Avon in 22 copy form on the break and by email form yesterday 23 late in the afternoon. And that is Bates label 24 83364. And can you confirm? 25 MR. BROMBERG: I'm confused. Are you</p>	<p style="text-align: right;">Page 104</p> <p>1 that existed between 1960 and 1989; right? 2 A. These aren't raw ingredient 3 specifications. These are formulas. 4 Q. Okay. Let me ask a better question. 5 Thank you. 6 So my understanding is that these 7 documents were an effort by Avon in their discovery 8 responses to identify the formulas that would answer 9 Question 6 and that is what Topaz formulas exist 10 between 1960 and 1989 but they limited it to 11 shakers; right? 12 A. They were -- 13 MR. BROMBERG: Hold on for one second. 14 All she said is that we don't have formulas for 15 beauty dust here. She didn't say we limited it 16 to that. 17 THE WITNESS: Yeah. 18 MR. BROMBERG: And I don't believe that we 19 limited it to that. 20 A. Again, these are perfumed talc formulas. 21 As Neil said before we don't limit it. And if no 22 formulas came up, it may not have existed for -- 23 Do you have, you know, do you have a 24 beauty dust example? 25 Q. I found one. And what I want to know from</p>
<p style="text-align: right;">Page 103</p> <p>1 saying that I don't have that or -- 2 MS. DEAN: Right. I only got -- 3 MR. BROMBERG: But Lisa has it. 4 MS. DEAN: Yes. 5 MR. BROMBERG: So is it all right if I 6 look on with her? 7 MS. DEAN: Sure. 8 Q. So the last page is the Bates 83364 which 9 is something Avon produced for the first time late 10 yesterday and I just got a copy. So I only got one 11 copy and I attached it at the end. But you can see 12 that's a formula sheet for Topaz; correct? 13 A. Yes. 14 Q. Okay. And what I did -- and you're 15 welcome to cross reference this later or on a break 16 or now and I took -- 17 MR. BROMBERG: You can look in your binder 18 too. 19 Q. I took all of the documents referenced in 20 Question 6 from Exhibit 6 about Topaz where they 21 identified the different raw ingredient codes and 22 then gave the Pipes Bates label number and put them 23 all in one document. And my understanding is this 24 was Avon's best effort to find for shaker talcs for 25 Topaz the different raw ingredient specifications</p>	<p style="text-align: right;">Page 105</p> <p>1 you is whether you know whether beauty dust were 2 searched and this is the only one that exist or if 3 you're just not sure one way or another and can you 4 confirm where we are on that? 5 MR. BROMBERG: I said previously that I 6 would confirm on the break. I can do it now if 7 you want. We can go off the record. Whether 8 we were able to locate any beauty dust and 9 didn't produce them. Generally, my 10 understanding, you know, with my team is when 11 -- when a product is identified such as a Topaz 12 talc, we would produce the formulas for Topaz 13 talcs which would include a beauty dust. So -- 14 THE WITNESS: And Neil is right. 15 MR. BROMBERG: You know, I want to confirm 16 that for you. I don't want to give you 17 misleading information. But that's our general 18 practice. So -- but I need to confirm for 19 certain that that happened here. I'm fairly 20 certain it did. But not a hundred percent. 21 THE WITNESS: Can I talk about -- 22 MS. DEAN: Let me -- one moment. 23 Dinosaur. 24 Q. What is it that you're wanting to explain? 25 A. I want to explain how searches are done in</p>

<p style="text-align: right;">Page 106</p> <p>1 our computer system. It's called "Flo." 2 Q. Let me write that down. I don't want to 3 lose my question. 4 A. Sure. 5 Q. I just want to make sure: First of all, 6 Exhibit 13 which is polling the Bates labels Avon 7 referenced in the answer to Interrogatory 6, the 8 supplemental response. 9 Are you aware of any other formulas for 10 Topaz between 1960 and 1989 other than the ones that 11 were listed in the supplemental response which I 12 represented to you were polled in Exhibit 13? 13 A. I'm just going to cross reference with my 14 book just to make sure there's nothing else there. 15 Q. Sure. That's very helpful. 16 A. Looks like it's everything. The one that 17 you have that I don't have is the 1989 one, the one 18 -- I'm sorry. Where was it? Maybe that is -- this 19 one, this Pipes 0083364. I don't have that in my 20 file. 21 Q. And what I suspect that is the source 22 material the reference in the initial response which 23 was limited to that 1989 Montana or Vermont. Do you 24 see that in the actual interrogatories? 25 A. Is that page 15?</p>	<p style="text-align: right;">Page 108</p> <p>1 A. F-L-O. 2 Q. Okay. Does this go back to a certain 3 point in time? 4 A. Yes. I need to get you that date. But 5 there was a previous system called TPX so there was 6 just a different system. We always had -- since 7 I've been there in 1994, we always had a formula 8 system. It just was -- we did Flo and jeez, I don't 9 know. It was in the 90s at some point, late 90s 10 maybe. 11 Q. So to get this first document, Exhibit 13, 12 which goes all the way back to 1961? 13 A. Yeah. It was in our previous system. 14 Q. It would be in the TPX system? 15 A. Yes. 16 Q. And is that something where you could 17 input a product name such as Topaz and identify the 18 formulas for whatever date ranges you need? 19 A. Yeah. And just I want to clarify your 20 question. It would have been initiated in TPX but 21 we migrated that information into Flo when we built 22 Flo. Just so that's clear. So all of the 23 historical information on formulas went into Flo so 24 that they were searchable. 25 Q. Okay. So even if it went back to the TPX</p>
<p style="text-align: right;">Page 107</p> <p>1 MR. BROMBERG: Objection to form. 2 Q. 13. 3 A. 13. 4 Q. You can see that the initial response 5 indicated that there was a Topaz perfume in 1989 in 6 Montana and Vermont? 7 A. Yes. 8 Q. And that last page that we just added on 9 appears to be the source material showing the 10 formula for that; right? 11 A. Yes. 12 Q. You mentioned that to try to find this 13 information, there is a system called Floserve. Did 14 I hear that right? 15 A. Flo, F-L-O, yeah. 16 Q. I don't know where I got the "serve" from. 17 A. That's okay. 18 Q. What is Flo? 19 A. Flo is the computer system in research and 20 development that allows us to input our formula 21 information, our testing information, and pretty 22 much we release the information out to manufacturing 23 from Flo. It interlinks with the manufacturing 24 processes. 25 Q. How do you spell Flo?</p>	<p style="text-align: right;">Page 109</p> <p>1 years, it's now been migrated so the Avon folks 2 could use one system from Flo and get the 3 information? 4 A. Correct. 5 Q. Okay. So if I want to know from Topaz 6 between '60 and '89 the formulas by batch, there's a 7 way to do a search for that? 8 A. Again, it's not a manufacturing. Batches 9 -- particular batches of products that were made 10 would have been a manufacturing record. These are 11 formulas that are approved formulas that go out to 12 manufacturing to be made. So this is a research and 13 development tool that links up to the manufacturing. 14 Q. How did you use Flo to obtain the 15 documents in Exhibit 13? 16 A. So you do a search, right. So what you 17 can do is as Neil mentioned Topaz is, you know, the 18 product of interest. So you would say, it's a 19 filtered search which says Topaz plus talc. Show me 20 everything for Topaz, and it comes back with a 21 search. That's why, you know, I think, you know, 22 Neil is basically very accurate when he says that, 23 yeah, we didn't filter by perfume talc. It would 24 have been Topaz and talc and everything that was 25 made, you know, you -- would have shown up.</p>

<p style="text-align: right;">Page 110</p> <p>1 Q. So if you have one like the first page in 2 Exhibit 13? 3 A. Right. 4 Q. That just shows Topaz and talc, but does 5 not mention the aerosol beauty dust or perfume talc? 6 A. That's right. 7 Q. How do you know -- I mean would it be used 8 for all Topaz products that use talc or how do you 9 know which subset of products it would have been 10 used for? 11 A. Are you talking about the talc, for 12 example, or are you talking about specifically what 13 subset of products? 14 Q. So if you have AV Pipes 68 which is the 15 first page of Exhibit 13. 16 A. Yes. 17 Q. It tells me it has a formula, it says 18 Topaz talc. It gives a number and then it reference 19 that 0747 is the talc being used. 20 A. That's correct. 21 Q. Would this be used in any and all products 22 in 1961 that used talc that had the name Topaz, or 23 would it be limited to some subset of products that 24 used talc that had the name Topaz in it? 25 A. So again depending on what other talc</p>	<p style="text-align: right;">Page 112</p> <p>1 answered. 2 A. It reflects -- this document reflects what 3 talc was used in Topaz fragrance talc at this time. 4 There is no blanket talc used across all Topaz 5 products that I'm aware of. This is very reflective 6 of this particular formula. 7 Q. How do you know that this is limited to 8 fragrance talcs? 9 A. So basically, if you look at the formula, 10 it's pretty clear to me that this is a perfumed 11 fragrance talc by the formula ingredients that are 12 listed in there. And one of the main ingredients is 13 perfume Topaz powder oil Number 577 which is 14 basically a perfume. I know that perfumed talcs 15 have talc, calcium carbonate, magnesium carbonate as 16 I talked about binder agents before. TIO2 is white. 17 It's probably to give it some brightness. And KLN 18 is another raw ingredient. These are very common. 19 These formulas are very simple. So it's a fragrance 20 talc formula. 21 Q. So you're going through under code numbers 22 the different codes that are identified ingredients 23 of the talc; right? 24 A. Yes. 25 Q. And one of the ingredients the last one is</p>
<p style="text-align: right;">Page 111</p> <p>1 products we made, the formulas could definitely be 2 different with different talcs in it. I need to 3 look at that. But what I would know is that Topaz 4 perfume talc used code RIO747 in 1961. Doesn't 5 necessarily mean that that talc would be used in an 6 aerosol or beauty dust. I need to see those 7 formulas to verify that. 8 Q. But that's what I'm trying to ascertain: 9 Since you've said all of the way that Flo works is 10 that all the Topaz products would have been searched 11 and this is - we've confirmed? 12 A. Yeah. If nothing else came back then this 13 is the only Topaz product with talc in it, not even 14 0747. If the search was done with Topaz and the 15 word "talc," what I would expect to come back is 16 every Topaz product that contained any talc in it, 17 not even 0747. So -- 18 Q. And you say "if," what I'm trying to 19 confirm is based on what you understand of how it's 20 searched and what we have as Exhibit 13 which we go 21 from 1961 a one-paged document to the next document 22 being 1967. Is it your belief then that this 1961 23 document would reflect what talc was being used in 24 Topaz, Topaz's line of products in that time frame? 25 MR. BROMBERG: Objection. Asked and</p>	<p style="text-align: right;">Page 113</p> <p>1 the actual fragrance component of it. And it lists 2 perfume Topaz talc powder oil Number 577; right? 3 A. Yes. 4 Q. And how do I know that these ingredients 5 were limited to a shaker versus a beauty dust, 6 versus an aerosol from this document? 7 A. From this document, again, it's, you know, 8 what you would probably, you know, these are just 9 and I don't want to confuse you at all. But I -- 10 these are processing standard documents. And these 11 are the actual -- what happens is this a process 12 standard formula goes out to manufacturing. So it's 13 just ordered. It's the same -- it's just ordered a 14 little bit differently. And again, you know, at 15 this point, based off of, you know, the brochures 16 I've looked at to be honest with you, I don't recall 17 seeing a beauty dust. I would have to, you know, 18 probably go back through more brochures to do that. 19 But every example I've seen has been with a shaker 20 talc. And I know this particular formula is very 21 reflective of a shaker talc. 22 Q. And you know that from what? 23 A. My experience. I'm a chemist. So, you 24 know, I've like -- I've, you know, spent years 25 formulating and obviously as part of my, you know,</p>

<p style="text-align: right;">Page 114</p> <p>1 my preparation for this I reviewed, you know, lots 2 of shaker talc formulas. And this is a very common 3 simple formula for a shaker talc. 4 Q. So two pages later, AB, underscore, Pipes 5 50 shows another formula for Topaz but this one is 6 in 1971. 7 A. Yes. 8 Q. Do you see that? 9 A. Yes, I do. 10 Q. The page in between is a 1967 formula but 11 it is for beauty dust. 12 Do you see that? 13 A. Let me just see beauty dust body powders. 14 Yes, I do. 15 Q. Okay. So what I'm trying to determine is 16 given that there are no documents between '61 and 17 '71, for the Topaz shaker talcs, is it fair to 18 assume that the '61 documents was operative until 19 the change in '71 or do we know that? 20 MR. BROMBERG: Are you saying there's one 21 from '67? No. Just what she provided. 22 A. Well, there is. 23 MR. BROMBERG: Can you state your question 24 again. 25 A. But -- I'm sorry. But Topaz isn't on this</p>	<p style="text-align: right;">Page 116</p> <p>1 Topaz, looks like in 1967, there was a -- a change 2 to this regal. Now, this is listed as beauty dust 3 body powders. So again this is beauty dust. This 4 is fragrance talc. The one difference I see in the 5 formulas and I need to -- I would need to calculate 6 levels since they're not in ingredient percents in 7 this instance is the perfume oil. To see if, in 8 fact, you know, these are all used as beauty dust or 9 fragrance talcs. But looks like '61 -- because very 10 minor nuance, right, that I'd like to explain to you 11 is if you look at product and processing standards, 12 on your 1961 page product says Avon talcs. In your 13 1967 page, it says beauty dust, dash, body powders. 14 In your 1971 page, it says "talc." And 15 subsequently, it looks like it stays to talc. So 16 often times what happens is if a formula is either 17 different which would make sense in a beauty dust or 18 something changes in the formula we may change the 19 product or processing standard name which is another 20 clue as to what, you know, what seems to be a change 21 of events going on here. So the fact that it was 22 called Avon talcs and then in '67, it was upgraded 23 to beauty dust, dash, body powders, tells me 24 something changed and it may not be the shaker talc 25 formula.</p>
<p style="text-align: right;">Page 115</p> <p>1 page in 1967. Am I missing it? Wild Rose, 2 Cotillion, Pretty Peach. 3 Q. It is. 4 A. Oh. I'm sorry Topaz, yes. I didn't 5 realize that was a list. So ask me again. 6 MS. DEAN: And let me just -- this is for 7 future stuff. Non-responsive. 8 Q. We have a 1961 document that you believe 9 from your experience in dealing with formulas deals 10 with fragrance talc or what we call shaker talc too; 11 right? 12 A. Yes. 13 Q. Then we have a '67 document that I'm going 14 to set to the side for a moment because it says it's 15 dealing with beauty dust; right? 16 A. Yes. 17 Q. And next document we have dealing again 18 with fragrance talc and/or shaker talc is a 1971? 19 A. Yes. 20 Q. Okay. So from '61 to '71, would the '61 21 formula be the operative formula for shaker talcs 22 for Topaz? 23 MR. BROMBERG: Objection to form. 24 A. Based off of the information that I have 25 again from the document that I referenced before for</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. So which is what I understood before. So 2 let me object to non-responsive and let me go back 3 to my question. 4 So we have a '61 product, the Avon talc 5 which you said from your experience you believe that 6 was shaker talc? 7 A. Yes. 8 Q. And then the next product dealing with 9 shaker talcs is March 3rd, 1971, and then for some 10 reason, we have a duplication of that page. And 11 then the next page is a -- 12 A. Looks like a triplication of that. 13 Q. But we do have another update in '72 for 14 talc. And then we have another update in '73 and 15 then one in '74. 16 A. Right. 17 Q. One in 70- -- 18 A. And the formula changed. 19 Q. -- '6 and one from '81. What I'm trying 20 to understand for this section of Exhibit 13 that 21 says either Avon talcs or talcs under products or -- 22 can I -- am I reading it correctly that from April 23 24, '61, until March 2nd, '70, you're using '68 as 24 the formula and then in March 3rd, 1971, there is an 25 update to the formula that's being used until the</p>

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1 next formula comes out on January 11th, 1972, and so
2 on and so forth?
3 A. Right. The one, you know, that I can't a
4 hundred percent say because the name is called
5 beauty dusts is if, in fact, the beauty dust formula
6 is the same formula as the talc. That's the one.
7 Q. And I was hoping that in this
8 deposition --
9 MR. BROMBERG: Can we go off the record
10 for just a minute.
11 MS. DEAN: Let me just --
12 MR. BROMBERG: I might be able to --
13 MS. DEAN: Help with this.
14 Q. If we need to revise this, but right now
15 whether the Pipes 67 Exhibit 13 is a revision of
16 Pipes 68 and Exhibit 13 or a separate set for a
17 different product is something you're not sure of
18 but we're going to hopefully figure out. Is that
19 fair?
20 A. It's definitely a different formula. You
21 know, it's definitely a different formula for sure.
22 So that's clear there's a different talc used in it.
23 MS. DEAN: You want to go off the record?
24 MR. BROMBERG: Yeah --
25 THE VIDEOGRAPHER: Off the record. The

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1 time is 12:00 p.m.
2
3 (Recess taken.)
4
5 THE VIDEOGRAPHER: Go back on the record.
6 The time is 12:58.
7 MS. DEAN: So on the lunch break, we took
8 about a 45-minute break to eat lunch, and also
9 Avon's counsel did a search for beauty dust for
10 Topaz, Timeless, and Imari. And my
11 understanding they were able to find and print
12 out documents for Topaz and Timeless and
13 confirm there were no such documents for Imari
14 called Avon formula master for beauty dust. Is
15 that fair?
16 MR. BROMBERG: Yes.
17
18 (Plaintiffs' Exhibit 7-A, AVON FORMULA
19 MASTER, was marked for identification.)
20
21 BY MS. DEAN:
22 Q. Okay. I want to mark as Exhibit 7 [sic]
23 the one, the Timeless document. And that is just
24 one page and says Avon formula master on there;
25 right?

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1 MR. BROMBERG: Yeah.
2 A. Yes.
3 Q. Sorry. You said "yes." I missed it.
4 A. Yes.
5 Q. And so the only beauty dust formula you
6 could find for Timeless, as I understand it, is from
7 April 9, 1976, and showing as at least as it relates
8 to the talcs the different RI codes which starts
9 with Olympic but has several others written below;
10 right?
11 A. Yeah. They were called alternates.
12 Q. And the alternates have A-L-T written to
13 the right of the percentage; correct?
14 A. Yes.
15 Q. Okay. And you weren't able to find
16 anything else for this product. Well, let me ask a
17 better question.
18 From 1974 when Timeless first started
19 being manufactured, it was a product from 1976 on
20 Exhibit 71, were you able to find any other formulas
21 for the Timeless beauty dust?
22 A. No. Not that I'm aware of, no.
23
24 (Plaintiffs' Exhibit 71, AVON FORMULA
25 MASTER, was marked for identification.)

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1
2 MS. DEAN: And let me back up and ask
3 Counsel a question. For these Avon formula
4 masters that we're attaching for the record as
5 Exhibit 71, in the second dealing with Topaz
6 which we'll probably mark as Exhibit 72, but do
7 we have an agreement that these are
8 Avon-produced authentic business records under
9 the business hearsay exception?
10 MR. BROMBERG: Yes.
11 MS. DEAN: And these don't have Bates
12 ranges on the bottom. They just say page 1 of
13 1 for each of them.
14 MR. BROMBERG: We will reproduce them with
15 Bates numbers.
16 MS. DEAN: Okay. Perfect.
17 BY MS. DEAN:
18 Q. And the code used in the beauty dust for
19 Timeless, both the called out code for talc and
20 alternates mirror what was used in Timeless for the
21 same time frame for shakers; correct?
22 A. Let me just reference and confirm. March
23 1st, so the formula that I have in the binder is
24 March 1976. This is April 1976. So there was a
25 change in March of 1976 to Olympic talc 0752. But

<p style="text-align: right;">Page 122</p> <p>1 in -- the reason I'm hesitating just is that the 2 formulas in the binder, this formula that I'm 3 looking at is a processing standard version. So I 4 just want to confirm back, 0752. There are some 5 differences in the formulas I'm looking at that the 6 talcs vary. 7 Q. But the what? 8 A. The talcs are varying. This beauty dust, 9 for example, Timeless lists Olympic talc and varying 10 different talcs. In Timeless perfume talc, it also 11 lists Olympic talc, talc northern, Talc 2450 and 747 12 as alternates. So there are some minor differences 13 in the alternates that are being used. Could be 14 that beauty dust was produced in other countries 15 because I'm looking at the beauty dust formula they 16 list alternate Brazilian, alternate Spanish talc. 17 So it may be that those alternates were added 18 because they are being produced in those particular 19 countries. So there are some minor difference in 20 the talcs that were used. 21 Q. So in comparing the beauty dust formula 22 with the body talc or fragrance talc formula for 23 Timeless, they are very similar with the differences 24 being the date of creation was less than a month 25 apart. And that some of the alternates changed but</p>	<p style="text-align: right;">Page 124</p> <p>1 only been around since somewhere in the 90s. TPX 2 has not been around forever, and there is lots of 3 paper stuff as well. So if it's an actual Flo 4 formula, you would get an Avon formula master. This 5 is what this is. If it's not available in Flo, you 6 could, you know, go to this version which is a 7 processing standard version. So it looks a little 8 bit different and that's what at least the first 9 page of that is from a processing standard. It 10 should say like on the top processing standard. 11 Does it say that? 12 Q. Product and process standard. So Exhibit 13 13 is the first page you were referencing, and 14 you're saying if it came from Flo, you would see 15 something that says Avon formula master like we see 16 in Exhibit 71. But if it's something that had to be 17 integrated into Flo through TPX or paper form, it 18 might look different and an example of that is the 19 first page of Exhibit 13 where it talks about a 20 process statement? 21 A. And it might not even be in Flo. So 22 processing standards, basically, it feeds into 23 create a processing standard. Sometimes, you know, 24 depending on the year, it may or may not be in Flo. 25 Q. Are the documents that we were provided in</p>
<p style="text-align: right;">Page 123</p> <p>1 the -- 2 A. And the fragrance level. 3 Q. In terms of the talc component I guess? 4 A. Yeah. 5 Q. Okay. 6 MR. BROMBERG: But the primary is the 7 same. 8 A. The primary is Olympic talc. 9 Q. How were you able to obtain this Avon 10 formula master even though we're sitting in a hotel 11 room in Suffern on a lunch break? 12 A. So there is a remote access to the Flo 13 system that some people are given the ability to get 14 and Karen has that access so she was able to get 15 into Flo from here. 16 Q. Okay. And I've seen in Exhibit E, if my 17 memory serves me correctly, in the Draconia [ph.] 18 transcript of you, other Avon formula masters, but 19 they don't have Bates numbers. What -- what are the 20 origins of these documents, as opposed to what we 21 see in Exhibit 13, which are -- don't have that 22 heading and just have the formula by batch? 23 A. So again, remember I had said that there 24 are other -- there are things called processing 25 standards, right. And so again remember Flo has</p>	<p style="text-align: right;">Page 125</p> <p>1 this case in terms of formulas obtained through Flo, 2 for instance, Exhibit 13? 3 A. I don't think all of them were because 4 some of them are quite old. And again, even pre 5 TPX, it could have been a paper exercise. I'd have 6 to go back and honestly link which ones came from -- 7 you know, in the documents search, you know, we have 8 Central File which is paper. There is -- you know, 9 and anything that happened to be migrated from TPX 10 not everything was migrated from TPX and then of 11 course Flo so there's lots of different places that 12 we needed to look to get -- to get this information. 13 Q. Other than the information migrated from 14 TPX into Flo, things that were originated in Flo and 15 the central file, can you give me any other 16 specifics? 17 A. Actually, Central File Iron Mountain which 18 is basically -- I have this in my notes. Do you 19 have my notebook? Can I just have that back for 20 now. Since that's my go to. I just want to make 21 sure I'm very accurate in what I tell you. But Iron 22 Mountain is basically our document retention. 23 Central File has recently been migrated to -- I'll 24 remember the name when I see it -- to microfiche 25 because it was just rooms of paper.</p>

<p style="text-align: right;">Page 126</p> <p>1 Q. I've started looking at some of the things 2 you brought today including what you have as notes 3 which I've marked as Exhibit 68. Because I don't 4 have tabs, I put some stickies on the side. That 5 I'll ask you to bear with me. 6 A. No problem. Oh, the tab group. That's 7 where Central File I remembered. But Iron Mountain, 8 Central File, Flo, several -- yeah, those are the 9 places. 10 Q. When you were asked to do a search for 11 like this one of Topaz during specific set of years, 12 do you do that yourself or someone else? 13 A. No. The team has helped with these 14 searches. 15 Q. Okay. And just for this search that -- 16 that excluding what was done over the lunch break 17 but just for the search that makes up the documents 18 in Exhibit 13, are you prepared to tell me the 19 origins of each of these, meaning whether you got 20 them from Flo, Central File or elsewhere? 21 A. I can tell you what I didn't get from Flo 22 based off of that. But the difference between 23 central file and Iron Mountain, I couldn't tell you 24 right now. If that came from Central File or Iron 25 Mountain, I'd need to go back in -- but I know that</p>	<p style="text-align: right;">Page 128</p> <p>1 Processing Standard. And when we built Flo which 2 was the late '90s, I'm pretty sure it was the late 3 90s, we linked it to what we called processing 4 standards. And if you look at the formula master 5 report versus the processing standard, the versions 6 looked different because the processing standards 7 are used to manufacture. So it might have a part A 8 or a part B. It actually tells you the full 9 processing standard how to put the batch together. 10 So for example, if you go to your left page here, 11 you're 64. That's a processing standard. And so 12 you can see that, you know, this is -- this is 1989. 13 Well, this is actually, this is not from, yeah, none 14 of these are from Flo. But this is what a 15 processing standard looks like. It has a Part A, no 16 Part B, Part C and then all the alternate codes in 17 there. So these are all from -- and again, back in 18 this day, we didn't have WEPS. These are super old. 19 So WEPS was created when Flo was created. These are 20 just processing standards my guess is they were 21 probably paper because they are super old. 22 Q. So when did -- not when was WEPS created 23 but how far back did it go to take the processing 24 standards for the company and integrate them into 25 the computer system?</p>
<p style="text-align: right;">Page 127</p> <p>1 that's not a Flo document. 2 Q. I'll give you Exhibit 13 although I want 3 to -- now that we have new documents, it's kind of 4 adjust it in a second. 5 A. Sure. 6 Q. By Bates labels, which ones didn't come 7 from the computer program whether it be TPX that's 8 migrated into Flo or Flo itself? 9 MS. ABRAVANEL: Might be easier to say 10 which ones did come. 11 MR. BROMBERG: Yeah. 12 A. These are all not from -- these are all 13 processing standards. So none of them actually came 14 from Flo. We have a system. These processing 15 standards would have come -- at least the newer ones 16 would have come from probably WEPS, but I don't know 17 the older ones. These are probably '61; it's got to 18 be paper. But again, I need the team to go back and 19 verify whether if it was Central File or -- 20 Q. Iron Mountain? 21 A. Or Iron Mountain. Yeah. 22 Q. You said something in there I missed. 23 A. WEPS. 24 Q. What is that? 25 A. WEPS is -- it stands for Web Enabled</p>	<p style="text-align: right;">Page 129</p> <p>1 A. Well, you know, again I would need to go 2 back and determine if these processing standards 3 were hand typed in, you know, it's possible that 4 they were. I don't know if there was a link to TPX 5 back then, to be honest. I'd actually need to do 6 that research and figure out what linkages existed 7 back in the days that these were printed but these 8 are representative of the formulas that were being 9 manufactured. 10 MS. DEAN: Let me object to the 11 non-responsive portions. 12 Q. I'm just limiting my question to when WEPS 13 started in the 90s, do you know how far back they 14 went for their processing standards to integrate 15 them into the system? And if you don't know that's 16 fine. But if you do -- 17 A. Yeah. I just don't understand the 18 question. 19 Q. So -- 20 A. We always had processing standards. So we 21 need to have a processing standard to produce it. 22 Q. And my question is: What -- actually 23 whether it's WEPS or Flo or some other source, 24 companies will routinely for document management 25 will take old documents that are microfiche or</p>

<p style="text-align: right;">Page 130</p> <p>1 physical form and have them integrated into a newer 2 system. Do you know if that happened and if so, how 3 far back they went? 4 A. I don't know the details of that, no. I'm 5 sorry. 6 Q. Can you give me an idea in terms of the 7 decade that they go back to the -- even if you can't 8 pinpoint a specific time? 9 A. I've been there since 1994 and when I 10 joined Avon, we had TPX and, you know, I don't know 11 if that linked into any processing standard. I do 12 know when we built Flo, it did. So and that was in 13 the late 90s. So that's the one I can be sure of. 14 The linkage between TPX and processing standards, I 15 don't know if it was an electronic or if it was hand 16 keyed from the actual formula in TPX. 17 Q. And I'm not concerned how it was done but 18 when it was done. Do you know? 19 A. When what was done? 20 Q. Efforts were to take the processing 21 standards and integrate them into the current 22 system. 23 A. Again, if the processing standards were 24 not in TPX, then I don't know how they could be 25 integrated into the current system. Again, I need</p>	<p style="text-align: right;">Page 132</p> <p>1 A. And don't know when it started, know that 2 it was -- it was being used when I was there in 3 1994. 4 Q. But how many years or decades before 5 you -- 6 A. I don't know. I would have to find out. 7 Q. What I'd like to do is -- I think it will 8 confuse the record a little bit but I think it's the 9 least confusing route now that we have these Avon 10 formula masters for Topaz beauty dust is pull out 11 the 1967 process standard in Exhibit 13 which would 12 leave the -- if you don't mind me grabbing that. 13 What I want to confirm is once we take that out, 14 that leaves the formulas known to Avon for Topaz 15 fragrance powders between 1960 and 1989 and to 16 secondarily confirm that what I'm going to hand you 17 and mark as Exhibit 72 are the known formulas for 18 Topaz beauty dust from 1960 to 1989. 19 20 (Plaintiffs' Exhibit 72, KNOWN FORMULAS 21 FOR TOPAZ BEAUTY DUST 1960 - 1989, was 22 marked for identification.) 23 24 MS. DEAN: Do you want the third copy of 25 that?</p>
<p style="text-align: right;">Page 131</p> <p>1 to understand if any of the processing standards 2 when we built Flo are electronic in Flo. 3 MR. BROMBERG: And I would just raise a 4 general -- I'll allow you to answer the 5 questions, Jessica. But I'll just raise a 6 general objection as to how documents are 7 stored and collected is beyond the scope of the 8 notice. But you can ask the questions. 9 MS. DEAN: Let me object to the 10 non-responsive portions. 11 Q. Before you got there in 1994, have you 12 made any effort to determine in any form how far 13 back in time Avon took written records that were 14 process standards and made them electronic and 15 available and searchable? 16 A. No. 17 Q. And do you even have an estimate of a 18 first decade when you know that occurred? 19 A. Again, from my knowledge, when we built 20 because we built the Flo system, that's when we also 21 linked it to this web-enabled processing standard 22 which was the late '90s. Before that, I would have 23 to go back and see if there was any linkage 24 electronically. 25 Q. Do you know whether TPX started?</p>	<p style="text-align: right;">Page 133</p> <p>1 MR. BROMBERG: Sure. If we have an extra 2 copy. Thank you. 3 Is there a question pending? 4 A. What was the question? 5 Q. I want to confirm that Exhibit 13, now 6 that we readjusted it, consist of all the formulas 7 that Avon can find after a reasonable search for 8 Topaz shaker talcs and that Exhibit 72 now contains 9 all of the formulas that Avon has been reasonably 10 able to locate for Topaz beauty dust both for the 11 time frames of 1960 to 1989; is that correct? 12 A. I have 1960. And this is on the Topaz 13 shaker, 1961 through 1989. And the beauty dust is 14 1967 up through 1989. 15 Q. So my question is a little bit broader. 16 I know what dates are on the documents, 17 but what I'm trying to confirm let's start with 18 Exhibit 13, is that for the time frame of 1961 to 19 1989 that I have everything that Avon's been able to 20 find after reasonably doing the search for Topaz 21 shaker talcs? 22 A. Yes. 23 Q. And then for Exhibit 72, I have everything 24 that Avon has been able to find after a reasonable 25 search from 1961 to 1989 for Topaz beauty dusts?</p>

<p style="text-align: right;">Page 134</p> <p>1 A. Yes. After a reasonable search, but again 2 this is, you know, what we have today is from Flo. 3 And this the first sheet is not from Flo. So based 4 off of all the searching we've done, yes. I believe 5 that's what we have. But, again the team has been 6 doing searching and as Neil mentioned before it 7 would have been everything Topaz. So -- 8 MS. DEAN: Let me object to the 9 non-responsive portions. 10 Q. And I just want to make sure in terms of 11 what Avon has been able to search today and based on 12 your representation that they've made a reasonable 13 search, Exhibit 72 contains everything that can be 14 found in the time periods of 1960 to '89 for beauty 15 dust for Topaz? 16 A. It's everything that we've been able to 17 locate, yes. 18 Q. Okay. I have a few questions first on 19 Exhibit 13. Just to understand these documents a 20 little bit better. 21 If something integrated into the 22 electronic file, are the physical documents also 23 maintained somewhere? 24 A. We have a document retention policy. And 25 they would have been stored according to the</p>	<p style="text-align: right;">Page 136</p> <p>1 or whatever the pages are corresponding to the 2 packet of information that's put together. 3 Q. Do you know where those PAB packets are 4 kept? 5 A. The PAB packets, again, if they exist 6 because it's, you know, akin to the document 7 retention policy. And I don't know if it's, you 8 know, what, it's like, plus ten years. I'm not sure 9 what it would be. If it existed, it would either be 10 an -- it would probably be in Iron Mountain or quite 11 possibly the tab group if it still existed. But it 12 would be stored in conjunction with the document 13 retention policy. 14 Q. What's the tab group? 15 A. Tab group, I referenced Central File 16 before. Central file used to be literally a room of 17 files, paper files. And we put a program in place 18 from a storage point of view to microfiche all of 19 those and Tab is the name of the company that is 20 responsible for helping us with that. 21 MR. BROMBERG: Again, if I could just have 22 a -- I'm going to allow you to ask the 23 questions, Jessica. But in terms of document 24 collection, document storage, those sorts of 25 custodian-of-records kind of questions which</p>
<p style="text-align: right;">Page 135</p> <p>1 document retention policy, you know, whatever the 2 rules of the document retention policy are which we 3 have and I think that that was -- 4 Q. So Exhibit 13, the first page which is a 5 1961 process standard for Topaz says at the top page 6 2A through 7. 7 Do you see that? 8 A. Yes, I do. 9 Q. Do you know if pages 1 through 7 of this 10 group still exist? 11 A. I do not, but what I can tell you is that 12 page 2s are processing standard pages. And that's 13 what -- that's how we reference processing standard. 14 You'll notice on almost every one of these that is 15 from a processing standard says page 2. And as part 16 of the rest of the release packet, we call it a PAB, 17 it's basically a Product Approval Board. It's a 18 packet of information that the chemist puts together 19 that gets filed either in paper at the time of TPX 20 or now electronically in Flo contains lots of 21 information. And the pages represent the different 22 information that is part of the PAB packet page 2s 23 are processing standard pages. So, again, in the 24 search, if there was a PAB packet, it would have, 25 you know, the page 1 or page, you know, 10 or page 4</p>	<p style="text-align: right;">Page 137</p> <p>1 were not noticed for this deposition. I have a 2 running objection, but I'll allow you to ask 3 the questions. I'm not going to insert it each 4 time. But -- 5 MS. DEAN: I'm fine with a running 6 objection to the document-retention questions. 7 Q. Do you have any sense for what this group 8 that Avon hired, Tab, for their microfiche and the 9 Central File, what kind of sorting capacities they 10 have in order to find documents that were once in 11 microfiche? 12 MR. BROMBERG: Objection to the form. 13 A. No, I don't. 14 Q. For Exhibit 72, the Topaz beauty dust. 15 Oh, actually, there's a couple more things in 16 Exhibit 13. I apologize. 17 Does Avon have any information dating back 18 to the time frame of the individual process standard 19 in Exhibit 13 of how many batches were purchased for 20 any particular formula? 21 A. It's my understanding there's no batch 22 records back this far. 23 Q. Okay. There is reference in -- give me 24 one second. I apologize. 25 I don't see in Exhibit 13 anything for</p>

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1 aerosol products under Topaz. Are those different
2 formulas?
3 A. Most definitely.
4 MR. BROMBERG: I'm stating for the record
5 we haven't produced any formulas for aerosol
6 products, if any existed, because plaintiff has
7 not claimed to have used any aerosol products.
8 Q. If you go to the third page of Exhibit 13,
9 there's an indication in relation to the Topaz
10 formula that came out in March 3rd of 1971, that
11 Talc Code 0755 is approved for use in place of the
12 talc once listed above. Do you see that?
13 A. Yes, I do.
14 MR. BROMBERG: Hold on for one second.
15 0755?
16 THE WITNESS: Yeah. Talc Code 0755 is
17 used. She's referencing this.
18 MR. BROMBERG: Okay. That's not page 3 on
19 my Exhibit 3.
20 MS. DEAN: We took out the --
21 MR. BROMBERG: Oh, okay. My apologies.
22 MS. DEAN: No worries.
23 Q. And the next page is on October 20th,
24 1971, formula also for Topaz. It says something
25 similar, but it says Talcum 0777 is approved for use

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1 in place of the talc once listed above.
2 Do you see that?
3 A. I do.
4 Q. And I think this goes hand in hand with an
5 answer you just give me, but if I want to know how
6 often the 0755 or 0777 was used as opposed to the
7 blends listed above the records that were quantified
8 that no longer exist?
9 A. That's correct.
10 Q. In the interrogatory responses talking
11 about Topaz which was Interrogatory Number 6, there
12 was no reference to either one of these codes. Do
13 you know why?
14 A. I do not know why. They appear to be
15 alternates for a short period of time.
16 Q. If I wanted any additional information
17 about when, where, how, how much one was used over
18 another. Can you give me anything else outside of
19 what's written on the page?
20 MR. BROMBERG: Objection to form.
21 A. No.
22 MS. DEAN: Is the objection based on
23 compound? I could break it down. I was hoping
24 not to for time. But if it is -- it is
25 compound I acknowledge.

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1 MR. BROMBERG: I'll withdraw my objection
2 to save time.
3 MS. DEAN: Thank you.
4 Q. I want to hand you what I've marked as
5 Exhibit 11 which is -- if I can find it.
6 MR. BROMBERG: Didn't we already mark an
7 Exhibit 11, that was the list of -- I think we
8 have an Exhibit 11.
9 MS. DEAN: Maybe so.
10 MR. BROMBERG: There's a list of -- wasn't
11 that the list of employees who --
12 THE WITNESS: I don't know. I don't have
13 it anymore.
14 MR. BROMBERG: I probably have it. Yeah.
15 11 was this. The list of employees.
16 THE WITNESS: I don't have my pile. So I
17 don't have --
18 MS. DEAN: The pile that we've gone
19 through together.
20 THE WITNESS: No, the one that I had with
21 -- I mean, I may have put it -- I'll look
22 through this again. I may have put it -- I'll
23 see if it's here.
24 MR. BROMBERG: We can just call whatever
25 you're going to use now as 11-A if you want.

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1 THE WITNESS: It's not in that pile. It
2 might be in what you have taken from me.
3 MS. DEAN: Let's go off the record for a
4 moment, if you don't mind. I'll see if I can
5 find it.
6
7 (Recess taken.)
8
9 THE VIDEOGRAPHER: Go back on the record
10 the time is 1:33.
11
12 (Plaintiffs' Exhibit 9, AVON BROCHURES,
13 was marked for identification.)
14
15 BY MS. DEAN:
16 Q. I hand you what I've marked as Exhibit 9.
17 And first ask you if you have seen this before?
18 A. I don't think I've seen this before, no.
19 Q. I'll represent to you that Avon provided
20 to us their Avon books?
21 A. A lot of brochures.
22 Q. Yeah. That are called brochures. But I
23 think people think of the Avon Lady as handing the
24 Avon books. And we offered in a hearing to look
25 through those and tally the products that we saw and

<p style="text-align: right;">Page 142</p> <p>1 the years that they were listed and then provided 2 that to Avon. Is this something that you're aware 3 of, other than, I guess, us talking about it on the 4 record here today? 5 A. I had spoken to counsel. He said that -- 6 MR. BROMBERG: Don't disclose what we 7 discussed. But if you can answer the question 8 without -- 9 A. As we said today that there was a list of 10 70 products that I'm assuming that's what this is. 11 Q. It is. 12 A. Yeah. 13 Q. So their first is a list of what I think 14 we have been calling either perfume talcs or body 15 talcs or shaker talcs. And have you looked through 16 this to determine if the 49 products listed under 17 talc are, in fact, in the right category? 18 MR. BROMBERG: Hold on. I'm just going to 19 raise an objection to the record based on the 20 court's order noticing part is limited to 21 matters pertinent to this plaintiff's lawsuit. 22 We came prepared to talk about three products 23 which have been identified as being used by 24 plaintiff not this list which Ms. Gallo has 25 already testified she hasn't seen before. So</p>	<p style="text-align: right;">Page 144</p> <p>1 sake. 2 MR. BROMBERG: Right. And we have a 3 pending motion before the court with respect to 4 the scope of product discovery in this case 5 which has not been ruled on by the court. 6 MS. DEAN: That's a different point than 7 saying that we haven't asked. We very much 8 did. 9 Q. So the second set -- 10 MR. BROMBERG: Well, have you -- I don't 11 believe we were served with a discovery 12 request, Counsel, that we haven't answered with 13 respect to this -- this product list which you 14 have compiled from looking at the brochures. 15 MS. DEAN: There is a -- 16 MR. BROMBERG: Nor have we undertaken an 17 effort to determine whether this is an accurate 18 list. 19 MS. DEAN: So the origins of this started 20 in the actual hearing followed up with Ms. 21 Singhal and we can meet and confer and followed 22 up with at least one written communication. 23 That we were happy to do the legwork to try to 24 identify the different types of talcs. But 25 that I expected to have a witness reasonably</p>
<p style="text-align: right;">Page 143</p> <p>1 ask your question again. I don't believe she's 2 going to be able to answer your question. But 3 -- 4 Q. Either by reference of the handy list that 5 we have made as Exhibit 9 or by looking at Avon's 6 own product brochures, have you compiled a list of 7 perfume talcs sold by Avon between 1961 and 1974? 8 A. No. 9 Q. For the list that we took the effort to 10 compile using Avon's own source material, meaning 11 they're Avon books or product brochures, we've 12 listed out what we believe are 49 different types of 13 perfume talcs sold by Avon in 1961 to 1974. Do I 14 understand Avon's counsel's statement correctly that 15 you have not done anything to verify whether is an 16 accurate and complete list? 17 A. I have not. 18 MR. BROMBERG: And I'll just raise another 19 objection for the record. Avon, at no point, 20 has been asked to verify whether counsel's list 21 is an accurate and verifiable list. 22 MS. DEAN: It's written communication at 23 least once, and I believe three times 24 explicitly asking that in the hopes it would 25 done prior to this deposition for efficiency's</p>	<p style="text-align: right;">Page 145</p> <p>1 prepare to confirm, one, that we have the right 2 list. And, two, the source mine or mines for 3 each of those. And so I understand that Avon's 4 claiming that the court's order needs 5 clarification. But we did ask about this. And 6 we did it to respect everyone's time today in 7 an effort to hopefully if we got four in the 8 wrong column to figure that out in an efficient 9 manner. 10 MR. BROMBERG: Well, see, you know, the 11 issue in this case is not about products that 12 Avon made historically. The issue is about the 13 products that Ms. Pipes used and her use of 14 those products contributed to the development 15 of her injury. So random lists of products 16 that there's no evidence that Ms. Pipes ever 17 used has no relevance to this case whatsoever. 18 And it's incredulous to me that Counsel has 19 been unwilling to have her own client look 20 through the brochures or this list of product 21 names and identify as every other plaintiffs 22 have done in cosmetic talc litigation which 23 specific product she recalls using. It's an 24 easy exercise, and it's certainly an easier 25 exercise than having Avon search on a multitude</p>

<p style="text-align: right;">Page 146</p> <p>1 of products that may never have been used by 2 Ms. Pipes. 3 MS. DEAN: I object to the coaching, and 4 inappropriate speech. Dinosaur. 5 Q. Exhibit 9 also has a second kind of 6 listing that starts on page 2 of the document. It 7 says beauty dust and then lists out 24 beauty dusts 8 that go from page 2 to page 3. 9 Do you see that? 10 A. I do. 11 Q. And first of all, on page 3, one of them 12 is Topaz beauty dust where we at least saw in the 13 '62, '63, '64, '65, '68, '70, '71, '72, and '73 Avon 14 books that there was a product called Topaz beauty 15 dust. I'm not asking you to verify whether that's 16 accurate. But do you see where that is on the form? 17 A. I do. 18 Q. And you weren't sure whether Topaz had a 19 beauty dust on that year and somewhat doubted it. 20 You have not though before this deposition 21 independently looked at those product brochures to 22 know for sure? 23 A. I have not. 24 MR. BROMBERG: Nor was she required to. 25 Q. And so for one of the three products that</p>	<p style="text-align: right;">Page 148</p> <p>1 the time frame, and I looked through some brochures, 2 not exhaustive and her deposition, her deposition 3 stated that her mother-in-law gave it to her as a 4 Christmas gift set. And in the brochures that I 5 looked at through that time period, and it's very 6 typical of Avon in a gift set you would have the 7 fragrance, shaker talc, and a body lotion. That's 8 typical gift set. So, you know, with the focus on 9 perfume talc and me understanding that, you know, 10 that she was getting these once a year as a 11 Christmas gift, that's part of our Christmas gift 12 box, it made perfect sense to me why the focus was 13 on the perfume shaker talc. So, you know, I didn't, 14 I didn't doubt that. That's -- it, again, made 15 perfect rational sense to me why that would be the 16 product she used? 17 MR. BROMBERG: I would just also state for 18 the record: Ms. Pipes's testimony is not clear 19 as to which product she used as beauty dust 20 versus shaker talcs. 21 MS. DEAN: Let me object to non-responsive 22 and write "dinosaur" again. 23 Q. My question just was for Topaz even if we 24 just limited it to one of the three products that 25 Ms. Pipes knew by name and to the '61 to '74, did</p>
<p style="text-align: right;">Page 147</p> <p>1 Ms. Pipes knew by name in the years that she claimed 2 to use Avon products, you have not done any kind of 3 independent search to determine when those products 4 were sold in the 29-year time frame that she was 5 using Avon. Fair? 6 A. Again, I think -- again, I'm not sure why 7 you know beauty dust versus perfume talc. It's my 8 understanding she used perfumed talc which is why 9 that was the focus. Topaz perfume talc. But you 10 were here today so this is where you were 11 questioning the beauty dust. 12 MS. DEAN: Let me object to 13 non-responsive. 14 Q. I just want to clarify and I'll even limit 15 it to the period of time of '61 to '74 even if we 16 limit it to one of the three products that Sharon 17 Pipes was able to remember by name, the Topaz 18 product, you haven't looked through the brochures to 19 determine what years those products were sold and in 20 what forms? 21 A. When I looked through the brochures and 22 her -- 23 THE WITNESS: Should I keep going? 24 MR. BROMBERG: Yeah. Keep going. 25 A. When I looked through the brochures and</p>	<p style="text-align: right;">Page 149</p> <p>1 you review the -- 2 MR. BROMBERG: Could we hold on for one 3 second. 4 Q. -- Avon books to see whether Topaz beauty 5 dust was being offered? 6 A. Again, I looked through various brochures, 7 there are many different Topaz products as you saw 8 in the brochure that you gave to me. 9 Q. Exhibit 8? 10 A. With but, again, the focus was on the 11 perfume talc. So I didn't go back and cross 12 reference when beauty dust was sold versus perfume 13 talc. 14 Q. For the 24 beauty dusts listed in Exhibit 15 9, are you able to tell me if this is a complete 16 list of every type of beauty dust that Avon sold 17 between '61 and '74, at least, based on the 18 documents that brochures that Avon still has today? 19 MR. BROMBERG: I'm going to raise the same 20 objection that I raised before. This 21 deposition is not about all products Avon made. 22 It's about the products Ms. Pipes used. Ms. 23 Pipes has yet to identify any other products 24 other than those three identified on this list. 25 You can answer.</p>

<p style="text-align: right;">Page 150</p> <p>1 MS. DEAN: Dinosaur. 2 A. So again, I didn't do this work. I can go 3 through and list all of these, and, again, we 4 focused on the three products that were the products 5 that Ms. Pipes used. 6 Q. So the next part of this indicates either 7 aerosols, sachets, S-A-C-H-E-T, I don't know if I'm 8 saying that right. And then other products 9 including mists that were identified in the 10 brochures. My understanding is that the products 11 listed there do not fall into the two categories 12 we've been talking about kind of from the get go, 13 the beauty dust or the perfume talc. Can you look 14 through that list and confirm if that's fair? 15 MR. BROMBERG: Same objection. 16 A. Not much to go on. But aerosols are 17 clearly different. 18 Q. Yep. 19 A. The other powders look like a combination 20 of different fragrances and maybe some cosmetic, you 21 know, types of finishing powders, powder sachet is a 22 different form. So yes that's very different. 23 Cologne mist is clearly not a talc or a powder. So 24 these are all colognes on men. And these are some 25 perfume powder mist so again a different form.</p>	<p style="text-align: right;">Page 152</p> <p>1 talc, I don't care about any other ingredients just 2 the talc in the 49 talcs listed in Exhibit 9 or 24 3 beauty dusts listed. You are not able to give me 4 any information outside of what we provided for 5 Topaz, Timeless and Imari; correct? 6 MR. BROMBERG: Same objection as I have 7 raised before but beyond the scope of the 8 court's order and the notice in this case. 9 A. No. I cannot on any of these today. 10 Q. Specifically, for beauty dust where we 11 have no information before 1967 about what -- well, 12 let me make sure you agree with me on the beginning 13 part of this. 14 A. Okay. 15 Q. The only information we have about beauty 16 dust -- we kind of talked together about this 17 morning a little bit after lunch when we got 18 additional information which relates to Timeless and 19 Topaz; right? 20 A. I'm just trying to -- I see Topaz. 21 Timeless is over here, yes. 22 Q. You have the one document? 23 A. Yes. 24 Q. And for both of them, the earliest 25 document Avon claims that they have after a</p>
<p style="text-align: right;">Page 151</p> <p>1 Q. The two that I was most unsure about are 2 under other powders. One is called Daisy Won't Tell 3 Fluff On and Daisy Won't Tell Dust. And then the 4 second one is a Persian Wood Body Powder. Because 5 those are slightly different than the descriptions 6 typically used. 7 Do you know if those are loose powders, if 8 those are -- can you tell me anything more about 9 those three? 10 MR. BROMBERG: Same objection. It's 11 beyond the scope of discovery in this case. We 12 have not investigated these products to prepare 13 our corporate witness on these products. 14 You can answer if you know, Lisa. 15 A. I do not know. 16 Q. And counsel for Avon just indicated that 17 outside of the three products, they have not 18 prepared their witness on any other product meaning 19 you. Do you agree with that statement? 20 A. I do. 21 MR. BROMBERG: With respect to this 22 deposition. She's of course prepared on other 23 products that other plaintiffs have used in 24 connection with other depositions. 25 Q. If I want to know the source or sources of</p>	<p style="text-align: right;">Page 153</p> <p>1 reasonable search is the June 28th, 1967, document; 2 right? 3 A. Yes, that's it. 4 Q. So if we want to know about body powder 5 formulas before June 28th, 1976, has Avon done any 6 kind of search for any of the 22 body powders listed 7 in Exhibit 9 to see if they have any information 8 about what sources they were using for talc between 9 1961 and June 28 of 1967? 10 MR. BROMBERG: Let me raise the same 11 objection that I raised before. It's beyond 12 the scope in this case. It also -- the judge's 13 order specifically limits the deposition to 14 matters pertinent to this plaintiff's lawsuit, 15 and products that the plaintiff did not use are 16 not pertinent to this lawsuit. I'm at a loss 17 to understand why it is that Ms. Pipes cannot 18 look at this list, cannot look at the brochures 19 and narrow the list of products that she used. 20 We'd be more than willing to provide any 21 additional information on products that Ms. 22 Pipes has specifically identified as having 23 used. 24 MS. DEAN: Dinosaur. 25 A. Right. So --</p>

<p style="text-align: right;">Page 154</p> <p>1 Q. Do you remember my question? 2 A. Yeah. Your question was -- I'm pretty 3 sure -- ask me again, and I'll answer it. 4 Q. There is no information between 1961 and 5 June 27 of 1967 about the source of beauty dust for 6 any product whether it be the 22 listed on Exhibit 9 7 or whether we limit it to either Topaz or Timeless. 8 You haven't produced any information on this? 9 MR. BROMBERG: Same objections, and 10 objection to form. 11 A. Again, focusing on this case, we focused 12 on Timeless, Topaz and Imari and that's the 13 information that we have here. 14 MS. DEAN: Let me object to non-responsive 15 because that being the information we have is 16 kind of unclear in the written form. 17 Q. I just want to confirm based on the review 18 done today by Avon, we don't know anything about 19 what sources of talc were being used and beauty dust 20 before June 28, 1967, for any product; right? 21 MR. BROMBERG: Objection to form. Same 22 objections that I've raised before about the 23 scope that's relevant to this case in terms of 24 the lack of product ID on any products other 25 than the three identified by Ms. Pipes and you</p>	<p style="text-align: right;">Page 156</p> <p>1 identification.) 2 3 Q. I hand you what I've marked as Exhibit 30. 4 Exhibit 30 is an office memorandum that was produced 5 to me from Avon dated March 29, 1972, that talks 6 about revised specifications for talcs. 7 Do you see that? 8 A. I do. 9 MR. BROMBERG: And I'll just raise an 10 objection here. This is -- as you can see from 11 the exhibit's stamp, this was an exhibit 12 introduced at the deposition of Ms. Gallo on 13 October 4th, 2017. It's a document that's been 14 previously covered in her deposition. I'll 15 give you some latitude here, Counsel, depending 16 on what your question are. We're not going to 17 rehash all the documents that she's been 18 previously questioned about. 19 MS. DEAN: Dinosaur. 20 Q. Is that correct? 21 A. Could you repeat the question again. 22 Q. Sure. 23 This is an office memorandum dated March 24 29th, 1972, from Avon that says revised 25 specification for talcs?</p>
<p style="text-align: right;">Page 155</p> <p>1 can answer if you know. 2 A. Yes, I couldn't tell you that. Because 3 again, the scope of this was very specific to those 4 three products. So I can't say yes or no either 5 way. Because again, the scope was very much focused 6 on those three products. 7 MS. DEAN: Let me object to 8 non-responsive. 9 Q. I'm not asking what existed in the world 10 of Avon. I'm asking what we have today in this 11 room. 12 A. Yes, we have. 13 Q. So we have a clean question. 14 My understanding is that there no 15 information produced about any beauty dust whether 16 it be the 22 listed in Exhibit 9 or Timeless or 17 Topaz before June 28, 1967; is that fair? 18 MR. BROMBERG: Same objections that I 19 raised before. You can answer. 20 A. Yes. That is fair. 21 Q. Do we know -- let me -- I think this will 22 be easier with a document. Give me one second. 23 24 (Plaintiffs' Exhibit 30, OFFICE 25 MEMORANDUM, was marked for</p>	<p style="text-align: right;">Page 157</p> <p>1 A. Yes. 2 Q. And it talks about how they want to make 3 sure that their talcs should be free from all 4 asbestos-type minerals. And that was something that 5 was true across the board for all talcs used by Avon 6 as of the date of this document; right? 7 A. Yes. 8 Q. Okay. And they specify nine talcs. I 9 don't want to read the list because we all have the 10 document. 11 Do you see that? 12 A. I do. 13 Q. Is it fair to conclude that those nine 14 talcs are the universe of talcs being used by Avon 15 as of the date of this document? 16 A. I would not -- your question is just to 17 clarify. You're saying these are the only talcs we 18 would have purchased as of the date of this 19 document? 20 Q. During the time frame of this document, 21 yes. 22 A. I cannot confirm that. There may have 23 been others. It doesn't say that it's every single 24 talc we have used. It's just talking about these 25 specific talcs.</p>

<p style="text-align: right;">Page 158</p> <p>1 Q. Is there any reason why they would have a 2 revised specification for talcs to make sure they 3 were updating it to test that it's asbestos-free 4 that it would exclude talcs that they were using at 5 the time that they were doing these revisions? 6 MR. BROMBERG: Objection to form. 7 A. Again, it's hard for me to, you know, make 8 assumptions about, you know, what was current in 9 line at that time or not. You know, what I can 10 focus on is that the specification for these codes 11 have been revised. I don't know if there were other 12 ones that were being used at the time without an 13 extensive review of every formula. So -- 14 Q. In your notebook which we, I think, marked 15 as Exhibit 68, your notes. One of the things that 16 you indicated in your timeline is that as of this 17 date, all talcs were being vetted for asbestos-type 18 minerals; right? 19 A. Yeah. But we may have obsoleted some as 20 well. So in other words, this note is basically 21 saying this is to inform us that the specifications 22 for nine talcs had been revised to include changes 23 in tests and ranges, updated methods and to add that 24 the talc should be free of asbestos. Your question 25 was were there any other talcs and what I'm saying</p>	<p style="text-align: right;">Page 160</p> <p>1 to beauty dust formula and fragrance talcs for these 2 nine codes which once were used for those two 3 products, two types of products? 4 MR. BROMBERG: Over to form. Overbroad. 5 Beyond the scope of this case. 6 A. I could only go through the formulas that 7 I have here and cross reference which were used the 8 Timeless, Topaz and well, Imari wasn't made until 9 1985. But not for everything because I only have 10 those available to me right now. 11 Q. So for instance, 07773, I saw in Exhibit E 12 in the Draconia deposition, that was being called 13 out for use in face powders. 14 A. Okay. 15 Q. I'm wondering if Avon is able to, in any 16 way, help us understand whether some of these codes 17 for the nine that were being used this time frame 18 were not used for beauty dust and/or fragrance talcs 19 or, if it's easier, were used for beauty dust and 20 fragrance talcs either as a primary or as an 21 alternate? 22 MR. BROMBERG: Same objection. Beyond the 23 scope of this case and objection to form. 24 A. So again, through searching, you know, as 25 you said you saw one that was specific to a</p>
<p style="text-align: right;">Page 159</p> <p>1 is these were the talcs that we were going to 2 continue to use with the revised specifications. 3 There could have been others that were obsoleted or 4 discontinued for other reasons. 5 Q. Then I can clarify the question. I'm not 6 trying to include things that were no longer being 7 used as of the date of the document. But the way I 8 read this document in your notes to say that is if 9 we're going to in the future to use things at least 10 as of what we knew you were going to use on March 11 29th, 1972, they are going to make sure there was 12 testing that is asbestos free and the nine codes 13 that had to be revised to make sure that happened 14 were all identified? 15 A. Right. There could have been other new 16 talcs in progress as well. But that would have been 17 a separate work process, but yes. 18 Q. So if you have 0752 then in later years 19 gets approved to be used by Avon then that's not 20 going to be included here, but for things that were 21 intending to be used as the time this was written 22 what they were doing here were saying for all talcs 23 we are going to make sure we have this new protocol. 24 A. Yes. 25 Q. Are you able to tell me just limiting it</p>	<p style="text-align: right;">Page 161</p> <p>1 cosmetic, this talc was used in other products. 2 Yeah. You know, I think that, you know, if the 3 information still exists, you know, it's over 4 40-something years ago. We could try to piece some 5 information together. But, again, Avon was very 6 conservative and, you know, set specification for 7 all talcs regardless of whether it was used in color 8 cosmetic product or an actual perfume talc that was 9 updated regardless. 10 MS. DEAN: I object to non-responsive and 11 try again. 12 Q. You were asked a bunch of questions about 13 Code 0765 in which you've explained to Mr. Block 14 that was used for eyeliners and eye shadows only. 15 That was never used in body powders. Do you 16 remember that? 17 A. Yes. 18 Q. Okay. And so Avon was able to ascertain 19 by reviewing their own documents that this code was 20 set for uses that didn't include body talcs; right? 21 A. Yes. 22 Q. Okay. Have they made any effort to do 23 that for the nine codes listed in Exhibit 3? 24 MR. BROMBERG: Objection to form. 25 A. Again, you know, I don't know, you know,</p>

<p style="text-align: right;">Page 162</p> <p>1 from this particular 1970s date if we've gone back 2 and, you know, looked at all of these codes and, you 3 know, for example 773, again, I don't think it's 4 impossible to do something like that. But the point 5 that I was trying to make was that it doesn't really 6 matter what form it's used in because this 7 specification was put on all the talcs. So, again, 8 I'm trying to understand the delineation. It was 9 again a very important specification that we put on 10 our talc products. 11 MS. DEAN: And I'll object to 12 non-responsive. 13 Q. And whether you appreciate why I'm asking 14 or whether I'm asking a bad question, it kind of 15 isn't the point right now. It's just if you know 16 the answer to my question. 17 How long did it take you, as the Avon 18 corporate representative, to feel comfortable to 19 testify under oath that 0765 was not used for body 20 talcs but used for the eyeliner, eye shadow type 21 products? 22 MR. BROMBERG: Objection to form. 23 A. How long? 24 Q. Yeah. How much investigating did it take 25 in terms of time: An hour to five? I'm at Ranges.</p>	<p style="text-align: right;">Page 164</p> <p>1 and Topaz is looking at the formula documents that 2 we both have? 3 A. Yes. 4 But again, this is something I tried to 5 explain before maybe I didn't do a good job of it. 6 But understand that there are combinations of 7 different products in these formulas. So for 8 example there's a combination of 0747 or 0768 I 9 don't have batch records which says whether 0747 or 10 0768 were used, you know, individual batch records. 11 Q. There was a document just to follow up 12 very quickly found by plaintiff's counsel and 13 showing to you it showed at least kind of tallies of 14 how much by weight talc was used of various sources 15 in 1975. Have you been able to determine whether 16 such a document exists for any other year between 17 1961 and 1989? 18 MR. BROMBERG: Objection to form. 19 A. I'm sorry, no. 20 MR. BROMBERG: Beyond the scope of the 21 notice in this case. 22 Q. Is that something that you've searched for 23 or followed up on in any way since Mr. Block [ph.] 24 asked you about it last year? 25 A. No.</p>
<p style="text-align: right;">Page 163</p> <p>1 A. Yeah. I mean, A few hours. I would say. 2 Q. Do you know for 0768 the type of talc that 3 was called out in the 1967 Topaz document that we 4 marked as Exhibit 72. If that was used for any 5 other product by Avon other than beauty dust? 6 A. 0768. 7 Q. Yes. 8 A. 0768 as listed as an alternate in perfumed 9 body talc. 10 Q. Okay. 11 A. It's an alternate what that means it's 12 very important that you understand this. 13 MR. BROMBERG: Are we talking generally or 14 just for Topaz? 15 Q. Broadly? 16 MR. BROMBERG: Okay. So if we're talking 17 broadly, I will object again. This case is not 18 about all Avon products. It's about the 19 products that Ms. Pipes used. You can answer 20 if you know. 21 A. I can answer for Topaz, and I can answer 22 for Timeless. I can't answer for everything. 23 Q. Okay. I think that tells me what I need 24 to know. 25 And the way you would answer for Timeless</p>	<p style="text-align: right;">Page 165</p> <p>1 2 (Plaintiffs' Exhibit 25, DOCUMENT, was 3 marked for identification.) 4 5 Q. The next record I want to ask you about is 6 Exhibit 25. And I'll hand you -- 7 MR. BROMBERG: Before we go onto the next 8 document. Could we just take a quick bathroom 9 break. 10 THE VIDEOGRAPHER: Go off the record. The 11 time is 2:02. 12 (Recess taken.) 13 14 THE VIDEOGRAPHER: Go back on the record. 15 Time is 2:12. Beginning of DVD Number 3. 16 BY MS. DEAN: 17 Q. Before we took a break, I handed you 18 Exhibit 25. You've seen this before; right? 19 A. Yes. 20 Q. It references for four talcs that are 21 being obsoleted. That there is a where used listing 22 for each of them. Do you see that? 23 MR. BROMBERG: I'll just raise an 24 objection on the record that this is -- seen by</p>

<p style="text-align: right;">Page 166</p> <p>1 the Bates stamp, itself. I mean the exhibit 2 sticker on this document, it was introduced at 3 Ms. Gallo's deposition on October 4th, 2017, 4 and I object to the question on this document 5 as it's a topic that's been previously covered. 6 I'll give you some latitude, Counsel, depending 7 on what the questions are. 8 MS. DEAN: This is the second time an 9 inappropriate objection has been made. I have 10 not asked any duplicative questions. 11 Dinosaur. 12 Q. You can go ahead and answer. 13 A. I see the where used listing. 14 Q. Have you done any type of search on behalf 15 of Avon as the corporate representative to determine 16 where that listing is? If it still exists or not? 17 A. I have a lot of documents here. Honestly, 18 I'm not -- I don't remember the where used listing. 19 It may not have been -- I don't know if it -- again 20 -- this looks like it was 1972. I -- it's not 21 something we would save. It was something that, you 22 know, we would look at on a computer and reference. 23 You know, it's like, you know, running a report and 24 looking at it and taking -- this, I assume this 25 document was created from information they got on</p>	<p style="text-align: right;">Page 168</p> <p>1 found or duplicated? 2 A. I have not. 3 Q. Two of the different -- 4 MR. BROMBERG: And I would just raise an 5 objection. I haven't received a request for 6 that document. If you're making a request for 7 that document, Counsel, we'll do a search to 8 see if we have it. 9 MS. DEAN: That would be appreciated. I 10 disagree we haven't asked for it, but that 11 would be appreciated. 12 Q. The four obsolete codes that are 13 referenced are 0761, 0775, 0777 and 0811; correct? 14 A. Yes. 15 Q. And we know from just the Topaz documents 16 we've looked at from the period before 1972 which is 17 the date of the Exhibit 25, that 0810, 0777 and 0775 18 are all RI codes referenced to be used or to be 19 available as an alternative for Topaz; correct? 20 MR. BROMBERG: Objection. Misstates 21 facts. 22 A. Let me just go in. 23 Q. If helpful, we specifically looked at 0775 24 and 0777 together in Exhibit 13 for Topaz; correct? 25 MR. BROMBERG: Objection. Misstates</p>
<p style="text-align: right;">Page 167</p> <p>1 the where used listing. 2 MS. DEAN: Let me object to 3 non-responsive. 4 Q. And my question is just, have you done a 5 search one way or another to determine if the 6 document that is identified in Exhibit 25 are where 7 used listing for four obsolete talcs to determine 8 whether that still exists? 9 MR. BROMBERG: She's just asking you Lisa 10 if you done a search. 11 A. No. But what I'm trying to explain is 12 that the where used listing doesn't mean it was a 13 hard document. That's the point I'm trying to make 14 here. It's something that's called up on the 15 computer and information is taken off it. It 16 doesn't mean -- it's not like a report that you get. 17 It's information you type into the system. You 18 review it and then you write a report from it. 19 That's my point. It not an obvious printout that 20 exists. So -- 21 Q. Have you searched to determine whether 22 that is something you can duplicate? 23 A. Sorry. 24 Q. Have you done any type of search to 25 determine whether that information can still be</p>	<p style="text-align: right;">Page 169</p> <p>1 facts. 2 A. I see 0761 was already used in Topaz. 3 Q. That's why I asked about 0775 and 0777. 4 The two that we looked at together in pages 3 and 4 5 on Exhibit 13 earlier this same afternoon. 6 A. This talc code -- it's actually not in the 7 formula. That's the note on the bottom; that's 8 where you're referencing what we talked about 9 before, 0755 and 0777. 10 Q. Because you referenced it as a note. It 11 says, "Talc Code 0775 is approved for use in place 12 of the top ones listed above," which is the formula, 13 and it says, "0777 is approved for use of the talc," 14 which is the second formula. 15 A. And that was in March of 1971. 16 Q. So my statement at least as to those two 17 codes before the date of Exhibit 25 which is in 18 1972, we know that 0775 and 0777 was listed in the 19 formulas for Topaz is accurate. We know that from 20 Exhibit 13; right? 21 A. It doesn't mean it was ever used in the 22 formulas. It's listed as an approved, an approved 23 replacement, but doesn't necessarily mean it was 24 ever actually put into the formula. 25 Q. And because I'd talk to you about that</p>

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1 later and that's non-responsive.
2 I'll just ask the question again. We know
3 that 0775 and 0777, two codes that became obsolete
4 in 1972 were listed as approved codes for Topaz
5 before the date of Exhibit 25 in 1972, right, and
6 that's in Exhibit 13?
7 A. Again, correct. It doesn't necessarily
8 mean they were ever used in the formula.
9 MS. DEAN: Okay. I'm going to object to
10 the non-responsive portions, and direct the
11 court if needed to later questions in this
12 examination that establish otherwise.
13 Q. The third code that I asked you about is
14 0810 and that is another code that we know before
15 the date of Exhibit 25 in 1972 was, in fact, an
16 approved talc source for Topaz; correct?
17 A. Yes.
18 Q. And that was one that was part of a blend
19 that was actually -- you know, sorry. I'm
20 overcomplicating.
21 For those three codes that we've talked
22 about, 0775, 0777, and 0810, are you aware of any
23 other Avon products where that type of talc was
24 being used outside of body powders?
25 MR. BROMBERG: Objection to form. Beyond

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1 the scope of this particular case and the
2 products identified by the plaintiff.
3 A. I did not. And it was out of the scope.
4 And I don't have that information right now for this
5 particular deposition.
6 MS. DEAN: I'll object to the beginning
7 part of the answer. It's non-responsive and
8 parroting counsel's unfounded objection.
9
10 (Plaintiffs' Exhibit 39, DOCUMENT, was
11 marked for identification.)
12
13 Q. The next exhibit I wanted to ask you about
14 is Exhibit 39. Two copies. You can provide one to
15 Neil.
16 The only question I have about Exhibit 39
17 is: Are you aware of any other talcs being used by
18 Avon outside of the talcs listed in this document
19 for the time that it shows in December of 1972. I
20 know in later time new things may have been added,
21 and there might be passed times when they are
22 obsoleted, but if we are looking to that time, do we
23 know of any other talc codes being used?
24 MR. BROMBERG: I raise the same objection
25 based on court's order in this case that were

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1 limited to matters pertinent to this
2 plaintiff's lawsuit, and shall not cover topics
3 previously covered. This has a deposition
4 exhibit from a prior deposition by Ms. Gallo.
5 I also object that it's beyond the scope.
6 You can answer if you know.
7 A. And your question was: Are there any
8 additional talcs that are on this list, and again I
9 don't have that information.
10 Q. Okay. That's all I wanted to ask you
11 about that.
12 Actually, sorry. I do have one further
13 question. Do you know outside of 0768 which we
14 looked at earlier whether any of the codes listed
15 here were being used in beauty dusts?
16 MR. BROMBERG: Same objection that I
17 raised in the prior question. You can answer
18 if you know, Lisa.
19 A. Beauty dust Timeless was used in 0752,
20 0768 and then there were a couple of alternates
21 there and if we look at these beauty dust formulas.
22 MR. BROMBERG: Can you restate the
23 question. Can you read the question back
24 again. I'm not sure we understood it.
25 THE WITNESS: Sorry. I thought you asked:

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1 Were any other codes other than these used in
2 beauty dust?
3 MR. BROMBERG: At that time.
4 Q. So let me --
5 A. In 1972.
6 MS. DEAN: Let me object it's
7 non-responsive, and just to make sure we're on
8 the same page.
9 Q. Are you aware of anything other than code
10 0768 being used in beauty dust at the time of
11 Exhibit 39 which is December 1972?
12 MR. BROMBERG: She's asking you for all
13 beauty dusts.
14 A. Yeah. Of course I don't know the answer
15 to that. I was just seeing if there's something
16 obvious.
17 Q. Okay. And the 0752 that you mentioned in
18 your last answer was something that was used at a
19 later time in Avon's history?
20 A. Yes.
21
22 (Plaintiffs' Exhibit 43, DOCUMENT, was
23 marked for identification.)
24
25 Q. Okay. I'd like to hand you Exhibit 43.

<p style="text-align: right;">Page 174</p> <p>1 MR. BROMBERG: Do you have one for me 2 Counsel? Thank you. 3 Q. The only question I have about this is -- 4 MR. BROMBERG: Give her a chance to take a 5 look at the document before you ask your 6 question. 7 Q. I'm actually going to ask the question and 8 take all the time you want, but -- sometimes knowing 9 what I'm asking can help. 10 The only thing I want to ask you about 11 Exhibit 43 is in the chart in the back whether you 12 can tell me for the different codes that are listed 13 which ones at the time frame of this document were 14 used in beauty dust or shaker talc powders? 15 MR. BROMBERG: I'll raise the same 16 objection I raised before as this goes beyond 17 the scope of this deposition as set by the 18 court's order. She's been questioned 19 extensively about this document before. You 20 can answer, if you know. 21 A. What was the time frame? I'm sorry. 22 Q. At the time of the document, and it's 23 dated March 28, 1972. 24 MR. BROMBERG: Could you read back the 25 question.</p>	<p style="text-align: right;">Page 176</p> <p>1 A. I'm sorry I thought that's what you asked 2 me. 3 Q. Let's see if I can get it in. It says 4 "mineral analysis on currently used talcs for Avon," 5 and it's dated May 28th of '70. So -- 6 MR. BROMBERG: Oh, I thought you were -- 7 you said the last page. 8 A. You said the last page; so I was 9 referencing the last page. 10 Q. Last two pages. I'm sorry. I may have 11 misspoke or mumbled my words? 12 A. I was focusing on the last page. I 13 thought that's what you said. 14 Q. Sorry. Let's just start over. 15 I'm looking at the last two pages which 16 identify different codes. One that says "Mineral 17 analysis currently used talc and one of discontinued 18 talcs and I'm trying to determine if you can tell me 19 as of the date of this document, March of 1972 which 20 of those codes were used in either beauty dust or in 21 shaker talcum powders? 22 A. So again, I am focusing on Topaz because 23 it was the only one that was around in 1972. That's 24 clear. So 0747 and 0768. And hold on a second. 25 And 0815. And that was in -- so it's clear the</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. What I'm wondering is for the codes listed 2 in Exhibit 43 whether you can tell me which ones 3 were used for either beauty dust or shaker talc 4 powders. 5 MR. BROMBERG: For all products or just 6 the products plaintiff used? 7 MS. DEAN: We know that Ms. Pipes used 8 three products, Timeless, Topaz, and Imari 9 along with others that she couldn't remember by 10 name and so I'm asking for the products during 11 the time frame in which she was using Avon 12 products and specifically for this question 13 during the date of the document. So it even 14 further limits the time frame to March of 1972. 15 MR. BROMBERG: Okay. So for all products. 16 Q. During the relevant time frame and during 17 the subtypes that she specifically identify using 18 beauty dusts and shaker powders. 19 A. So again Timeless is 1974. So it's not 20 relevant to this document. Obviously, Imari is not 21 relevant to this document and Topaz is. So none of 22 these were used in March. And I'm referencing the 23 last page which is AV Pipes 11775. In the perfume 24 body talc in March of 1972. 25 MS. DEAN: I object to non-responsive.</p>	<p style="text-align: right;">Page 177</p> <p>1 perfumed -- perfumed shaker talc. Let me just go to 2 the formulas and beauty dust formulas that I have. 3 And for beauty dust I have 1970, and 1975. And in 4 1970, it's 0747, 0815, and it lists 0768 as an 5 alternate. So the same three. 6 Q. Okay. And if I want to understand whether 7 the different talcs listed 0755 or 0760 just to use 8 the first examples were ever used in beauty dusts or 9 shaker talcum powders. Have you endeavored to 10 figure that out in any way, shape, or form. 11 MR. BROMBERG: Objection to form. 12 A. Sorry. 0755 you said. 13 Q. Yeah. So I'm looking at the first two 14 talcs that were not identified in your last answer. 15 A. Uh-hum. 16 Q. And asking if I want to know if those were 17 used in beauty dusts or in shaker talcum powders 18 other than the one that you looked at Topaz, are you 19 able to tell me one way or the other; have you 20 investigated that at all? 21 MR. BROMBERG: Same objections based on 22 lack of product ID in this case and the court's 23 order. 24 A. So I have Topaz. That's the only one I 25 can reference.</p>

<p style="text-align: right;">Page 178</p> <p>1 Q. Do you know why in the last page 0777 was 2 not tested by Avon? You can see there it says 3 Sierra Cascade 200 and under the row for that 4 particular it just says "not done." Do you know 5 why? 6 A. I couldn't tell you. 7 Q. I'm going to hand you as an exhibit in the 8 Draconia deposition that was marked by Avon's 9 lawyers and marked it here as Exhibit 40. 10 11 (Plaintiffs' Exhibit 40, CHART, was marked 12 for identification.) 13 14 Q. And my understanding is that this was a 15 chart very similar to the chart you've made for the 16 Pipes case, but that were made for the particular 17 products at issue in that case. And you have 18 Johnson, Martinez & Draconia women's products and 19 then the products that they identified. Is that 20 fair? 21 MR. BROMBERG: I'll just raise an 22 objection to again questioning this witness on 23 a document that she's been questioned in prior 24 depositions. Goes beyond the scope of the 25 court's order with respect to this deposition.</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. And then Exhibit 41 is another document 2 that was attached by Avon's lawyers in the Draconia 3 deposition. 4 MR. BROMBERG: Hold on. One second, 5 Counsel. 6 Q. Portions of Exhibit E. But Exhibit E was 7 really big so it's just portions. 8 MR. BROMBERG: Just give me one second, 9 please. 10 MS. DEAN: Sure. 11 MR. BROMBERG: Okay. So what document 12 number is this? 13 MS. DEAN: Exhibit 41. There's a lot of 14 blank pages in here. 15 MR. BROMBERG: This is a copy of the 16 portion of her binder from the Draconia case? 17 MS. DEAN: I don't know if it came from 18 her binder but it is Exhibit E. 19 Q. Do you see the table of contents in the 20 very beginning? 21 MR. BROMBERG: Are you asking me or the 22 witness? 23 MS. DEAN: Witness. Thank you. 24 THE WITNESS: I thought she was asking 25 you.</p>
<p style="text-align: right;">Page 179</p> <p>1 A. Yes. 2 MR. BROMBERG: I'll give you some 3 latitude, Counsel. But we're not going to 4 rehash every document from the Draconia 5 depositions. 6 MS. DEAN: These objections are against 7 the rules of Oklahoma and are time consuming. 8 And no one, but Avon's lawyer ever asked 9 anything about this document. 10 MR. BROMBERG: That's regardless, Counsel. 11 She was asked extensively about the products on 12 this list. The document was introduced. The 13 topics were covered, but go ahead and ask your 14 question, and I'll see if I have an objection. 15 MS. DEAN: Dinosaur. 16 Q. For the category about when the product 17 was introduced which is the third column, every 18 single product was introduced by Avon for all three 19 plaintiffs at issue in that case in 1974 or later; 20 correct? 21 A. Just double check. Yes. 22 23 (Plaintiffs' Exhibit 41, DOCUMENT, was 24 marked for identification.) 25</p>	<p style="text-align: right;">Page 181</p> <p>1 Q. Sorry. 2 MR. BROMBERG: And, again, I raise an 3 objection to this line of questioning as being 4 in violation of the court's order in this case 5 not covering topics previously covered. You 6 can ask your question, and I'll see if I have a 7 further objection. 8 Q. What I understood to happen here is that 9 they identified the formulas and then the RA specs 10 for any product specifically identified by a product 11 type in these three cases and then pulled those 12 formulas and those RI specs. Is that fair? 13 A. This packet, there's no RI specs. You're 14 asking me to remember what -- what -- I'm sorry. 15 I'm struggling. There's no RI specs here. So I 16 can't really remember. I don't -- I just see 17 formulas here so I'm not sure what else is part of 18 this packet. It's a little vague. 19 MR. BROMBERG: This might be an incomplete 20 exhibit or portions of your binder may have 21 been pulled out to make this exhibit by 22 counsel. 23 MS. DEAN: So I'll object as 24 non-responsive. 25 Q. In looking at the table of contents, it</p>

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1 looks to me that formulas were identified and RI
2 specs for the different products specifically
3 mentioned by Ms. Draconia Johnson and Martinez. Am
4 I reading this --
5 A. That's what the table of contents looks
6 like. I'm just saying the content is not that.
7 That's not what is here at all.
8 MS. DEAN: I'll object to the
9 non-responsive portions.
10 Q. In terms of the effort to actually pull
11 those records, how long did that take?
12 MR. BROMBERG: I'm going to object. The
13 amount of time it took to pull records in
14 another case is not at issue here. It's beyond
15 the scope of this deposition. You can answer,
16 if you know.
17 A. I couldn't tell you how long it took to do
18 this.
19 Q. And I suspect there wasn't a stopwatch but
20 can you give me any kind of estimation; was it more
21 than three hours? Was it more than ten hours? Did
22 it take a hundred hours? Did it take -- any idea?
23 MR. BROMBERG: Same objection. You can
24 answer if you know.
25 A. Honestly, I don't want to give you an

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1 answer that isn't accurate. It highly depends where
2 the information needed to be looked for. If it was
3 on computer or paper or, you know, it's been
4 gathered in many different places. I couldn't
5 even --
6 Q. That's why I'm starting there. This is an
7 Avon-created document provided to you by your
8 lawyers that you talked about in the deposition. So
9 I'm wondering if you can give me the jury, the
10 judge, any concept of how long it -- just for the
11 formulas even -- where you have formulas for about
12 15 products, how long that took?
13 MR. BROMBERG: Same objection. Asked and
14 answered. You can answer if you know.
15 A. I don't have a time frame. What I can
16 tell you is some would take a lot longer than others
17 if they are not in Flo. And these from the 70s are
18 not. So it would be much more laborious to get this
19 information.
20 Q. And I understand whether I agree with that
21 or not. I'm trying to understand how long it took
22 if it was -- if laborious to you means ten hours, it
23 might mean something different than that to me.
24 A. I'm sorry. I don't have a specific time
25 frame. I don't have a specific time frame.

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1 Q. Is there someone other than you that might
2 be better to ask to try to understand either the
3 nature of this work or how time intensive it is?
4 MR. BROMBERG: Objection. Asked and
5 answered. You can answer if you know.
6 A. Again, I don't know. I don't know how
7 long it took to get this information.
8 Q. There were some documents, I've just
9 started looking through the documents that were
10 brought here today, but I don't think I otherwise
11 seen or that weren't produced with Avon's Bates
12 label and I need to, at some point, finish that
13 review but I got a few things that I --
14 MR. BROMBERG: Well, if you want to go off
15 the record and finish your review; we can go
16 off the record or you can.
17 MS. DEAN: Let's go through the ones I've
18 got and then at some point in time, I'll
19 probably need to do that.
20
21 (Plaintiffs' Exhibit 70, CYPRUS DOCUMENTS,
22 was marked for identification.)
23
24 Q. I'm going to hand you two documents that
25 you provided me when I asked you earlier today about

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1 supplier or vendor information that you had. And
2 I've marked them as Exhibit 70 and one is from
3 Cyprus on March 23rd. And one is from Cyprus on
4 April 5th, 1990.
5 Do you broadly remember us talking about
6 that?
7 A. I do.
8 Q. Okay.
9 MR. BROMBERG: What number have you given
10 this?
11 MS. DEAN: Exhibit 70.
12 Q. These are documents from Cyprus to Avon
13 talking about testing being done if I'm reading it
14 right. Are you aware of any other documents
15 provided by Cyprus or other suppliers before 1990
16 that went to Avon's files discussing the use of TEM.
17 A. Again, I believe that everything I'm aware
18 of was in the pile that I gave to you.
19 Q. Okay. Okay. That's all I wanted to ask
20 about that.
21
22 (Plaintiffs' Exhibit 69, SPREADSHEET, was
23 marked for identification.)
24
25 Q. I've marked as Exhibit 9 an Excel

<p style="text-align: right;">Page 186</p> <p>1 spreadsheet chart that says "Hagley" on the top. 2 Do you see that? 3 MR. BROMBERG: Exhibit 9? 4 MS. DEAN: 69. 5 A. Yes, I do. 6 Q. What is that? 7 A. This was a list I believe Neil mentioned 8 it before of the products that are in the Hagley 9 Museum. The librarian made a list of the products. 10 Q. What is the Hagley Museum? 11 A. The Hagley Museum is a place where there 12 is historical Avon information, brochures, some old 13 packages uh-huh. Just historical information on 14 Avon products. 15 Q. Does Avon have an ownership interest in 16 that museum? 17 A. No. 18 Q. What relationship, if any, do they have 19 other than they store Avon's historical products? 20 A. You know, again, I don't know what the 21 relationship is. It's just something that I -- I'm 22 aware of that's been around for a long time, and 23 they collect old Avon stuff. I don't have the -- 24 the business relationship information. 25 Q. Do they --</p>	<p style="text-align: right;">Page 188</p> <p>1 authentic business records? 2 MR. BROMBERG: We don't dispute that the 3 documents that they maintain are Avon's 4 authentic business records. 5 MS. DEAN: And then if these questions are 6 better for you than her, then we might be able 7 to do this at a later time and short circuit, 8 but are the actual products available at Avon? 9 MR. BROMBERG: The products that are 10 stored there? 11 MS. DEAN: Yes. 12 MR. BROMBERG: We would have -- they are 13 -- they are preserved there. They are under 14 orders not to destroy them. Because I think we 15 answered in our discovery responses, they were 16 -- you know, we recently determined that they 17 have these products, and although we -- we have 18 objections as to the propriety of testing 19 products that were not used by individual 20 plaintiffs, they -- you know, the products are 21 available for testing if, at some point in 22 time, an agreement is reached between counsel 23 and testing, or a court orders us to make the 24 products available for testing. 25 MS. DEAN: Is there any dispute of Avon</p>
<p style="text-align: right;">Page 187</p> <p>1 MR. BROMBERG: I would just -- I would 2 just also note for the record that she's not 3 our custodian of records, but I'm -- I'm happy 4 to answer your question on the relationship 5 between Hagley and Avon. 6 MS. DEAN: Sure. 7 MR. BROMBERG: Hagley is a -- a museum 8 that many, many companies, including Avon, 9 store historical corporate documents at. Avon 10 -- some of those documents are available 11 online; some of them are hard -- hard copy at 12 Hagley. That's -- generally, Avon's 13 non-confidential documents that -- that are 14 stored there. And Avon does have -- I wouldn't 15 say Avon has an ownership interest, but Avon 16 does have some measure of control over the 17 documents there, and the museum itself is not 18 open to the general public. If someone wants 19 to go review and research matters there or -- 20 it's usually, Hagley will contact Avon and let 21 them know that someone has made a particular 22 request. 23 MS. DEAN: Is there any kind of broad 24 agreement to be reached that the documents they 25 maintain on Avon's behalf are, in fact, Avon's</p>	<p style="text-align: right;">Page 189</p> <p>1 that the products are, in fact, you know, 2 untampered Avon products? 3 MR. BROMBERG: It depends on how you 4 define "untampered." They're -- many of the 5 products are unsealed. Many of them are not 6 full. So depending upon how you define 7 tampered or not, but we don't -- unlike 8 products that, you know, are pulled off the -- 9 pulled off the Internet and, you know, it's 10 claimed that they are genuine Avon products, we 11 don't -- we don't dispute that these are 12 genuine Avon products held by Hagley. 13 MS. DEAN: And -- and it was the reference 14 on the chart that made me want to ask that, 15 because it said some are sealed and some are 16 not. I think you may have answered it, but I 17 want to be clear. For -- for the Avon products 18 the Hagley Museum would maintain, even if they 19 are unsealed, Avon is not claiming that they 20 somehow been contaminated or tampered with in 21 any way. 22 MR. BROMBERG: I -- I can't make that 23 broad of a statement. I know that they've been 24 -- they've been stored there. We don't have 25 any chain of custody of -- of products from the</p>

<p style="text-align: right;">Page 190</p> <p>1 time they left Avon's hands until they got 2 there. We're not exactly sure how they got 3 there. And, you know, I can't make a blanket 4 statement to that effect for unsealed products, 5 and whether they may have gotten contaminated 6 at some point in time. All I can state is that 7 they're -- they're not counterfeit Avon 8 products. They are -- they are genuine 9 products that Avon provided at some point to 10 Hagley. 11 MS. DEAN: Is Avon making or taking any 12 kind of position that the unsealed products -- 13 that there's any indication that the unsealed 14 products have been contaminated or tampered 15 with? 16 MR. BROMBERG: We haven't -- we haven't 17 made that assessment for -- for any of the 18 individual products at this point in time. So 19 I -- I can't make a blanket statement in that 20 regard. 21 MS. DEAN: Then I'll just follow up with 22 Ms. Gallo on a few questions. 23 Q. For the products that are listed in 24 Exhibit 69, have you made any effort on behalf of 25 Avon for those products that were listed to be from</p>	<p style="text-align: right;">Page 192</p> <p>1 products that they have at their museum in order to 2 determine by any testing method what, if any, 3 asbestos is contained in the product? 4 A. No. 5 MR. BROMBERG: And I'll just state for the 6 record: The products at Hagley, they are all 7 prior -- they are all products manufactured 8 prior to 1967. There are no products after 9 that date. 10 Q. And then specifically, there is a 11 reference there to a Topaz product manufactured in 12 1961 that is completely sealed. Do you see that? 13 A. That you show me, yes. I saw it. Just 14 give me one second. 15 Q. I put a red dot to the right to, kind of, 16 help. 17 A. Yep. Actually, it's Avon Topaz body 18 powder, yellow, unsealed. 19 Q. Right. 20 A. Yeah. I thought you said sealed. Yes, 21 it's unsealed. 22 MR. BROMBERG: She said sealed. 23 Q. Okay. I apologize. Unsealed. 24 Do you know if Avon has done anything to 25 evaluate the mineral makeup of that container of</p>
<p style="text-align: right;">Page 191</p> <p>1 1960 to 1989 to determine whether they are products 2 that are still in good condition and uncontaminated 3 or, on the other hand, if they have -- had any 4 indication that there's been contamination? 5 A. I have not. You know, they are stored in 6 the -- the museum. We have not -- I have not -- no. 7 I have not done that. 8 Q. Do you know what efforts, if any, the 9 museum takes in order to ensure that what they store 10 is protected -- is -- isn't tampered with? 11 A. Again, I don't -- I don't know that. But 12 you can see on this chart, there are some that are 13 unsealed and some full. Some mostly full. 14 MR. BROMBERG: I'll just also say they are 15 not kept in a climate-controlled environment as 16 far as we know. 17 Q. So other than what's noted in the actual 18 chart, which references whether they are sealed, 19 full, or not, have you done anything to investigate 20 whether there's any indication, at all, that they 21 have been disturbed or tampered with? 22 A. No, I have not. 23 Q. For any of the products that are 24 identified as beauty dust or perfume talcs between 25 1960 and 1989, has Avon done any testing on the</p>	<p style="text-align: right;">Page 193</p> <p>1 Topaz that they have at the historical museum? 2 MR. BROMBERG: Objection to form. 3 A. No. 4 Q. Thank you. I want to hand you what I'm 5 going to mark as Exhibit 64. 6 7 (Plaintiffs' Exhibit 64, DOCUMENT, was 8 marked for identification.) 9 10 Q. And I understand these to be two documents 11 that you obtained in other cases that didn't come 12 out of Avon's files; that McCrone did in relation to 13 Whittaker, Clark & Daniel's talc. And let me first 14 put the two documents together, but first confirm 15 that that's accurate. 16 MR. BROMBERG: You said Whittaker, Clark & 17 Daniels. 18 Can you restate -- can you state your 19 question again, please. 20 Q. So my understanding of the two documents 21 that we've marked as 64 is that these are McCrone 22 testing on Whittaker, Clark & Daniel products. Is 23 that accurate? I thought that's what you had said 24 before lunch, but I may have misunderstood. 25 MR. BROMBERG: This is -- this is one</p>

<p style="text-align: right;">Page 194</p> <p>1 document, and this is the other; so you're 2 clear. She's asking you if they're involved, 3 Whittaker, Clark & Daniel, both of those 4 documents. 5 A. Cyprus. Cyprus All Talc. 6 Q. Sorry. Let me start over. That's what I 7 have written. 8 MR. BROMBERG: One is Whittaker Clark. 9 One is Cyprus. 10 Q. So these are -- Exhibit 64 are McCrone 11 documents, one to Whittaker, Clark & Daniel and one 12 to Cyprus. That Avon didn't have its own files that 13 you see in the litigation; is that fair? 14 A. Yes. 15 Q. And in looking at them, it appears that 16 these are letters from McCrone to either Cyprus or 17 Whittaker, Clark & Daniel, who are suppliers to 18 Avon; right? 19 A. Correct. 20 Q. There is no indication that I could say -- 21 see in my quick review of the document that these 22 were testing results that were provided to Avon 23 either -- at any -- at any point in time prior to 24 litigation. Did you see anything that would suggest 25 that?</p>	<p style="text-align: right;">Page 196</p> <p>1 there. 2 MR. BROMBERG: Can you -- can you give her 3 the Whittaker, Clark & Daniel's discovery 4 response. 5 MS. DEAN: Yes. I've marked as Exhibit 65 6 -- no. 66, the Whittaker Clark & Daniel 7 discovery responses, if that helps. 8 9 (Plaintiffs' Exhibit 66, DISCOVERY 10 RESPONSES, was marked for identification.) 11 12 A. Thank you. Yes. That looks like it was 13 it was the Product Number 615, which is 0747. 14 Q. What was the All Talc used for by Avon 15 historically? 16 A. All Talc -- 17 MR. BROMBERG: Objection to the extent 18 that you may not -- beyond the scope with 19 respect to all products, but if you know with 20 respect to any products at issue in this case, 21 you can answer. 22 A. So All Talc 200 is in Cyprus. And looks 23 like it's Code 815, which is talc. 24 Q. Got it. A lot of times, you see it as 25 0815 in the documents?</p>
<p style="text-align: right;">Page 195</p> <p>1 A. No, I did not. 2 Q. Okay. And from Avon's perspective, this 3 does illustrate that McCrone was doing TEM testing 4 on some of the talcs that Avon's vendors and Cyprus 5 and Whittaker, Clark & Daniels were selling; 6 correct? 7 A. Yes. 8 Q. Do you know if the particular types of 9 talc being tested were the particular types of talc 10 Avon used historically? 11 A. In these two document? 12 Q. Yes. 13 A. Yes. We -- we did use the -- the All Talc 14 200 and 400 to my recollection. And I'm trying to 15 see whether -- which one this is in Whittaker, Clark 16 & Daniels. It's -- I'm struggling with the name of 17 this one. There's -- there are strange names I 18 don't recognize. 219 -- I don't know how it 19 correlates to -- to our products. I have to -- let 20 me just -- I have a reference to that. One second. 21 MR. BROMBERG: You have some of her 22 documents still, correct, the discovery 23 responses? 24 MS. DEAN: Yes. 25 THE WITNESS: So -- yeah. So it's in</p>	<p style="text-align: right;">Page 197</p> <p>1 A. 0815. 2 Q. Okay. What about 400? 3 A. I'm sorry. 4 Q. What about 400, or were you just -- 5 A. I might have misspoke. I'm only seeing a 6 reference to 200. 7 Q. And so both -- 8 MR. BROMBERG: With respect to these? 9 THE WITNESS: Yes, with respect to this. 10 Sorry. Just so it's clear: When I speak of 11 today, I am referencing the products that I've 12 said: Topaz, Timeless, and Imari. 13 Q. So you don't know, one way or another, if 14 400 is used by Avon. You just know that it was not 15 used in those three products? 16 A. That's correct. 17 Q. For 200, which corresponds with Code 0815 18 for Avon and the Cyprus code, which corresponds to 19 0747 for Avon, these documents reflect that your 20 suppliers were or did go to McCrone to do a TEM 21 test; right? 22 A. In this particular instance, yes. 23 Q. Okay. Do you have any indication if what 24 they were testing were the actual talc that was 25 supplied to Avon?</p>

<p style="text-align: right;">Page 198</p> <p>1 A. I don't have batch numbers, but there's 2 been lots of indication of different tests that were 3 done by McCrone on these talc products. These 4 particular two are -- I don't -- I don't have, you 5 know, an associated Avon -- these were not documents 6 in our files. So I don't have an associated Avon 7 information that corresponds to these. 8 MS. DEAN: Let me object to non-responsive 9 and speculation about the logs. 10 Q. But my question was just to you, and I 11 think you answered it towards the end, but let me 12 confirm. 13 Do you know if the testing that was done 14 in what we marked as Exhibit 64 was on talc that 15 actually was sold to Avon? 16 A. I do not. 17 Q. Okay. And I think we've covered this: 18 But you don't know whether the test results 19 reflected in this exhibit ever made it to Avon 20 before litigation? 21 A. That's correct. 22 Q. Okay. And in terms of the amount of TEM 23 testing done by Cyprus or Whittaker, Clark & Daniel, 24 or any other supplier, other than they're done by 25 Avon, I think the records that you said you have on</p>	<p style="text-align: right;">Page 200</p> <p>1 does the MA stand for; do you know? 2 MR. BROMBERG: You can answer if you know, 3 Lisa. If you don't -- 4 A. I can't remember. Avon MA. 5 Q. Yeah. I can show it to you. Sorry. 6 A. I'm sorry. 7 Q. Sometimes seeing things helps. I'm sorry. 8 MR. BROMBERG: I'll state it was a -- a 9 designation given from McCrone Associates 10 documents to distinguish it from documents that 11 we had in our own collection. 12 MS. DEAN: Do you know if those -- these 13 were provided in Ms. Pipes's case or produced? 14 MR. BROMBERG: I believe they were. 15 Q. Let me just ask. 16 MR. BROMBERG: It's my understanding 17 that -- 18 Q. Ms. Gallo, do you know if those were 19 produced one way or another? 20 A. I don't have everything in my memory bank 21 of what was produced. I'm going to trust Neil on 22 that one. 23 Q. Okay. You also indicated that the other 24 supplier/vendor information you had were the 25 interrogatories. I've already hand you Exhibit 66,</p>
<p style="text-align: right;">Page 199</p> <p>1 that are either Avon Bates-labeled or part of the 2 stack you gave me today; right? 3 A. Yeah. There -- there -- there's a McCrone 4 binder as well, and I think it talks a little bit 5 about earlier. There's a lot of documents in there. 6 MR. BROMBERG: She was asking you to the 7 extent you have documents showing testing by 8 suppliers by TEM. 9 THE WITNESS: I thought she was asking 10 about McCrone. 11 Q. Okay. Yes. So let me make sure we're on 12 the same -- same page. 13 Outside of documents that bear an Avon 14 Pipes Bates label and the documents that we're 15 marking as exhibits that you handed me that you got 16 from other sources, do you have any other 17 information that reflect TEM testing from any 18 supplier, either done in-house or by lab for them 19 that relates, again, specifically to the -- 20 A. Not that I can remember, no. 21 Q. Some of the documents that I see in this 22 notebook docu -- documents from McCrone look 23 familiar, meaning, I've seen them labeled as Avon 24 Pipes. Some of them don't. And these are all 25 labeled Avon MA in and a series of number. What</p>	<p style="text-align: right;">Page 201</p> <p>1 which -- which was the Whittaker, Clark & Daniel 2 interrogatories. 3 A. Uh-huh. Yes. 4 Q. Outside of the highlighted information in 5 Exhibit 66, is there anything that Avon is relying 6 on in those interrogatories? My impression was -- I 7 think if that one might be underlined, not 8 highlighted. 9 MR. BROMBERG: I would objection to the -- 10 I would object to the term "Avon relied on." 11 Q. My impression was that was just a 12 reference material to cross-reference test results 13 to their product numbers that were used at Avon, but 14 I don't know. 15 A. Obviously, that -- that information is 16 underlined. It was, you know, obviously important 17 information. It was part of that document. 18 Q. Why is it important? 19 A. Well, again, it's -- it's -- it's 20 understanding which code of ours corresponds to a 21 particular -- particular talc. In this one, this 22 information was in regards to 747, and that it came 23 from a mine in Italy. 24 Q. Is there anything else about that document 25 that's important to Avon in this case?</p>

<p style="text-align: right;">Page 202</p> <p>1 A. I mean, I would argue that anything that 2 has to do with a code of product that Avon used is 3 important for us to understand. 4 Q. And so -- I think that answers my 5 questions. 6 The -- the importance of this document, 7 Exhibit 66, is that it's supplier -- a supplier Avon 8 used and where it identifies the codes so you can 9 cross reference it to Avon's code. That is 10 important to be able to connect the dots for Avon. 11 A. I would say yes. 12 Q. Another one of the codes that it indicates 13 that Whittaker, Clark & Daniel had is 2450. 14 A. Yes. 15 Q. Do you do that? 16 A. Uh-huh. 17 Q. And that's 0768 for Avon's -- 18 A. That's correct. 19 Q. -- codes? That's all I want to ask you 20 about that one. 21 I've also marked -- you had two more 22 interrogatories. One is Exhibit 65, which is the 23 Cyprus -- 24 MR. BROMBERG: Cyprus. 25</p>	<p style="text-align: right;">Page 204</p> <p>1 supplier's sworn statement, you've highlighted, and 2 I just want to read that. "The Supreme USP talc 3 sold to Avon in 1966 was mined from a former Cyprus 4 entity's Yellowstone mine in Montana. The Supreme 5 talc sold Avon between '66 and '71 was sourced with 6 various west side Death Valley mines and from the 7 Grantham Mine." First of all, I'm going to hand 8 that back to you. Have I read correctly the part 9 that you have highlighted? 10 A. Yes. 11 Q. Okay. And then the second highlights are 12 on the next page, if you don't mind handing it back, 13 where you just identified that Olympic HT talc sold 14 to Avon between '78 and '87 was sourced from a 15 former Cyprus entity's Yellowstone and Beaverhead, 16 Montana mines and exclusively from Beaverhead Mine 17 in '83. And then you highlighted All Talc 300 18 Montana, All Talc 400 supplied Avon in '82, '84, 19 '85, and '86, Beaverhead Mine. And finally, that 20 Dover 50 Talc sold to Avon in '87 was mined by Val 21 Chisone, Italy. Did I correctly indicate what 22 you've highlighted in this Cyprus document? 23 A. Yes. 24 Q. And some of the answers that you verified 25 in Avon's document, for instance, that sometimes it</p>
<p style="text-align: right;">Page 203</p> <p>1 (Plaintiffs' Exhibit 65, INTERROGATORY, 2 was marked for identification.) 3 4 Q. -- Cyprus interrogatory statements, and I 5 left it to the page that you had. 6 But again, Cyprus is a supplier, a vendor 7 of Avon; correct? 8 A. Yes. 9 Q. And you have highlights on page 10 and 11? 10 A. 11 and 10, yeah. 11 Q. You can just flip it, I think. Yeah. 12 A. There it is. Yes. 13 Q. And what 10 and 11, if I understand it 14 correctly does for Avon is identify through Cyprus's 15 sworn answers what they had indicated that they 16 supplied to Avon historically; right? 17 A. Yes. 18 Q. Is Supreme the same thing as Supra in 19 Avon's records? 20 A. It's my understanding that Supra is the 21 same as Supreme. 22 Q. Okay. We only have one copy of that. So 23 do you mind if I grab it quickly. This is not going 24 to be the most efficient thing. 25 But what Avon has ascertained from its</p>	<p style="text-align: right;">Page 205</p> <p>1 was from Beaverhead, Montana, was this the source of 2 that information? 3 A. This was. 4 Q. Okay. And this is Exhibit 65? 5 A. This is Exhibit 65, yes. 6 Q. Did I say 55? 7 A. 65. 8 Q. You said it. 9 A. I was just repeating it. 10 Q. Thank you. 11 The last interrogatory you provided was 12 from Imerys, and I've marked that as Exhibit 67. 13 14 (Plaintiffs' Exhibit 67, IMERY'S 15 INTERROGATORY, was marked for 16 identification.) 17 And again, this just is reference for Avon about the 18 source that the Italian mine came from in '78 to 19 '92, and then again in '92 to '94, which was 20 underlined in Exhibit 67; correct? 21 A. Yes. 22 Q. And what page is underlined? 23 A. This is -- it has a -- I don't know that 24 it has a page. 25 Q. One, two, three, the third physical page</p>

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1 of the document?
2 A. Yeah.
3 Q. Perfect. And then do you mind handing me
4 your notes for a moment.
5 A. These?
6
7 (Plaintiffs' Exhibit 68, DOCUMENT, was
8 marked for identification.)
9
10 Q. No. The actual -- I think it's stuck.
11 Okay. I marked this one as Exhibit 68 to this
12 deposition. And the first question is on the page
13 that starts off with Pipes and it talks about
14 testing, there is -- there is some information that
15 your wrote down that had been whited out. And you
16 can tell that you're writing was there, but what
17 happened there?
18 A. I just wanted a clean copy. I had -- I
19 had -- I had information here that had the wrong --
20 had the wrong date. Maybe I copied it wrong
21 somewhere in regards to when Mrs. Pipes used the
22 product. So I just got rid of it so I wouldn't get
23 confused.
24 Q. Okay. And then if you don't mind handing
25 that back to me.

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1 A. Sure. I'm very neat. So I like to keep
2 things clean. I don't like crossing out. Sorry.
3 It's the anal side of me.
4 Q. I'll try to take the stickers off so you
5 have a unique copy.
6 A. It's okay.
7 MR. BROMBERG: Do you need some Post-Its?
8 MS. DEAN: It might be helpful.
9 MR. BROMBERG: Would you like some?
10 MS. DEAN: It's not the best, Post-It.
11 MR. BROMBERG: Or flags, I should say.
12 Q. Were the source materials for all of the
13 notes that you have in this notebook, Exhibit 68,
14 are they all here?
15 A. In the -- the -- the -- the first pages of
16 that, pretty sure they should be in Binder 1 or
17 Binder 2. But I'm going to be honest with you, I
18 have a lot of other material from the first seven
19 depositions that may not have brought with me.
20 Q. You have on the last pages of your notes,
21 WCD, which I'm assuming is Whittaker, Clark &
22 Daniel?
23 A. Right.
24 Q. And then underneath that, you have Charles
25 Matthew and Alliant Imerys.

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1 A. Yeah.
2 Q. Am I reading that right?
3 A. Yes.
4 Q. What does that mean?
5 A. I was trying to understand, as you can
6 imagine, there's lot of -- over the years, you know,
7 Whittaker, Clark & Daniel has an association with
8 Charles Matthew. It wasn't really clear to me the
9 Charles Matthew to Imerys to Whittaker, Clark &
10 Daniels relationship. So I just put that line there
11 to, kind of, remember that. I wasn't
12 a-hundred-percent clear on that piece.
13 Q. In other words, it was kind of just a
14 shortcut so that you knew if you see that name, it's
15 related to this company?
16 A. Yes.
17 Q. That name being Charles Matthews and that
18 company, Imerys?
19 A. Yes.
20 Q. Okay. And then there's some notes earlier
21 on in your note -- in your notebook after, and I can
22 show it to you if it's helpful.
23 A. Sure.
24 Q. After Ms. Jenkins [ph.], you have Ms.
25 Pipes, 1.5 ounce 52 weeks times two weeks equals 104

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1 times per year, which equals. 014 ounces per use.
2 A. Yes.
3 Q. Take -- take me through what you did
4 there.
5 A. Sure. So we -- me -- I was doing some
6 calculations based off of the size of the shaker
7 talc that I had found in a brochure. It's in her
8 deposition. It said that she used the product. And
9 she -- she received a gift from her mother-in-law
10 once a year, and she used it two times a week when
11 she would go out. And, you know, she had one a
12 year, pretty much. So I was just trying to
13 understand the amount of talc -- you know, could she
14 -- could it have taken her a year to actually use
15 the talc with this very small amount that she was
16 using, because she said she only used it when she
17 went out. So, pretty much, what I was --
18 Q. And so you're saying the amount of total
19 used based on her estimates wouldn't use the entire
20 -- either --
21 A. All I'm saying is a very small amount. If
22 she used it twice a week, and it took her a full
23 year to use it, it would be a very tiny amount of
24 product that she actually used each time she was
25 using it. It was only. 014 ounces of powder that she

<p style="text-align: right;">Page 210</p> <p>1 would shake into her hands for that one container to 2 last an entire year based off of the ounces that I 3 saw in the brochure. So it was just trying to 4 understand, you know, how much she might have used 5 over the course of a year. So it's a very small 6 amount she use two times a week to have that jar 7 last the entire year. 8 Q. Okay. And the assumption in terms of the 9 size of the -- either shaker or loose powder 10 container was 1.5 ounce? 11 A. Yeah. That's correct. 12 That was a brochure I looked at and -- and 13 I even did an estimate in my head. If it was 2 14 ounces, it would have been .02, you know. So it's 15 kind of -- 16 Q. But the math is clear. You're assuming 17 that if you exhaust a bottle, and there's a certain 18 volume, and you're using it twice a -- 19 A. Yes. 20 Q. -- you can deduct the per-use amount? 21 A. Yes. That's -- 22 Q. Fine. And so if it's six ounces or two 23 ounces or three ounces, at half-an-ounce, you can 24 adjust your formula -- 25 A. Well, again, you know, the way I -- the</p>	<p style="text-align: right;">Page 212</p> <p>1 written in Exhibit 68 today in the deposition. 2 A. Yes. 3 Q. Okay. 4 A. But just one point of clarification: The 5 consumer -- if she has a bigger bottle or a smaller 6 bottle, her use is not going to change according to 7 how much she has. She's still going to use the 8 product the same way. It's like a lipstick. If you 9 have a tiny little lipstick or a big lipstick, you 10 still put the same amount. You just use it at a 11 different rate. 12 MS. DEAN: I'll object to non-responsive. 13 Q. You made the comment that if she only had 14 a 1.5-ounce bottle, and she had it used over the 15 entire year, she'd be using a very small amount each 16 individual use; right? 17 A. I said, In order for her to use it over 18 the course of the year, she would need to use .014 19 ounces per use. 20 Q. And so if you want to adjust that to a 21 larger bottle, there's a mathematical calculation in 22 which to do it; right? 23 A. If you want to use -- if there's a bigger 24 bottle, what I'm saying is, is that that .014 ounces 25 may be the amount she wants to use all the time. So</p>
<p style="text-align: right;">Page 211</p> <p>1 way I think of this right, you know, as putting my 2 consumer hat on, which is a really important part of 3 my job, is how does the consumer use a product. 4 Right. And, you know, in a shaker talc, she's using 5 this product to enhance, typically, the fragrance 6 she's wearing. Some layer it so that they -- you 7 know, they get that fresh feel with the same 8 fragrance they're using as a perfume. Others use it 9 in place of a perfume. So I think there's a -- you 10 know, a -- you know, consumer, you know, standard 11 use that you -- you could extrapolate. Some, you 12 know, when you -- you know, as a woman when you wear 13 a fragrance, some will just put a tiny bit here. 14 Others spray it all over there. So there they -- 15 they use a product amount differently. I was trying 16 to just understand, you know, based off of what she 17 -- she claimed she used the product two times a week 18 -- what might that look like, you know, from -- you 19 know, from an amount of product in her hand. 20 MS. DEAN: Let me object to 21 non-responsive. 22 Q. My question was just if we wanted to 23 adjust the formula to a different volume, if we were 24 able to determine the volume you described, how that 25 could be done, both kind of in-your-thought process</p>	<p style="text-align: right;">Page 213</p> <p>1 it would just take her longer to use the bigger 2 bottle. She wouldn't actually use more product just 3 because she has a bigger bottle. It's just -- this 4 is her typical -- this is what she uses. Right. 5 This is what she uses. It took her a year to use 6 the bottle of shaker talc. So if I gave her a 7 bigger one, I don't expect that she use a lot more, 8 because this is the way she uses the product. 9 MS. DEAN: Let me object to speculation 10 and non-responsive and also note -- note motion 11 in limine. 12 Q. Is it your belief, on behalf of Avon, that 13 Sharon or her daughters' sworn testimony suggest 14 that each time she used Avon, she only used -- 15 what's the number you have, 0.04? 16 A. .014 ounces. 17 Q. .014. That's your belief? 18 A. My belief is based off of what I read in 19 her deposition, which is she received a gift from 20 her mother-in-law every Christmas, and I looked up 21 in the brochures. I saw 1.5 ounces for shaker talc. 22 She said she got one gift a year. So I -- and she 23 used it twice a week when she would go out. This is 24 based off of her deposition. And I then said how 25 much product is that, and that's where I came up</p>

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1 with the number.
2 Q. And the part that you inserted yourself
3 was going into the brochures to find the size?
4 A. Yes. I wanted to know what -- you know,
5 because again, this is -- it's -- Avon does a lot of
6 giftables at Christmastime. And oftentimes, what
7 happens is -- is, you know, there's shaker talcs
8 that -- you saw in the brochure that you gave me
9 that are for sale. But at Christmas, they'll often
10 do a gift set. Right. So it's just like if you
11 went to Macy's, and you got, you know, Topaz
12 fragrance, you also got an ancillary product, which
13 would be, possibly, a body lotion, a shower gel, a
14 talc. And oftentimes, the packaging would change
15 for the ancillary products. They might do smaller
16 versions. So I wanted to see, you know, what --
17 what sizes there were. I've seen, you know,
18 fragrance talcs in two ounces, as well. But I was
19 looking at -- particularly at the gift set, because
20 that's what she referenced she got from her
21 mother-in-law every year.
22 MS. DEAN: Dinosaur. Objection;
23 non-responsive.
24 Q. My only question was in your calculation
25 to determine the alleged amount of each use. It was

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1 based on your review of the brochures in order to
2 determine the bottle size; correct?
3 A. Yes.
4 Q. I want to understand Avon's discovery
5 answers a little bit better, which are attached as
6 Exhibit 6, again, if you want to reference it. But
7 for Topaz, you referenced that in June of 1967 --
8 MR. BROMBERG: Let her get a chance to
9 pull them out.
10 A. You said Number 6?
11 MR. BROMBERG: Is that Number 6?
12 Q. It's -- interrogatories are attached as
13 Exhibit Number 6. It also happens to be Number 6 in
14 interrogatory, which is on page 13410. You may or
15 may not need them, which is why I was going to ask
16 the question.
17 But it indicates in the supplemental
18 answers for the first time that the Topaz Avon
19 located for June of 1967 was Regal '93 talc;
20 correct?
21 A. Yes. That's what it states.
22 Q. And Regal '93 talc, we know, is from what
23 source?
24 A. Regal '93 talc is -- you're talking about
25 the mine or the company that it's --

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1 Q. Actually, let me ask a better question.
2 I'm sorry.
3 What's the actual RI code associated with
4 Regal '93 talc?
5 A. 0766.
6 Q. Okay. And are you aware that Regal '93 is
7 a North Carolina mine?
8 A. The information I have is -- has it as
9 unknown.
10 Q. Okay. Is that something Avon has
11 investigated in any way?
12 A. Again, I think, you know, as we've gotten
13 these discovery responses from our talc suppliers,
14 from everything we looked at, we haven't been able
15 to identify that.
16 Q. Okay. And that's -- what I'm wondering is
17 what has Avon done outside of the review of their
18 own documents, talked to their long-time vendor,
19 review of the documents produced by Whittaker, Clark
20 & Daniel. What have they done to determine the
21 source of Regal '93?
22 A. And in the course of investigating --
23
24 (Defense counsel objection to form.)
25

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1 A. -- you know, the documents and so forth,
2 again, there is no information that we have come up
3 with online for that particular one.
4 Q. Has Avon endeavored to do any research,
5 either in documents produced in litigation or in
6 published literature, about contaminations in the
7 Regal '93 mines --
8 A. Could you ask again.
9 Q. -- contaminations of asbestos?
10 A. Again, I don't know how we could do that
11 if we don't know the mines.
12 Q. It's an important first step; fair?
13 A. To understand the mine?
14 Q. Yes.
15 A. Definitely.
16 MR. BROMBERG: We -- we've been going over
17 an hour. Could we take a quick break?
18 MS. DEAN: Sure.
19 THE VIDEOGRAPHER: Going off the record.
20 The time is 3:19.
21
22 (Recess taken.)
23
24 THE VIDEOGRAPHER: Go back on the record.
25 The time is 3:37, beginning of DVD Number 4.

<p style="text-align: right;">Page 218</p> <p>1 BY MS. DEAN: 2 Q. So you have a notebook called "Documents 3 from McCrone" that I want to mark as Exhibit 75. 4 5 (Plaintiffs' Exhibit 75, DOCUMENTS FROM 6 McCRONE, was marked for identification.) 7 8 Q. And the title says "Documents from 9 McCrone." But then under the key documents from 10 production, you have next to 1 through 4, Dr. 11 Lewinstudy [ph.]. Next to 5 to 8, examples of talc 12 sent to McCrone, and by 9 and 10. Pasadena [ph.]. 13 Do you need to look at that, or do you remember? 14 A. I'm pretty sure I remember, but McCrone 15 was the testing lab on -- on those. 16 Q. Okay. And so the intent of this document 17 is just to isolate the documents that you could find 18 where McCrone did the underlying testing? 19 A. Yes. 20 Q. Okay. Do you have another folder to look 21 at other testing that was done by other labs? 22 A. Let's see. This, obviously, is not -- let 23 me just see. What's in here? 24 MR. BROMBERG: Objection to form. 25 A. Documents here, in this, that would be the</p>	<p style="text-align: right;">Page 220</p> <p>1 as Exhibit 5, the only two documents I see and hear 2 that reference TEM testing are labeled 10 and 15, 3 which is the April 19, 1974, results from McCrone 4 sampling from the mixing room and 15, pages related 5 to 1991 TEM conducted by McCrone. Actually, the 6 only document I see referencing TEM is 15, and I 7 just want to verify that that's your understanding 8 as well. So let me -- sorry. I asked a different 9 question. 10 I quickly looked through what we've marked 11 as Exhibit 75 just to ascertain what, if any, 12 testing you have from McCrone related to TEM. 13 MR. BROMBERG: Are you just referencing 14 this binder or all of her documents? 15 Q. What's marked as Exhibit 75. Is there 16 anything outside of tab 15, which in your index 17 shows TEM, that to Avon's understanding would have 18 involved that type of testing? 19 MR. BROMBERG: Objection to form. 20 A. I'm pretty sure there is. I just need to 21 go through everything to look for it, because I know 22 there -- 23 MR. BROMBERG: She took -- she took some 24 of your documents. O don't know what -- 25 A. Yeah, I -- I mean I have to -- I just have</p>
<p style="text-align: right;">Page 219</p> <p>1 same. And there's some internal Avon and McCrone on 2 some different RI codes, but this is from a -- you 3 know, there's some -- there's some information here. 4 It may be the same as it -- that's in there. It's 5 based off of -- this is, you know, off -- off of RI 6 codes. Some of the IR codes that we -- we were 7 talking about. So there is testing information in 8 here as well. It's organized differently than the 9 McCrone document. But there are some McCrone 10 documents in here as well. 11 MS. DEAN: Let me object to non-responsive 12 and clarify. I'm not looking for internal 13 testing by Avon. I'm just wondering if you've 14 been looking in any of these notebooks testing 15 done by outside laboratories other than 16 McCrone? 17 MR. BROMBERG: For Avon or -- 18 Q. If you're -- if you have it as something 19 you're referencing, it would be for Avon or 20 otherwise. 21 MR. BROMBERG: Lisa, she's just asking you 22 if you have a collection of other testing 23 documents. 24 A. No. McCrone. 25 Q. In my review of the folder that we marked</p>	<p style="text-align: right;">Page 221</p> <p>1 to go through everything, but I -- I'm pretty sure 2 that there's other information on tests that were 3 conducted by TEM. 4 MR. BROMBERG: And I'll just state, you 5 know, an objection to the record that, you 6 know, she's been questioned extensively on what 7 documents Avon has on TEM testing in prior 8 depositions. 9 Q. So I'm starting with what's actually in 10 75. I'm just asking is there anything on TEM other 11 than tab 15? 12 A. In 75? 13 Q. Yes. 14 A. Oh, okay. Let me just look at 16 real 15 quick. 16 Q. Sure. 17 A. Again, you know, that -- that's in the 18 title. So I just need to glance through them real 19 quick -- 20 Q. Of course. 21 A. -- to see if there's anything else that's 22 a -- most are referencing J4, dash, 1. Most of them 23 are -- are J4, dash, 1. And I don't see anything 24 else's in this binder. 25 Q. Okay. And outside of that binder, I asked</p>

<p style="text-align: right;">Page 222</p> <p>1 you about vendor or supplier information that you 2 have. And at least one exhibit that we marked had 3 documents related to TEM. I don't mean to exclude 4 that. But outside of Exhibit 75 with the one 5 document, that's tab 15, and the tests that were 6 done by your suppliers, but you don't know if they 7 got to Avon. Are you aware of any other actual 8 record of TEM testing either on Avon's products or 9 on the source mines used by Avon? 10 A. Again -- 11 MR. BROMBERG: Objection. Asked and 12 answered. Previously covered in other 13 depositions with this witness. 14 A. Yeah. And, again, I got a lot of 15 information, but I'm pretty sure there's other 16 references to TEM testing. So I just need -- like I 17 said, I need to go through everything and find it. 18 And, hopefully, I brought it with me, but there is 19 other -- there's other information that we have 20 received on -- you know, even, I think, Avon doing 21 some TEM testing in these documents. I have to -- I 22 have to go back and go through all of them to find 23 it though, to be honest. 24 Q. Okay. I want to give you that 25 opportunity, and I think, to help, I'm going to</p>	<p style="text-align: right;">Page 224</p> <p>1 that myself. 2 3 (Plaintiffs' Exhibit 60, BATES LABELS 4 IDENTIFIED BY AVON, was marked for 5 identification.) 6 7 Q. And they also show what is tab 15 of 8 Exhibit 75 and nothing else. So if you believe 9 there's something else there, I'm missing it. So, 10 at some point, I want to know either that I got the 11 complete list, or that I'm missing something. So 12 I'm going to -- I'm going to go through, because I 13 need to anyway, these other documents that you 14 brought to make sure I understand them. I'm hoping 15 most of them don't need to be marked. But there's 16 an article by Pierce from ChemRisk [ph.] And others 17 in inhalation and toxicology from 2017. 18 First of all, did Avon, in any way, fund 19 or participate in this study? 20 MR. BROMBERG: I'm just going to object to 21 questions on this, because that's a topic that 22 was previously covered at a prior deposition of 23 Ms. Gallo, but you can answer. 24 A. I have to review the document again before 25 I --</p>
<p style="text-align: right;">Page 223</p> <p>1 start by going to the rest of the free-standing 2 stack you had. Just so we have a clear record of 3 what was here that's not in the binder, and then 4 that might trigger some memory. And then I'll give 5 you a chance to look through the binders as well. 6 A. Okay. 7 Q. One of the things that you had -- 8 MR. BROMBERG: Maybe I can -- maybe I can 9 ease this along. She doesn't have anything 10 different on TEM testing from the last time she 11 was questioned about this at her deposition. 12 So to the extent that we have information on 13 TEM testing, that -- those documents were 14 introduced, and she was questioned about them 15 at prior depositions. 16 Q. And I reviewed those depositions. That's 17 how, for instance, I have Exhibit 10, which we're 18 not going to have to mark, because that's your tab 19 here. The vendor information that wasn't produced 20 was new to me, but I want to make sure I didn't 21 misunderstand anything. If there's anything else 22 there, that I'm not missing it. I also printed out, 23 and we'll just mark it as Exhibit 60, every Bates 24 label identified by Avon in their supplemental 25 interrogatories about testing and looked through</p>	<p style="text-align: right;">Page 225</p> <p>1 Q. Sure. 2 A. No. 3 Q. And what signific -- well, first, is this 4 a document that Avon had available to them during 5 any of the years when they were using talc in their 6 body products; so from 2000 to earlier? 7 A. I believe this article is from 2017. 8 So -- 9 Q. Okay. 10 A. It's from 2017. 11 Q. Okay. What's the significance of that 12 document if I need -- to Avon? 13 A. It was -- 14 MR. BROMBERG: Same objection. You can 15 answer. 16 A. Okay. It was an outside testing agency's 17 assessment of -- and of the history of cosmetic 18 talc. And, you know, I thought it was a really 19 important article to read and to continue building 20 my knowledge bank on the subject. 21 MR. BROMBERG: She's asking you 22 specifically what in the study is relevant to 23 you. 24 A. There's a lot of stuff on -- in the study. 25 This particular article of interest -- I was</p>

<p style="text-align: right;">Page 226</p> <p>1 interested in learning more about the cleavage 2 fragments, and that's why I have the asterisk there. 3 So that particular piece was extremely important and 4 -- hold on. And again, it was -- it was an 5 assessment of, you know, different products that 6 were tested and so forth. And there was no asbestos 7 found in any of them. So that was also very 8 important. There was no information on TEM in here 9 as well. And again, from everything I've read, you 10 know, TEM and J4, dash, 1 corroborate. So again, it 11 was -- those were some key points that I -- and 12 again, there was no asbestos found in any of the 13 products that were tested. So -- 14 MS. DEAN: I'll object to the speculation 15 part. 16 Q. But in terms of understanding Avon -- 17 Avon's position, is Avon claiming that they are in a 18 place to, as a company, identify whether, based on 19 current knowledge, talc, asbestos, asbestiform, 20 non-asbestiform, or cleavage fragments present 21 health hazards? 22 MR. BROMBERG: Objection to form; calls 23 for expert testimony. 24 A. Avon is a cosmetic company. We're not in 25 the business of asbestos. We took a very firm</p>	<p style="text-align: right;">Page 228</p> <p>1 sophisticated smart folks, intend to, in this trial, 2 give opinions about when, and if asbestos, cleavage 3 form fragments, asbestiform, non-asbestiform, or 4 talc fibers can cause harm? 5 MR. BROMBERG: Don't answer that question. 6 Objection to form. Calls for expert testimony. 7 Calls for attorney work product. We've -- 8 we've already identified experts in this case, 9 and identified the areas in which they intend 10 to testify. And our discovery answers also 11 refer to the opinions of our experts on these 12 issues. 13 Q. And my question is: Is Avon intending to 14 give opinions on the subjects I just identified, as 15 a company? 16 A. Again, there will be expert opinions 17 offered in -- in -- on the subjects that you just 18 mentioned. 19 Q. And I understand in litigation that folks 20 hire experts. I'm just wondering if you, as the 21 company representative for Avon, intend to give 22 those opinions? 23 MR. BROMBERG: Does she intend to offer 24 expert opinions at trial, no. 25 Q. Okay. At Avon --</p>
<p style="text-align: right;">Page 227</p> <p>1 approach to have a zero-tolerance policy. So we 2 didn't need to worry about that. 3 MS. DEAN: Object to non-responsive, and 4 ask my question again. 5 Q. Is Avon, as a company, taking the position 6 that they are able to evaluate whether asbestos, 7 talc, non-asbestiform products, cleavage fragments, 8 or asbestiform products cause health hazards? 9 MR. BROMBERG: Objection to form. Calls 10 for expert testimony. 11 A. Avon's approach is to have a 12 zero-tolerance policy. So there's no -- there's no 13 asbestos in our products. And so, again, that is -- 14 that is our -- our approach and our stand. So we 15 don't -- we don't have to worry about that, because 16 we don't have asbestos in our products. 17 MS. DEAN: I object to non-responsive and 18 speculation. 19 Q. Big debate about whether that's right or 20 not, especially for certain years in certain 21 products. And so I want to avoid that, and just 22 focus on our question to determine whether at trial 23 you are going to indicate expert opinions or not. 24 And so my question is this: Does Avon, as a company 25 who does have experts in it, toxicologists chemists,</p>	<p style="text-align: right;">Page 229</p> <p>1 MR. BROMBERG: She is not designated as an 2 expert. She is designated as a corporate 3 representative. 4 Q. Avon certainly has expertise through 5 individuals they hired for decades in toxicology, 6 chemistry. On the products that they chose to sell 7 not only to the American public but often worldwide; 8 right? 9 MR. BROMBERG: Objection to form. 10 A. Do we have toxicologists that work at 11 Avon, yes. We have toxicologists that work at Avon. 12 Q. And chemists? 13 A. We have chemists. I'm a chemist. 14 Q. Okay. And so you talked about how you 15 wanted to learn about cleavage fragments. So that 16 triggers a concern I have. Is Avon intending to 17 hold itself out as a company prepared to indicate 18 when there are health risks related to asbestos or 19 talc? 20 MR. BROMBERG: Objection to form. Calls 21 for expert testimony. As I've -- as I've 22 already answered, we are -- we are not waiving 23 testimony on -- on any expert issue in this 24 case. Our experts will testify on -- on those 25 particular issues.</p>

<p style="text-align: right;">Page 230</p> <p>1 Q. Let me add on through you as the corporate 2 representative, as opposed to hired experts in the 3 case. I'm only trying to figure out what you are 4 going to give opinions -- 5 A. Again -- 6 Q. -- as Avon's representative? 7 A. -- as Avon's representative, my position 8 is very clear. That Avon took the position of 9 zero-tolerance policy. We're not in the business of 10 putting asbestos in formulas. So as an Avon 11 company, we are just not going to have asbestos in 12 our products. And as Neil said, you know, there 13 will be experts to testify to that. Our position is 14 very, very clear: No asbestos in our products. 15 MS. DEAN: Object to non-responsive and 16 ask again. 17 Q. My question is not whether you were 18 successful or not in keeping asbestos out, or what 19 your policy was in that regard. I do have questions 20 for that. That is not the question now. I do not 21 want to be surprised at trial. And so I'm asking 22 the question: If Avon, through its corporate, 23 meaning you -- 24 A. Right. 25 Q. -- intends to give opinions about when and</p>	<p style="text-align: right;">Page 232</p> <p>1 MR. BROMBERG: You're trying to get her to 2 concede some -- some issue -- 3 MS. DEAN: Do not interrupt me. 4 MR. BROMBERG: -- to which we are not 5 conceding. 6 MS. DEAN: Do not interrupt me. 7 MR. BROMBERG: Could you lower your tone, 8 Counsel. I have not -- 9 MS. DEAN: My tone is perfectly clear. I 10 have never interrupted you, and if I did -- 11 MR. BROMBERG: Your tone is very clear. 12 MS. DEAN: -- I would say I'm sorry. 13 You have done it repeatedly in calls and 14 on this deposition. I'm asking you as a 15 professional courtesy: Stop interrupting. 16 MR. BROMBERG: I was not interrupting, 17 Counsel. And if I was, I do sincerely 18 apologize. 19 MS. DEAN: I appreciate it. I am not -- I 20 do not appreciate anybody saying that I play 21 games particularly given what posture Avon is 22 at this moment. 23 I'm particularly trying to determine if 24 she plans on talking about whether Pierce is a 25 quality article as an expert. It is a</p>
<p style="text-align: right;">Page 231</p> <p>1 if asbestos, talc, or cleavage fragments cause 2 health harm? 3 A. No. 4 MR. BROMBERG: Wait. Object. 5 THE WITNESS: I'm not going to give that 6 opinion. 7 MR. BROMBERG: Okay. No. But I want to 8 be perfectly clear on the record. She's -- 9 she's playing games and trying to back us into 10 a position for trial. We have experts who are 11 going to talk about the health hazards of 12 asbestos, frequency, length of use, dose, 13 exposure, all those -- all those issues. Okay. 14 We are not waiving anything in that regard, and 15 Ms. Gallo is not presented as an expert witness 16 on those issues. She's here as a corporate 17 representative to talk about these issues with 18 respect to the company. You know, the company 19 history and how the company address the issue 20 of possibility of asbestos and talc. 21 MS. DEAN: Dinosaur. 22 I take offense to playing games. I've 23 been real clear. I'm not asking about who your 24 experts are or are not doing, but I'm trying to 25 figure out what --</p>	<p style="text-align: right;">Page 233</p> <p>1 legitimate question. It is not a game. Your 2 objections directly violate the Oklahoma rules 3 of evidence -- 4 MR. BROMBERG: That's not -- 5 MS. DEAN: -- and suggesting to your 6 witness that I'm doing something other than 7 being completely ethical, and engaging in games 8 is not allowed under the professional rules in 9 Oklahoma, period. 10 MR. BROMBERG: Okay. Well, we have a 11 difference in opinion if what you're trying to 12 do, Counsel. 13 Q. Do you know or has Avon investigated 14 whether Dr. Pierce or, more broadly, ChemRisk is a 15 questionable or good source of scientific 16 literature? 17 A. No. 18 Q. Have you done any research on whether 19 ChemRisk in particular has been evaluated both in 20 published literature and books as being doubt 21 scientists that have really problematic scientific 22 studies? 23 MR. BROMBERG: I object. Lack of 24 foundation. She's -- don't answer that 25 question. Ask her questions -- you know, this</p>

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1 is related to -- you're trying to take what the
2 lawyers do in terms of designating experts and
3 trying to translate that somehow to have our --
4 ask improper questions of our witness. So
5 let's move onto a substantive question.
6 MS. DEAN: Dinosaur.
7 Q. Are you going to follow that instruction?
8 A. I'm going to, yes.
9 Q. Have you ever read the book, Doubt is Your
10 Product or Doubt is Their Product? I apologize.
11 A. No, I have not.
12 Q. Do you know David Michaels?
13 A. No, I do not.
14 Q. He was the former head of OSHA. I didn't
15 know if that provided context. It might have made a
16 difference. Okay.
17 A. No. I didn't read it.
18 Q. In terms of Avon as a company, not through
19 their experts, evaluating the testing methods or
20 legitimacy of the work done by the Pierce article
21 that you referenced, are you in a position to
22 comment on that?
23 MR. BROMBERG: Objection to form.
24 A. To comment on this. Again, I read the
25 article.

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1 Q. Right.
2 A. I'm not -- you know, I'm not in a position
3 to comment on it. I read the article. It's part
4 of, you know, my continued participation as a
5 corporate witness. There's lots of -- I'm a
6 scientist. I get lots of articles in front of me on
7 lots of different subjects. This is one of them.
8 Q. Okay. I'm going to take out your copy of
9 the notice, because I don't think that needs to be
10 included. But I saw a series of documents looking
11 at different testing done on talc and one of --
12 provide those to you in a moment, but confirm that
13 none of these involved TEM testing, because I know
14 that's one thing that you want to make sure we
15 haven't missed anything. And I'd also like to, kind
16 of, mark them as a group as Exhibit 76.
17
18 (Plaintiffs' Exhibit 76, TESTING
19 DOCUMENTS, was marked for identification.)
20
21 Q. Actually, I'm going to keep the binder off
22 just so you can flip through them more easily in
23 there. Then we can put them back on.
24 MR. BROMBERG: So what is -- is there a
25 question pending?

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1 MS. DEAN: Yes.
2 THE WITNESS: What was the question?
3 Q. I'll paraphrase. But it was just
4 referencing whether any of this had anything to do
5 with TEM testing?
6 A. No. No. No.
7 Q. Okay. And then there were --
8 A. Do you want them back or --
9 Q. There was the expert witness list from
10 this case, Pipes, which I'm going to set aside,
11 because that's been filed. And then three expert
12 reports, I think, that were produced by Avon in
13 other cases. Is that your understanding of what the
14 Moolgavkar, M-O-O-L-G-A-V-K-A-R, Drew Van Orden
15 [ph.] And Bolter reports?
16 A. Yes.
17 Q. Okay. This is part of the reason I wanted
18 to ask you about the scope of your opinion. Do you,
19 as Avon's corporate representative, intend to weigh
20 in on the validity of these expert issues?
21 A. No.
22 Q. Is there any other -- is there any -- I've
23 marked these as Exhibit 77.
24
25 (Plaintiffs' Exhibit 77, DOCUMENTS, was

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1 marked for identification.)
2
3 Q. Why did you bring these with you today?
4 A. They are part of what I -- I reviewed as
5 -- in preparation. So just put them in my pile.
6 Q. And, I guess, what I'm wondering is: Why
7 are the expert scientific or medical issues
8 something that you're reviewing as a corporate
9 representative?
10 A. It's really more to be familiar with what
11 is being done. Not necessarily for me to share my
12 knowledge in association with these, but to have an
13 overarching knowledge of the other parts of this --
14 this case.
15 Q. Are you, on behalf of Avon, involved in
16 the vetting process of the experts to see whether
17 they're good scientists, quality scientists?
18 A. I'm not.
19 Q. Okay. Then the next few documents I see
20 include an article called "Asbestosform Impurities
21 in Commercial Talcum Powders."
22 What is the import of this document?
23 MR. BROMBERG: Objection to form.
24 A. It's just a general document, again, on
25 commercial talcum powders.

<p style="text-align: right;">Page 238</p> <p>1 Q. So is that article -- this safety asbestos 2 of talc as used this cosmetics from Fiume, 3 F-I-U-M-E, and others and the document that you have 4 in your hands, are these just reference materials to 5 give you general background, or do they have some 6 other -- 7 A. Well, this is the Bowling Green study, 8 which, you know, was again part of the -- thoroughly 9 understanding of talc. And that's -- that's what it 10 references. 11 Q. And what I'm trying to understand was: Is 12 Avon -- are you educating yourself about talc 13 broadly in order to give opinions in this case or as 14 a corporate representative or for what purpose? 15 A. Again, I'm not an expert. I am -- as a 16 corporate representative, it's my responsibility to 17 understand -- you know, it's my responsibility to 18 understand, as broadly as I can, the topics of 19 discussion. And, you know, my preparation is to 20 review any relevant information, not to give my 21 opinion as an expert. 22 Q. And here's where I want to make sure we're 23 on the same page. 24 So you -- I have scientific data well 25 after last date of exposures in this case, including</p>	<p style="text-align: right;">Page 240</p> <p>1 And what's understood about them in a published 2 literature from 2015. 3 A. Right. 4 Q. Now, I understand that you, as the 5 representative from Avon, are going to talk about 6 what methods you used, and what's known about these 7 methods in your internal documents. What I'm 8 concerned is that you're also intending to weigh in 9 on which method does what based on scientific 10 opinions in the literature now. 11 A. Again, there's experts that are going to 12 do that. 13 Q. Are you? 14 A. No. 15 Q. Okay. I don't think we need to mark that. 16 You just have a two-page, looks like, typewritten 17 document of possible Avon talc suppliers. Do you 18 know where this came from? 19 A. Yes. This was prepared by my counsel. 20 Q. So Avon lawyers prepared it? 21 A. Yes. 22 MR. BROMBERG: I'll represent that it was 23 -- I served it from prior discovery responses, 24 and it wasn't prepared specifically for this 25 case. It was prepared in another case where we</p>
<p style="text-align: right;">Page 239</p> <p>1 your material. I'm looking at one example, safety 2 assessment of talc as used in cosmetics, talking in 3 2015 about the J4 method and whether it's good or 4 not. 5 A. Right. 6 Q. And that's something you not only reviewed 7 but highlighted? 8 A. That's correct. 9 Q. Do you intend to come into trial and 10 discuss post-exposure knowledge, meaning after Mrs. 11 Pipes stopped using Avon's products, to discuss the 12 validity of methods that were used by Avon years ago 13 based on what's in scientific literature in the last 14 ten years? 15 MR. BROMBERG: Objection to form. Calls 16 for attorney work product. You can answer if 17 you know. 18 A. I'm not sure I understand the question the 19 way that it was asked. Could you just ask it, maybe 20 again, in a different way. Are you saying: Am I 21 going to use this information about J4, dash, one? 22 I mean -- 23 Q. This is just by way of an example. But 24 you have highlighted a section called analytical 25 methods talking about the different testing methods.</p>	<p style="text-align: right;">Page 241</p> <p>1 were asked to identify all potential suppliers 2 over a period of time. 3 Q. Do you know what time frames or -- if any 4 -- if any -- 5 MR. BROMBERG: I believe -- I believe it 6 was 1972 to about 1992 or so. 7 MS. DEAN: Okay. And is it for any and 8 all products or just a random -- 9 MR. BROMBERG: It was just a general list 10 of -- you know, try to come up with a list of 11 all potential suppliers. 12 MS. DEAN: Okay. Okay. I don't think we 13 need that. 14 I'm going to mark as exhibit -- 15 MR. BROMBERG: The highest number we have 16 so far is 77. 17 MS. DEAN: Trying to remember if we had a 18 77. 78. 19 20 (Plaintiffs' Exhibit 78, DISCOVERY 21 RESPONSES, was marked for identification.) 22 23 MS. DEAN: What appears to be a two-page 24 document. This is discovery responses from 25 Avon in earlier cases.</p>

<p style="text-align: right;">Page 242</p> <p>1 A. This is information on the associates that 2 worked for Avon and the different memberships. 3 Q. Is it prepared by Avon? 4 A. It was prepared by our counsel. 5 Q. Okay. And so if I want to read that and 6 get an understanding, this represents Avon's work in 7 order to answer questions about, I think, trade 8 organizations that different individuals were in? 9 A. Yes. 10 MR. BROMBERG: And that was one of your 11 topics for your notice; so she brought it with 12 her. 13 A. And I like this as a reference to make 14 sure -- there's a lot of people that -- I don't know 15 them personally. So it helped me understand Avon 16 associates, as well. 17 Q. And if I want to rely on it to just get an 18 understanding of which associates were involved in 19 different organizations, you and your lawyers have 20 worked to compile that list, and it's now marked as 21 Exhibit 78? 22 A. Yes. 23 Q. Okay. And then it looks like the final 24 two documents you have here -- I'll hand you one -- 25 is an April 1, 1991, document that shows two tests</p>	<p style="text-align: right;">Page 244</p> <p>1 tell. 2 A. Yes. It was after Vince received the 3 letter. Then he wrote a letter to his boss, Mike 4 Dickens. 5 Q. Okay. If we include that just in the 6 front cover of that notebook. So that it's the 7 first -- or maybe the back cover so it's the last 8 page of Exhibit 75, would that be okay by you since 9 it relates to McCrone testing? 10 A. Sure. 11 Q. Okay. 12 A. Do you want to -- is it numbered? Do you 13 want to put a number on it? Oh, no. You just said 14 that you're keeping it in that. Okay. Gotcha. 15 Q. And the reason I was going to lump it with 16 Exhibit 75 is that does relate to additional McCrone 17 testing. 18 A. Yes. 19 Q. Right. 20 Okay. And then the last document I saw in 21 the pile that I took from you looks like it's some 22 testing done using scanning electron microscopes, 23 not TEM. Would you agree with that? 24 A. Yes. 25 Q. Okay. And so in Exhibit 60 which, again,</p>
<p style="text-align: right;">Page 243</p> <p>1 done by McCrone on TEM -- by TEM, and that's a 2 document. It's also included in exhibit -- 3 A. That was the one I was thinking of. So 4 that was -- 5 MR. BROMBERG: Are you asking her if it's 6 included in that binder? 7 MS. DEAN: I think it is, but let me 8 double-check. I know it's in Exhibit 60. 9 MR. BROMBERG: Are you marking this as an 10 exhibit? 11 MS. DEAN: Only -- yeah. You can confirm. 12 Q. So that's the same document as tab 15 in 13 Exhibit 75, right, or the same results? 14 A. Yes. 15 Q. And I've only looked at this -- 16 MR. BROMBERG: Just let her -- 17 Q. I've only looked at this quickly. So can 18 you please confirm. 19 A. Okay. Hold on. 20 MR. BROMBERG: Are you asking her if this 21 is the same exact document or the same -- 22 A. This first page is the same document 23 that's in here. This back page is not. So -- 24 MR. BROMBERG: She's asking you if you 25 know if it relates to the same test, if you can</p>	<p style="text-align: right;">Page 245</p> <p>1 is just the testing that your lawyers put together 2 and the interrogatory response I just pulled the 3 exhibits, and in your McCrone book, I see those two 4 tests done on TEM that are marked as exhibit on Tab 5 15 in Exhibit 75, I also see the McCrone testing 6 done on your suppliers that we referenced as an 7 earlier exhibit. I'm welcome to give you a break. 8 I'm just wondering if I'm missing anything else? 9 MR. BROMBERG: And I would just raise an 10 objection to the record that she has been 11 questioned on prior TEM testing and what 12 documents Avon had at prior depositions. So to 13 the extent there are other documents, they 14 would have been referenced at those other 15 depositions if there are any. 16 Q. I don't think I'm missing anything, but 17 there -- you wanted to get through this. 18 A. Yeah. I feel better that you have these 19 two, because these are the two that I was thinking 20 of. 21 Q. Okay. And the two are ones that's talking 22 about scanning electron? 23 A. SEM and TEM. 24 Q. And then the second is the TEM that is now 25 part of Exhibit 75, and is the same results that</p>

<p style="text-align: right;">Page 246</p> <p>1 were being discussed in Tab 15? 2 A. Yes. 3 Q. Okay. 4 MR. BROMBERG: Same qualification as I 5 raised before. 6 Q. And I know you said you feel better, but 7 do you want to take any additional time to see if 8 you've missed any other tests? 9 MR. BROMBERG: I'm just going to, again, 10 raise an objection on the record. She's been 11 asked extensively at prior depositions about 12 the date that Avon had on TEM testing, and 13 those documents made to her prior deposition. 14 A. So they should be there. 15 Q. This is not meant to be a trick. If more 16 time is needed, if Counsel thinks I've missed 17 something, I want to make sure I understand, a clean 18 record, were there any other testing results than 19 the one that we've talked about. And so if you 20 think referencing to the other transcripts that I 21 missed something, or if you want to take more time, 22 I'm happy to do that. Right. I spent a lot of time 23 to make sure I haven't missed anything, and if you'd 24 like to verify whether you're aware of anything else 25 right now.</p>	<p style="text-align: right;">Page 248</p> <p>1 THE WITNESS: 53. 2 Q. And then Exhibit 54 is similar vendor 3 information. 4 MR. BROMBERG: So what are you 5 representing these to be, Counsel? 53 is -- 6 MS. DEAN: Give her a second to look. 7 Exhibit 53 has, at the top, Cyprus Industrial 8 Minerals Sales Analysis. And then I pulled out 9 the pages that reference Avon products, for 10 instance, on the first page. It shows a 11 customer number, Avon Products, Inc., and then 12 identifies both Supra and All Talc 200 and the 13 tonnage sold. 14 MR. BROMBERG: And Olympic. 15 Q. Do you see that? 16 A. Yes, I see Olympic. Looks like -- could 17 be Venezuela. I don't know. 1705 and All Talc 200. 18 Yes, I do. 19 MR. BROMBERG: I'll just raise a general 20 objection to the extent that this document has 21 not been produced to Avon in this case, but you 22 can answer. 23 MS. DEAN: Dinosaur. 24 Q. Is this something that had been provided 25 to you by Avon's counsel or otherwise for you to</p>
<p style="text-align: right;">Page 247</p> <p>1 MR. BROMBERG: Well, I don't think it's 2 fair to make her go try to reconstruct what she 3 previously testified to. Her testimony stands 4 from those prior depositions as to TEM testing 5 done by Avon. She may not have brought all 6 that with her, but they were attached as 7 exhibits to her prior depositions. 8 Q. Okay. With that comment by Counsel, is 9 there anything else that you can think of? 10 A. No. 11 Q. I want to hand you Exhibits 53 and 54. 12 These are documents -- Exhibit 53 that I obtained 13 from Cyprus about Avon Talc. 14 15 (Plaintiffs' Exhibit 53, CYPRUS INDUSTRIAL 16 MINERALS SALES ANALYSIS, was marked for 17 identification.) 18 19 (Plaintiffs' Exhibit 54, SUPPLY RECORDS, 20 was marked for identification.) 21 22 MR. BROMBERG: About what? 23 Q. About Avon talc. 24 MR. BROMBERG: Okay. So what document is 25 this?</p>	<p style="text-align: right;">Page 249</p> <p>1 review before this deposition? 2 A. No. 3 Q. Okay. 4 MR. BROMBERG: I just stated for the 5 record that we haven't received it from Cyprus. 6 So -- 7 Q. And if you look, you can see that these 8 show sales -- the first page is 1979, and the last 9 page is 1987. 10 Do you see that? 11 A. Yes, I do. 12 Q. Are you aware for Olympic, Supra, or All 13 Talc is used in anything, other than body powder 14 sold by Avon, during this time frame? 15 A. I would have to do a where-used search on 16 it. 17 Q. I'm sorry. Say that again? 18 A. I have to do a search on it. You know, 19 there's -- we use talc and other products. So I'd 20 have to -- I'd have to do a search to see if it was 21 used in any other products. 22 Q. So it may be something that you can 23 determine, but as you sit here now, you don't know? 24 A. I don't know. 25 Q. Okay. In -- okay. I think you earlier</p>

<p style="text-align: right;">Page 250</p> <p>1 identified what number Supra corresponds with based 2 on your chart. Do you mind telling me again. We 3 don't have two copies of the chart. 4 A. I think it's -- 5 MR. BROMBERG: She's asking you about 6 Supra. 7 A. Supra is -- I'm getting confused. 8 MR. BROMBERG: She's asking you based on 9 the chart, Lisa. 10 Q. Yeah. I thought earlier you had 11 referenced a chart to identify -- 12 A. Yeah. It was Olympic 0752. Is that 13 right, or am I wrong? 14 MR. BROMBERG: Well, take a look at the 15 chart. She's asking you about Supra. 16 I believe it was the -- do you have the -- 17 did you still have the discovery responses? 18 THE WITNESS: Hold on. I do, yes. 19 MR. BROMBERG: Do you still have the ones 20 from Cyprus? 21 THE WITNESS: Hold on. Let me check. 22 MR. BROMBERG: That's -- those are -- 23 you're not finding anything on Supra in your 24 notes? 25 THE WITNESS: I was looking through my</p>	<p style="text-align: right;">Page 252</p> <p>1 MR. BROMBERG: I'm just trying to save 2 some time here. 3 THE WITNESS: Here it is, 0747. 4 Q. So after some effort, we found it. Supra, 5 which is a designation used by one of the vendors 6 for Avon corresponds with RI Code 0747 for Avon; 7 right? 8 A. That's correct. 9 Q. That's Italian talc? 10 A. Yes, it is. 11 Q. Okay. If I looked at your answers in 12 discovery, the indication provided by Avon for Topaz 13 and Timeless is that Italian talc stopped being used 14 in 1976. Did you read the same thing? 15 MR. BROMBERG: For those products. 16 A. Yes. For these -- she said Topaz and 17 Timeless, yes. 18 Q. Do you -- well, first of all, have you 19 reviewed documents that it was -- sorry. Do you 20 have any explanation for why tons and, literally, 21 tons of Italian talc are being purchased by Avon 22 through Cyprus after '76, meaning, again, these 23 records are '79 through '87, what would it be used 24 for? 25 MR. BROMBERG: Objection to form. Beyond</p>
<p style="text-align: right;">Page 251</p> <p>1 notes. Actually, I wanted to see if you've 2 given me something that might be on that chart 3 that you gave me earlier. 4 MR. BROMBERG: If you don't have 5 information on Supra, then you don't have 6 information on Supra. 7 THE WITNESS: I don't have which code it 8 correlates to. I'm sorry. But I know it. I 9 talked about it before. I just can't find the 10 correlation to the Avon code. Maybe if I look 11 through some formulas, I can find it. 12 MR. BROMBERG: Do you want her to keep 13 looking? 14 THE WITNESS: I can keep looking. 15 MS. DEAN: Let me see if I can find it 16 while she's looking. I have in my notes that 17 Supra is Italian 0747, and it's based on AV 18 Pipes 2775. I don't know if that's something 19 you can find. 20 MR. BROMBERG: Is that a formula? 21 MS. DEAN: I don't know. 22 THE WITNESS: Let me look at the RI specs. 23 MR. BROMBERG: Look at the RI Spec 0747. 24 MS. DEAN: I don't mind a group effort 25 here.</p>	<p style="text-align: right;">Page 253</p> <p>1 the scope. 2 A. Yeah. Again, I'd have to go and do a 3 search to see what other types of products it was 4 used in. Talc is a very common raw ingredient used 5 in cosmetic products. 6 MS. DEAN: Object to non-responsive. 7 Q. And I just ask: In terms of what you 8 know, are you aware of what the tons of Italian talc 9 being bought by Cyprus from '79 to '87 was being 10 used in? 11 A. I don't have that information with me 12 right now, no. 13 Q. I'm going to hand you -- 14 MS. DEAN: You can tell it's getting later 15 in the day. I'm getting sloppy here. Do you 16 have the last exhibit number? 17 MR. BROMBERG: It was 54, but you didn't 18 ask any questions about it. 19 Q. You know what, never mind. 20 I'm going to hand you what I'm going to 21 mark as Exhibit 60 [sic]. 22 23 (Plaintiffs' Exhibit 80, TWO-PAGED LETTER, 24 was marked for identification.) 25</p>

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1 Q. I apologize. I only have one copy of
2 this. I'll hand it to Counsel first. But because I
3 only have one copy, I'm going to ask the question
4 while I have the document before I give it to you.
5 One of the things that we know 0747
6 Italian talc was being used for, even after it was
7 out of the formulas for Timeless and Topaz in '76,
8 was in replacement for 0752 and perfume talcs; is
9 that correct?
10 MR. BROMBERG: Don't answer yet. Let me
11 take a look. Let me take a look at this
12 document. Did you mean to hand us both of
13 these documents?
14 MS. DEAN: Yes.
15 MR. BROMBERG: I'll just raise a general
16 objection to questioning on this document as
17 Ms. Gallo has previously been questioned about
18 this document at prior depositions. You can
19 answer. Actually, if you could restate the
20 question again, please, or have it read back.
21 Q. You don't mind handing it to me. I'll
22 state it and hand it back to you after you had a
23 chance to review. They are both relatively short.
24 A. Here you go.
25 Q. And what we've -- the two pages we've

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1 marked as Exhibit 60 are Avon records, one from
2 October 1977, one from the next year, April 11,
3 1978, indicating that Italian talc, the Supra or
4 0747 can be used as a replacement for the Olympic
5 0752; right?
6 A. Yes. It reference a short period. So it
7 must have had oversales, and they qualified those
8 other two talcs as replacements.
9 Q. Yeah. It looks like there are some kind
10 of supply problem --
11 A. Yes.
12 Q. -- or surplus problem in sales and so that
13 they're for perfume talcs, finding another source,
14 and that source, or at least one of them approved is
15 Italian talc?
16 A. Yes.
17 Q. And to make it clear for those of us who
18 haven't been living and breathing these codes: The
19 code that was used for Timeless and Topaz, which are
20 perfumed talcs, are implicated here, because they
21 were using 0752. And they are saying, Hey, for
22 those products, including other perfume talcs, you
23 can use Italian during this period of time.
24 A. If there a short, yeah. If is there a
25 supply issue.

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1 Q. Outside of what we've marked as Exhibit
2 60, are you prepared to tell me any other reason for
3 the use of Supra 0747 Italian talc between the
4 '79/'87 time frame?
5 MR. BROMBERG: Objection. Asked and
6 answered.
7 A. Yeah. I don't have any of that. I just
8 have the specifics codes -- the specific fragrance
9 of talcs we are talking about today.
10 Q. Okay. And I hand you Exhibit 74 -- excuse
11 me -- 54, which is a similar document to 53. They
12 are supply records. In this case, they are customer
13 specification sheets for Olympic talc and Supra sold
14 to Avon.
15 Do you see that?
16 MR. BROMBERG: Let her -- let her -- this
17 is a long document. Let her take a look
18 through the document.
19 MS. DEAN: Of course.
20 A. Yes. I see it was All Talc 200, as well.
21 Q. And this kind of answers an earlier
22 question we were looking at. It was whether it was
23 just All Talc 200 or also 400.
24 A. Yes.
25 Q. But in terms of -- well, first of all,

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1 have you seen Exhibit 54 before I showed it to you
2 today?
3 A. No, I have not.
4 Q. Okay. And so if I want to know what
5 products this was being used in, at least for the
6 time frames leading up to 1989, whether it was used
7 for body powders, either the shaker talcs or the
8 beauty dust, is that something you can answer right
9 now?
10 MR. BROMBERG: Objection to form. Beyond
11 the scope of this deposition, and the Court's
12 order in this case. You can answer if you
13 know.
14 A. I can only answer for Topaz and Timeless
15 during that time frame.
16 MR. BROMBERG: And I'd also object that
17 this is not a document that's been produced to
18 Avon in this case. It has a Bates stamp of
19 Lehman. I don't know what case that is, but
20 it's not case that Avon's been involved in.
21 Q. But even if I wanted to limit it to
22 Timeless and Topaz, which I don't necessarily want
23 to. But even if I did, if I wanted to know whether
24 the All Talc 400 and Supra and Italian talc were
25 being supplied by Cyprus to Avon -- were being used

<p style="text-align: right;">Page 258</p> <p>1 in those products, outside of the document I showed 2 you about the surpluses, which is Exhibit 60, do you 3 have any other information on that? 4 MR. BROMBERG: Objection to form. 5 A. No, I do not. That would be -- you know, 6 again, that would be in a batch record, which is 7 very long gone. They are very old. So -- 8 Q. Okay. Even if I wanted to understand the 9 more elementary question of were these particular 10 talcs that we know were used for years, and we have 11 a document for '07 going back to 1961 body talcs 12 logically used for any other product other than the 13 body talcs, is that something that you know in this 14 time frame where we see Cyprus selling in the '70s 15 and '80s tons of this stuff? 16 MR. BROMBERG: Objection to form. Asked 17 and answered. 18 A. For other products other than Timeless and 19 Topaz, I don't know that information here with me. 20 Q. Okay. And I don't even mean products as 21 in Timeless, Topaz, and Unforgettable. I just mean 22 classifications. Was 0747 used for eye makeup -- 23 A. That, I'd have to go back and look. I'd 24 have to do, you know -- again, like I said, talc is 25 a commonly used raw ingredient. It could be used in</p>	<p style="text-align: right;">Page 260</p> <p>1 that right now. I'm sorry. 2 Q. So I'll just ask it this way. Are you 3 familiar with seeing any reports or testing data by 4 Dr. Longbo or Dr. Compton [ph.], as you sit here? 5 A. What was the second doctor? 6 Q. Compton? 7 A. I'm sorry. I've seen so much stuff. I'd 8 rather, like, see the document to see if it jars my 9 memory. 10 Q. Okay. 11 MR. BROMBERG: I'll just state for the 12 record: She has not -- she has not reviewed 13 analytical results by plaintiff's experts in 14 cosmetic talc litigation. In the Cosmer [ph.] 15 Case, she did review product photos taken by 16 Dr. Longbo of alleged Avon products that he 17 has reportedly tested. 18 Q. Okay. Part of what -- and I think this 19 might help to make sure you're not missing anything. 20 And I get why you have that -- I'm not -- 21 A. No. I -- 22 Q. And I don't -- I brought a lot of with me. 23 A. It's hard to recall Dr. -- there's a 24 million names here. So I just want to be clear. 25 Q. So Counsel has indicated that reports or</p>
<p style="text-align: right;">Page 259</p> <p>1 many different types of product. I have to do the 2 assessment. 3 Q. Okay. And have you done that yet? 4 MR. BROMBERG: Objection to form. That 5 calls for -- in this case, moot. 6 A. No. 7 Q. Have you reviewed any Longbo's testing on 8 Italian talc, Dr. Longbo? 9 MR. BROMBERG: Objection. Misstates 10 facts. 11 A. I'm trying to remember Dr. Longbo. Can 12 you give me a little bit more information so I 13 can -- 14 Q. Dr. Longbo has done testing on end 15 products that used Italian talc and has been 16 involved in cases, including cases that you've been 17 involved in, Jenkins and his -- 18 MR. BROMBERG: Dr. Longbo was not an 19 expert in the Jenkins case. 20 MS. DEAN: I think you're misstating on 21 that. 22 MR. BROMBERG: No, I'm not. He wasn't an 23 expert in that case. 24 A. If you can show me the documents. I mean, 25 I will refresh my memory. It's hard to just recall</p>	<p style="text-align: right;">Page 261</p> <p>1 -- for instance, Johnson & Johnson testing by Dr. 2 Longbo is something you have not seen. You're not 3 a-hundred-percent sure without seeing it yourself. 4 But do you -- do you take his word for that -- 5 A. Well -- 6 Q. -- on that? 7 A. -- you just helped me understand. You 8 just said Johnson & Johnson testing, and I have not 9 seen anything. 10 Q. And you haven't seen any of his reports, 11 that you're aware of? 12 A. No. 13 Q. Okay. 14 MR. BROMBERG: With respect to Johnson & 15 Johnson. 16 A. No. 17 Q. I thought you indicated she'd seen photos 18 but not reports? 19 MR. BROMBERG: I said she's seen photos of 20 products that he's tested in the Cosmer case, 21 but not -- she hasn't evaluated any -- any of 22 the actual testing or the testing results that 23 either Dr. Compton or Longbo has done. 24 Q. Okay. I want to ask you some questions 25 about 0768, which is one of the talcs identified in</p>

<p style="text-align: right;">Page 262</p> <p>1 the Topaz products. Do you remember that? 2 A. Yes. 3 Q. I want to hand you Exhibit 51. 4 5 (Plaintiffs' Exhibit 51, LONG RANGE PLANS 6 FOR SOURCES OF GOOD TALC, was marked for 7 identification.) 8 9 Q. This is a document that Avon produced to 10 me dated June 19, 1972? 11 MR. BROMBERG: Is there a copy of that for 12 me? 13 Q. It's a memorandum to -- 14 MR. BROMBERG: What exhibit number is 15 this? 16 THE WITNESS: 51. 17 Q. It's a document about long-range plans for 18 sources of good talc in June of 1972 from Avon; 19 correct? 20 A. Yes. 21 Q. Okay. And it talks about how that they 22 are looking for, in the very first sentence, 23 criteria used in the selection of talc for loose 24 powder products, such as beauty dust and powder 25 sachets.</p>	<p style="text-align: right;">Page 264</p> <p>1 fragrance without change or distortion, and then it 2 goes on. 3 Do you see that? 4 A. Yes, I do. 5 Q. And so just the context to give a 6 framework here is looking for good -- source of good 7 talc for loose powder products; right? 8 A. Yeah. You know, again, good is really 9 vague. So I interpret this as aesthetically good 10 and able to retain a fragrance as what they are 11 looking for from a good point of view. 12 MS. DEAN: Okay. Objection to the 13 non-responsive portions. 14 Q. But -- then they go on to talk about, both 15 in the second paragraph and the conclusion, that at 16 least presently, meaning as of June 1972, that they 17 had found two acceptable sources: One that's a 18 domestic source, Code 0768, and the other that is 19 the Italian talc; right? 20 MR. BROMBERG: Objection to form. 21 A. Yes. 22 Q. And recommendations, they references the 23 two again, and they say, one from Hitchcock 24 Corporation in North Carolina, whose product we buy 25 from Whittaker, Clark & Daniels. And the other from</p>
<p style="text-align: right;">Page 263</p> <p>1 A. Sachets. 2 Q. Sachets. 3 MR. BROMBERG: Did you have a chance to 4 review the document? 5 THE WITNESS: No. I'm reviewing it now. 6 MR. BROMBERG: All right. Give her a 7 chance to review it, please. 8 MS. DEAN: Counsel, I'll ask that if you 9 want to go ask her to have time to review, I'm 10 happy to do that. But for a clean record, you 11 constantly interrupt me before I can finish the 12 question. And so I ask that you make that 13 request after I complete the sentence. 14 MR. BROMBERG: Okay. Well, you completed 15 the sentence. So I'm making a request now that 16 you give her an opportunity to review the 17 document. 18 MS. DEAN: Thanks. 19 THE WITNESS: Okay. 20 Q. So, first of all, the very first sentence 21 is there -- the basic criteria used in the selection 22 of talc for loose powder productions -- products, 23 and they specify the products as beauty dust and 24 powder sachets, have been certain physical 25 characteristics plus the ability to retain a</p>	<p style="text-align: right;">Page 265</p> <p>1 Windsor Mine, whose product is not available to us. 2 Do you see that? 3 A. Let me just review that sentence real 4 quick. 5 Q. Sure. 6 A. Yes. I see that. 7 Q. Okay. And Whittaker, Clark & Daniels, 8 we've already talked about, is a supplier or vendor 9 to Avon, including, we talked earlier, the supplier 10 of 0768? 11 A. Yes. 12 Q. Okay. And here, they're referencing that 13 as Hitchcock Corporation in North Carolina. 14 Do you see that? 15 A. Yes, I see that. 16 Q. And I know you said you were trying to 17 investigate the source of 0768. This is, at least 18 in my review, the only thing I could find. 19 Have you done any independent research to 20 determine anything about the Hitchcock North 21 Carolina mines? 22 A. I have 0768 listed as North Carolina. 23 Q. Yep. 24 A. The word "Hitchcock," I don't have, but I 25 have North Carolina.</p>

<p style="text-align: right;">Page 266</p> <p>1 Q. But in terms of just understanding what is 2 known about that mine in terms of what it's 3 impurities are, and when they've been tested, is 4 that something Avon has investigated, to your 5 knowledge? 6 A. Again, you know, our rule is to make sure 7 that the talc that we qualified as asbestos-free, 8 when we get it into our facilities, test that way. 9 We are not in the business of evaluating mines or 10 determining -- determining mines. We just ensure 11 that our product is asbestos-free. So the mines 12 were not -- you know, we weren't asking for specific 13 mines or anything. We just want to make sure our 14 product was asbestos-free when it came in. 15 MS. DEAN: And let me object to 16 non-responsive. 17 Q. I'm truly asking the limited question of 18 whether you know any research done by Avon on 19 Hitchcock Mines? 20 A. No. 21 Q. And then it goes on to say, in looking for 22 kind of a long-range plan for a source of good talc, 23 that two things are being considered: Joint 24 ventures with one or more of the companies should be 25 considered, and they list out companies above,</p>	<p style="text-align: right;">Page 268</p> <p>1 THE WITNESS: Good for me. 2 Q. We saw reference to Code 0777 in the Topaz 3 documents in the note. Do you remember that? 4 A. Yes. I remember it as an alternate -- it 5 wasn't listed in the formula. It was just a note in 6 the processing standard. 7 Q. And we've read -- looked at notes a couple 8 of times; right? 9 A. Yes. Uh-huh. 10 Q. I'm going to hand you Exhibit 18. I have 11 a copy for Counsel, as well. 12 13 (Plaintiffs' Exhibit 18, DOCUMENT, was 14 marked for identification.) 15 16 Q. And this indicates an Avon document 17 related to research and development for 1971. The 18 Sierra talc is authorized for use as a substitute 19 for blends in beauty dust and talcs, and it 20 identifies Sierra talc as 0777. 21 Do you see that? 22 A. I do. 23 MR. BROMBERG: Hold on. I just have an 24 objection for the record. That this was 25 another exhibit that was marked and used in the</p>
<p style="text-align: right;">Page 267</p> <p>1 including United Sierra [ph.], Archie Vanderbilt, 2 Charles Matthews, and others. 3 Do you see that? 4 A. Uh-huh. 5 Q. -- or Matthew. Sorry. 6 And then the second consideration that 7 Avon has in '72 is buying an interest in a company 8 that produces the North Carolina talc, Hitchcock 9 Corporation. 10 Do you see that? 11 A. I see that. 12 Q. Okay. That's all I wanted to ask you 13 about. 14 A. Again, this is just a memo that has made a 15 suggestion, but we never bought interest in any 16 company, raw ingredient company. 17 MR. BROMBERG: We've been going about an 18 hour. Can we -- 19 MS. DEAN: Let me -- 20 MR. BROMBERG: -- before you go onto 21 another area. 22 MS. DEAN: Yeah. Let me ask a couple of 23 more questions, and we'll take a break within 24 five minutes. Is that okay? 25 MR. BROMBERG: Okay.</p>	<p style="text-align: right;">Page 269</p> <p>1 deposition of Ms. Gallo, October 4th, 2017, and 2 questioning on this document is -- is in 3 violation of the Court's order in this case, 4 but you can answer. 5 A. What was the question? You just asked if 6 I read that that's what it says though. 7 Q. Basically. Yeah. And I did; correct? 8 A. Yes. 9 Q. Okay. And the next page also references 10 Syria Talc 0777 and Alabama Talc 0755 in the time 11 frame of September 1971 as being authorized to be 12 used in beauty dust and talcs. 13 Do you see that? 14 A. I see that, yes. 15 Q. Okay. As to first -- and 0755 is the 16 second document code that we saw in Topaz that 17 wasn't listed in Avon's responses to our request, 18 but was in the note section of the actual formulas. 19 Do you recall that? 20 A. It's actually -- you know, it's not part 21 of the formula, you know, to be really fair and 22 accurate. It not part of the formula. It is listed 23 on a processing standard, you know, as a possible 24 substitute, but it's not in the formula. So just to 25 be clear: There are temporary substitutions that</p>

<p style="text-align: right;">Page 270</p> <p>1 are allowed in instances where there could be a 2 supply issue, and they are temporary and removed 3 once that supply issue is overcome. They are not -- 4 it's not actually in the formula. 5 MS. DEAN: Object to non-responsive. 6 Q. What is actually written in the batch 7 formula says "Talc Code 0755 is approved for use in 8 place of talc blends listed above"; correct? 9 A. Right. So I want to be clear: That's a 10 processing standard. That's not the actual -- 11 please remember, there's a formula, and there's a 12 processing standard that goes out to manufacturing. 13 If there is, you know, a country, let's say, you 14 know, Brazil who happens to have an import issue 15 with the -- with the talcs in the formula -- and the 16 formula is listed in that -- you know, that small 17 area. This is an addendum to that. Then there 18 might be a temporary substitution allowed depending 19 on the circumstances of the business as long it's, 20 you know, tests and falls within our RI 21 specifications. Number one, it doesn't mean that it 22 was ever used. Number two, it could be very 23 specific to country, and it's a processing standard 24 ad that could be removed. It's not actually part of 25 the formula.</p>	<p style="text-align: right;">Page 272</p> <p>1 MR. BROMBERG: Objection to form. 2 A. Again, you know, this -- this document 3 reflects the line that is in that formula. And 4 again, you know, what I surmise from this document 5 and that line in the formula is that there was a 6 need for a temporary replacement, and that's how it 7 was handled based off of that line. But again, it's 8 not part of the formula per se. It's a 9 substitution, a temporary substitution. 10 MS. DEAN: Object to non-responsive and 11 speculation. 12 Q. Outside of the actual documents, you 13 weren't present in the '70s and have not talked to 14 anyone that was; correct? 15 MR. BROMBERG: Objection. Asked and 16 answered. 17 A. No. 18 Q. Have you done any research whatsoever, for 19 this deposition, to identify the talc sources for 20 Unforgettable, Timeless, or Charisma during the 21 1970s? 22 MR. BROMBERG: Objection to form. 23 Objection beyond the scope. Can you break it 24 down by individual. 25 THE WITNESS: Do you have the formulas for</p>
<p style="text-align: right;">Page 271</p> <p>1 MS. DEAN: Object to non-responsive and 2 speculation. 3 Q. And say what the actual talcs -- what the 4 actual basic batch formula says is "Talc Code 0755 5 is approved for use in replace of talcs blended" -- 6 "listed above." I'm reading that; right? 7 A. But -- but it's not in the formula. It's 8 called a deviation. There are temporary deviations 9 that are given in instances where there could be a 10 supply issue. And that line underneath is what 11 connote something like that. It's actually not part 12 of the approved formula. It's a temporary deviation 13 for a period of time. 14 MS. DEAN: I'm going to object to 15 non-responsive. 16 Q. And say, in terms of what is actually 17 written in the document, we know two things from the 18 documents Avon has actually produced: One, that 19 0755 and 0777 are listed in Exhibit 13 to say talc 20 code and then reference those two code is approved 21 for use in place of the talcs listed above. 22 And second, that in Exhibit 18, those 23 specific codes are being referenced during the exact 24 same time frame as being substitute blends for 25 beauty dust and talcs. Is that fair?</p>	<p style="text-align: right;">Page 273</p> <p>1 them? 2 MR. BROMBERG: She's asking you about Tai 3 Winds -- 4 THE WITNESS: Yes. I know. I heard. I 5 need to look at those formulas to tell her what 6 talc is in them though. 7 Q. Okay. So you have done some research in 8 that? 9 A. Yes. 10 Q. Okay. So for Unforgettable. What 11 information do you have about the use -- or the 12 sources of talc being used in Unforgettable in the 13 1970s? 14 A. I don't think I have those formulas with 15 me. I need to see the formulas. I'm sorry. I 16 don't have those formulas with me. I have Timeless, 17 Topaz, and Imari. 18 Q. Okay. And I think that's why I grouped 19 it, but I will respect the objection. 20 Do you have the formulas or information 21 more broadly to tell us about what type of talc was 22 being used in Tai Winds in the '70s? 23 A. I don't. 24 Let me just look through these notes real 25 quick to see if I have anything here.</p>

<p style="text-align: right;">Page 274</p> <p>1 Q. Sure.</p> <p>2 A. No, I don't have that. No.</p> <p>3 Q. Similar question --</p> <p>4 MR. BROMBERG: Well, let her -- she's</p> <p>5 still thumbing through here.</p> <p>6 MS. DEAN: I thought she answered.</p> <p>7 A. I don't have the talc for these.</p> <p>8 Q. And if I wanted to know what was the</p> <p>9 source of talc used in Charisma in the 1970s, do you</p> <p>10 know?</p> <p>11 A. No.</p> <p>12 MR. BROMBERG: Can we take our break now?</p> <p>13 MS. DEAN: Close. I mean, if somebody</p> <p>14 needs to use the restroom or anything, but</p> <p>15 there are two more things before we break.</p> <p>16 MR. BROMBERG: Well, you said five</p> <p>17 minutes, and it's been five minutes. So --</p> <p>18 MS. DEAN: We haven't even gone for an</p> <p>19 hour.</p> <p>20 MR. BROMBERG: We've gone over an hour.</p> <p>21 MS. DEAN: No, we haven't.</p> <p>22 MR. BROMBERG: We've gone for an hour and</p> <p>23 ten minutes.</p> <p>24 MS. DEAN: I'm close.</p> <p>25 MR. BROMBERG: Okay. We're taking a break</p>	<p style="text-align: right;">Page 276</p> <p>1 MR. BROMBERG: Okay. Well, I don't -- I</p> <p>2 don't know that the rules require us to stop at</p> <p>3 5.</p> <p>4 MS. DEAN: They do.</p> <p>5 MR. BROMBERG: If by agreement of parties,</p> <p>6 we can continue past 5. So I don't agree with</p> <p>7 your characterization on that.</p> <p>8 MS. DEAN: So they're very clear about</p> <p>9 that. I also have been frustrated by how much</p> <p>10 of this time has been on just trying to make</p> <p>11 sure I have the information I need. But more</p> <p>12 than anything, to get to Dr. Webber's</p> <p>13 deposition, I have to leave at 5 --</p> <p>14 MR. BROMBERG: Okay. Well, that's your</p> <p>15 issue --</p> <p>16 MS. DEAN: Let me finish, please. So</p> <p>17 while I agree with you that we can always work</p> <p>18 out an agreement between the parties, there's</p> <p>19 actually a reason today that I am going to have</p> <p>20 to stick by the rule that I don't have any play</p> <p>21 in.</p> <p>22 MR. BROMBERG: Well, I understand that,</p> <p>23 Counsel, but you're -- I'm entitled to ask</p> <p>24 questions of my witness after you're done</p> <p>25 asking your questions. And I intend to ask</p>
<p style="text-align: right;">Page 275</p> <p>1 now, Counsel. We're going off the record.</p> <p>2 MS. DEAN: There's not an agreement to do</p> <p>3 that.</p> <p>4 MR. BROMBERG: Okay. There may not be an</p> <p>5 agreement to do it, but we are allowed to take</p> <p>6 a break.</p> <p>7 MS. DEAN: Under Oklahoma Law, they can --</p> <p>8 I wanted to make a comment before you stand up</p> <p>9 and lean on the desk. Under Oklahoma rules,</p> <p>10 this can only be conducted between 8 and 5. We</p> <p>11 are 10 minutes or 11 minutes from 5. I want to</p> <p>12 use those 11 minutes. There's also substantial</p> <p>13 information I don't have so that we weren't</p> <p>14 going to complete today anyway, but I want to</p> <p>15 use those remaining 11 minutes when we have it.</p> <p>16 MR. BROMBERG: I'll give you your</p> <p>17 remaining 11 minutes. I am -- you're entitled</p> <p>18 to six hours on the record time. We will give</p> <p>19 you six hours on the record time.</p> <p>20 MS. DEAN: Okay. But we have -- the rules</p> <p>21 say that the deposition go from 8 to 5. For a</p> <p>22 variety of reasons, we need to finish today at</p> <p>23 5 so we're not going to complete anyway. So</p> <p>24 I'd like to get a last few things done while</p> <p>25 we're all here today.</p>	<p style="text-align: right;">Page 277</p> <p>1 questions of my witness based on your</p> <p>2 questioning today. So I'm sorry that you have</p> <p>3 a plane to catch, but --</p> <p>4 MS. DEAN: It's not -- it's not -- I think</p> <p>5 you're misunderstanding the rules, and if you</p> <p>6 need to talk to a local counsel -- I've been</p> <p>7 there and I understand that. But the rules</p> <p>8 unequivocal; that they are to be between 8 and</p> <p>9 5; that they only can be on weekdays unless</p> <p>10 there's an explicit agreement by parties. And</p> <p>11 so --</p> <p>12 MR. BROMBERG: We don't have to do this on</p> <p>13 the record. We can go off the record, and we</p> <p>14 can debate about what the rules say. I intend</p> <p>15 to ask this witness questions once you're</p> <p>16 finished, and I intend for us to complete the</p> <p>17 deposition today. If you choose not to use all</p> <p>18 your record time today that you are entitled to</p> <p>19 under Oklahoma Law, you do so at your own -- at</p> <p>20 your own peril. If you are ending the</p> <p>21 deposition, you are ending the deposition. I</p> <p>22 can't force you to stay. But we are willing to</p> <p>23 give you six full hours of record time on the</p> <p>24 transcript today to be followed up by my</p> <p>25 questioning of the witness.</p>

<p style="text-align: right;">Page 278</p> <p>1 MS. DEAN: So we're going to have to, 2 under the rules, complete by 5. Again, because 3 of the plane, and that I have to go to Oregon 4 for another deposition in this case. I don't 5 have time outside of that. I understand that I 6 had additional time to complete and that you 7 had questions to ask. He'll have to organize 8 what to do about that in addition to the 9 problem we have with a lot of information I 10 need not being obtained, and a lot of my time 11 being spent just verifying that I don't have 12 what I need. But those are arguments that can 13 be had off the record. I wanted to use the 14 next five minutes to complete what we can 15 today, and at least to try to organize these 16 records. 17 MR. BROMBERG: Well, like I said, I'm 18 taking a break right now, and we can go off 19 for, like, two minutes. Okay. And then you 20 can continue. We've been going for an hour and 21 15 minutes. I need to use the restroom. We're 22 going off the record. Okay. 23 THE VIDEOGRAPHER: Go off the record. The 24 time is 4:54. 25</p>	<p style="text-align: right;">Page 280</p> <p>1 Q. Has Avon made any effort to, either by 2 itself or at the request of others, fund research to 3 determine if their customers or their Avon ladies 4 have developed asbestos-related diseases? 5 A. Again, Avon is not in the asbestos 6 business, and we had a zero-tolerance policy. So 7 there would be no reason for us to do that. 8 MS. DEAN: I'm going to object to 9 non-responsive. 10 Q. Avon is a company who had their own 11 chemist buy raw talc in order to do tests. You've 12 seen that in Lukowicz's lab notebooks; right? 13 MR. BROMBERG: Objection to form. 14 A. Walter Lukowicz's role as a analytical 15 chemist is to work with the vendors to set up 16 appropriate specifications to ensure we were getting 17 the talc delivered to us in the means we asked, 18 which was no asbestos. We are a cosmetic company 19 that make cosmetic products, and our number one 20 concern is ensuring safety to our consumers. So we 21 need to ensure that the raw ingredients coming in 22 are safe. We are not an asbestos company. We are a 23 cosmetic company. 24 MS. DEAN: Let me object to non-responsive 25 and dinosaur.</p>
<p style="text-align: right;">Page 279</p> <p>1 (Recess taken.) 2 3 THE VIDEOGRAPHER: Go back on the record. 4 The time is 4:59. Beginning of DVD Number 5. 5 BY MS. DEAN: 6 Q. Do you know if Avon made any effort to do 7 -- to find out if there are any Workmen's 8 Compensation claims by any of their employees 9 related to asbestos or asbestos-related diseases? 10 A. Actually, I -- I know that there is some 11 information here in one of these files that I have; 12 that there are no claims, Workmen's Compensation 13 claims, in regards to that. I don't have -- I don't 14 know where it is, but I remember reviewing it. 15 Q. So it's your belief that the records have 16 been reviewed relating to any kind of Workmen's Comp 17 claim filed by Avon, and there are no claims related 18 to lung or asbestos diseases? 19 MR. BROMBERG: Well, let me just say, lung 20 diseases, that's a very broad category. In 21 terms of asbestos diseases, when we answered 22 this in written discovery responses, we don't 23 have any. 24 MS. DEAN: I'll represent to you you 25 haven't in this case, but that helps.</p>	<p style="text-align: right;">Page 281</p> <p>1 Q. My question is just: Have you seen in Mr. 2 Lukowicz's lab notebooks where he was purchasing raw 3 asbestos in order to do some of his tests, but they 4 were spiking the type with raw specimens purchased 5 at Avon? 6 MR. BROMBERG: Objection. Misstates facts 7 not in evidence. 8 A. Yeah. I know that when we sent product 9 out for analysis actually, you know, something that 10 tests -- our outside testing lab was -- there was a 11 McCrone document -- you probably have it in your 12 pile over there -- that when we did quarterly audits 13 as part of our review, we did put a sample in there 14 with asbestos to ensure McCrone was doing the due 15 diligence and was able to detect it. And that was a 16 safety check. So that I know for sure. 17 MS. DEAN: Okay. And I know what you're 18 talking about, but let me object to 19 non-responsive. 20 Q. I'm asking whether you've seen documents 21 where Avon was purchasing raw talc for use in there 22 their labs? 23 A. Raw talc? 24 Q. Raw asbestos. I'm sorry. 25 A. I have not. I've seen -- I've seen the</p>

<p style="text-align: right;">Page 282</p> <p>1 document from McCrone where we -- you know, from 2 Avon that said that we -- we did do that. But as 3 far as, you know, much more specifics than that, no. 4 But we did do that. 5 Q. And back to my original question. Let's 6 just start with the Avon ladies that were hired as 7 contractors at Avon to sell the products. Has there 8 been any effort to test just that group or that 9 population to determine the level of asbestos 10 disease, whether it be lung cancer, mesothelioma, or 11 asbestosis? 12 A. Again, Avon was not in the asbestos 13 business. And, you know, we didn't have any 14 positive tests for asbestos in any of our talc 15 products; so there would be no need for us to do 16 that. 17 MS. DEAN: Let me object to 18 non-responsive. I fundamentally disagree with 19 you on both those claims, and so I want to 20 leave that fight separate and just ask -- 21 MR. BROMBERG: She's just asking you if 22 you did the study. 23 A. We did not. 24 Q. Not whether it needed to be done. 25 A. We did not.</p>	<p style="text-align: right;">Page 284</p> <p>1 stuff we need that we haven't gotten which 2 justifies the use of additional time. But I 3 think that's going to be something we have to 4 litigate out. So that's where we are right 5 now. 6 MR. BROMBERG: Okay. Well, I will just -- 7 I will just state for the record that we 8 received no notice from plaintiff's counsel 9 that she had a hard stop at 5 today prior to 10 ten minutes ago. If that was the case, we 11 would have started the deposition at 7 or 8 so 12 we could complete the deposition in one day. 13 Based on at least the video record, we've 14 already gone five and a half hours. We were 15 willing -- and not counting the transcript in 16 the beginning. We were -- we were willing to 17 continue the deposition until completed today. 18 I've not been given an opportunity to ask 19 follow-up questions of this witness, but I will 20 -- I will likely waive -- waive that obligation 21 to avoid another deposition of Ms. Gallo, which 22 I don't think is necessary. I think it's up to 23 the Court to decide if there are -- if there 24 are grounds for Avon to provide additional 25 information, it would warrant another</p>
<p style="text-align: right;">Page 283</p> <p>1 Q. So let me -- let's ask -- let me ask a 2 clean question. 3 A. Sure. 4 Q. Just -- do you know if Avon ever took, for 5 instance, their Avon ladies as a population to study 6 the incidents of asbestos disease in that group; was 7 that ever done? 8 A. No. 9 Q. What about its customers? 10 A. No. 11 MS. DEAN: Okay. So I think at this time 12 -- it's a little bit past 5. I've not 13 completed our questions, and I understand, from 14 our last break, that counsel has questions that 15 they want to ask as well. The Oklahoma rules 16 do allow us to go after 5, which I'm normally 17 very amenable to doing, to try to complete a 18 deposition, and was all for the Sunday request 19 in this case to start earlier. But Dr. 20 Webber's deposition is on the other side of the 21 country, and the very last flight I can take 22 requires that I leave now. So our position is 23 that we will need to complete this deposition 24 reasonably soon. I also -- I don't think it's 25 shocking to forecast a little that there's</p>	<p style="text-align: right;">Page 285</p> <p>1 deposition. And as far as the Oklahoma rules 2 go, it's my understanding that you are not 3 required to stop at 5. If the parties agree to 4 continue past 5, you certainly can continue 5 past 5, and it's unfortunate that we were not 6 aware of counsel's flight schedule. 7 Are you -- and Counsel, I would just ask, 8 we're obviously going to have to organize these 9 exhibits for the court reporter. If you need 10 to go, do you trust that we can do that in your 11 absence? 12 MS. DEAN: I would appreciate it. Yes, I 13 do, and I -- yes. 14 MR. BROMBERG: Okay. So we can -- we can 15 certainly consult off the record, Jessica, 16 about, you know, the issue of any information 17 that you don't feel you have or -- and talk 18 about the issue of -- of a future deposition 19 and we can meet and we can confer on that later 20 this week, if you -- if you wish. 21 MS. DEAN: I think the sooner, while it's 22 fresh in all of our minds, the better and -- as 23 I've indicated on the phone. 24 MR. BROMBERG: All right. Well, I'm 25 available on Friday for us to do that, and if</p>

<p style="text-align: right;">Page 286</p> <p>1 you need to go, Jessica, please go. We'll 2 ensure that we provide all the exhibits, to the 3 court reporter, that have been marked. 4 MS. DEAN: Off the record. 5 THE VIDEOGRAPHER: That concludes today's 6 deposition. The time is 5:08. 7 8 (Recess taken.) 9 10 MS. DEAN: This is Jessica. We 11 accidentally or inadvertently -- and by "we," I 12 mean Jessica marked two Exhibit 60s. The first 13 Exhibit 60 was a compilation of the testing 14 Bates numbers that Avon referenced in their 15 interrogatories. The second 60 was a two-page 16 document that I talked to Ms. Gallo about 17 relating to the use of 0777 -- or excuse me, 18 0768, as an alternate talc for 0752. Because 19 the second was referenced second, we're going 20 to now mark it as Exhibit 80, and the record 21 should reflect "[sic]" where it says 60 for 22 that second document which, again, is the 23 October 19, 1972, two-page letter. 24 MR. BROMBERG: No objection. 25 (Time noted: 5:15 p.m.)</p>	<p style="text-align: right;">Page 288</p> <p style="text-align: center;">I N D E X</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td>3 EXAMINATION</td> <td style="text-align: right;">23</td> </tr> <tr> <td>4 MS. DEAN</td> <td style="text-align: right;">24</td> </tr> <tr> <td>5</td> <td></td> </tr> <tr> <td>6 (Plaintiffs' Exhibit 1, DEPOSITION NOTICE, 7 was marked for identification.)</td> <td style="text-align: right;">47</td> </tr> <tr> <td>8 (Plaintiffs' Exhibit 2, DEPOSITION 9 TRANSCRIPT, was marked for identification.)</td> <td style="text-align: right;">59</td> </tr> <tr> <td>10 (Plaintiffs' Exhibit 3, DEPOSITION OF MS. 11 BRYAN, was marked for identification.)</td> <td style="text-align: right;">53</td> </tr> <tr> <td>12 (Plaintiffs' Exhibit 4, STEVE GETTINGS 13 PICTURE AND BACKGROUND INFO, was marked for 14 identification.)</td> <td style="text-align: right;">55</td> </tr> <tr> <td>15 (Plaintiffs' Exhibit 5, LAUREEN MACEACHERN 16 PICTURE AND BACKGROUND INFO, was marked for 17 identification.)</td> <td style="text-align: right;">58</td> </tr> <tr> <td>18 (Plaintiffs' Exhibit 6, DISCOVERY RESPONSES, 19 was marked for identification.)</td> <td style="text-align: right;">59</td> </tr> <tr> <td>20 (Plaintiffs' Exhibit 7, DEPOSITION OF MS. 21 GRANT, was marked for identification.)</td> <td style="text-align: right;">119</td> </tr> <tr> <td>22 (Plaintiffs Exhibit 7-A, AVON FORMULA MASTER, 23 was marked for identification.)</td> <td style="text-align: right;">76</td> </tr> <tr> <td>24 (Plaintiffs' Exhibit 8, AVON BOOK, was marked 25 for identification.)</td> <td></td> </tr> </tbody> </table>		PAGE	3 EXAMINATION	23	4 MS. DEAN	24	5		6 (Plaintiffs' Exhibit 1, DEPOSITION NOTICE, 7 was marked for identification.)	47	8 (Plaintiffs' Exhibit 2, DEPOSITION 9 TRANSCRIPT, was marked for identification.)	59	10 (Plaintiffs' Exhibit 3, DEPOSITION OF MS. 11 BRYAN, was marked for identification.)	53	12 (Plaintiffs' Exhibit 4, STEVE GETTINGS 13 PICTURE AND BACKGROUND INFO, was marked for 14 identification.)	55	15 (Plaintiffs' Exhibit 5, LAUREEN MACEACHERN 16 PICTURE AND BACKGROUND INFO, was marked for 17 identification.)	58	18 (Plaintiffs' Exhibit 6, DISCOVERY RESPONSES, 19 was marked for identification.)	59	20 (Plaintiffs' Exhibit 7, DEPOSITION OF MS. 21 GRANT, was marked for identification.)	119	22 (Plaintiffs Exhibit 7-A, AVON FORMULA MASTER, 23 was marked for identification.)	76	24 (Plaintiffs' Exhibit 8, AVON BOOK, was marked 25 for identification.)																									
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<p style="text-align: right;">Page 287</p> <p>1 STATE OF NEW YORK) 2) ss: 3 COUNTY OF) 4) 5) 6) 7 I, LISA GALLO, hereby certify that I have read 8 the pages of the foregoing testimony of this 9 deposition and hereby certify it to be a true and 10 correct record. 11 12 13 14 _____ 15 LISA GALLO 16 17 18 19 20 Sworn to before me this 21 ____ day of _____, 20__. 22 23 _____ 24 Notary Public 25</p>	<p style="text-align: right;">Page 289</p> <table style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 80%;">1 (Plaintiffs' Exhibit 9, AVON BROCHURES, was</td> <td style="text-align: right;">141</td> </tr> <tr> <td>2 marked for identification.)</td> <td></td> </tr> <tr> <td>3 (Plaintiffs' Exhibit 11, LIST OF NAMES, was</td> <td style="text-align: right;">56</td> </tr> <tr> <td>4 marked for identification.)</td> <td></td> </tr> <tr> <td>5 (Plaintiffs' Exhibit 13, FORMULA SHEET, was</td> <td style="text-align: right;">102</td> </tr> <tr> <td>6 marked for identification.)</td> <td></td> </tr> <tr> <td>7 (Plaintiffs' Exhibit 18, DOCUMENT, was marked</td> <td style="text-align: right;">268</td> </tr> <tr> <td>8 for identification.)</td> <td></td> </tr> <tr> <td>9 (Plaintiffs' Exhibit 25, DOCUMENT, was marked</td> <td style="text-align: right;">165</td> </tr> <tr> <td>10 for identification.)</td> <td></td> </tr> <tr> <td>11 (Plaintiffs' Exhibit 30, OFFICE MEMORANDUM,</td> <td style="text-align: right;">156</td> </tr> <tr> <td>12 was marked for identification.)</td> <td></td> </tr> <tr> <td>13 (Plaintiffs' Exhibit 39, DOCUMENT, was marked</td> <td style="text-align: right;">171</td> </tr> <tr> <td>14 for identification.)</td> <td></td> </tr> <tr> <td>15 (Plaintiffs' Exhibit 40, CHART, was marked</td> <td style="text-align: right;">178</td> </tr> <tr> <td>16 for identification.)</td> <td></td> </tr> <tr> <td>17 (Plaintiffs' Exhibit 41, DOCUMENT, was marked</td> <td style="text-align: right;">179</td> </tr> <tr> <td>18 for identification.)</td> <td></td> </tr> <tr> <td>19 (Plaintiffs' Exhibit 43, DOCUMENT, was marked</td> <td style="text-align: right;">173</td> </tr> <tr> <td>20 for identification.)</td> <td></td> </tr> <tr> <td>21 (Plaintiffs' Exhibit 51, LONG RANGE PLANS FOR</td> <td style="text-align: right;">262</td> </tr> <tr> <td>22 SOURCES OF GOOD TALC, was marked for</td> <td></td> </tr> <tr> <td>23 identification.)</td> <td></td> </tr> <tr> <td>24 (Plaintiffs' Exhibit 53, CYPRUS INDUSTRIAL</td> <td style="text-align: right;">247</td> </tr> <tr> <td>25 MINERAL SALES ANALYSIS, was marked for</td> <td></td> </tr> </tbody> </table>	1 (Plaintiffs' Exhibit 9, AVON BROCHURES, was	141	2 marked for identification.)		3 (Plaintiffs' Exhibit 11, LIST OF NAMES, was	56	4 marked for identification.)		5 (Plaintiffs' Exhibit 13, FORMULA SHEET, was	102	6 marked for identification.)		7 (Plaintiffs' Exhibit 18, DOCUMENT, was marked	268	8 for identification.)		9 (Plaintiffs' Exhibit 25, DOCUMENT, was marked	165	10 for identification.)		11 (Plaintiffs' Exhibit 30, OFFICE MEMORANDUM,	156	12 was marked for identification.)		13 (Plaintiffs' Exhibit 39, DOCUMENT, was marked	171	14 for identification.)		15 (Plaintiffs' Exhibit 40, CHART, was marked	178	16 for identification.)		17 (Plaintiffs' Exhibit 41, DOCUMENT, was marked	179	18 for identification.)		19 (Plaintiffs' Exhibit 43, DOCUMENT, was marked	173	20 for identification.)		21 (Plaintiffs' Exhibit 51, LONG RANGE PLANS FOR	262	22 SOURCES OF GOOD TALC, was marked for		23 identification.)		24 (Plaintiffs' Exhibit 53, CYPRUS INDUSTRIAL	247	25 MINERAL SALES ANALYSIS, was marked for	
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<p style="text-align: right;">Page 290</p> <p>1 identification.)</p> <p>2 (Plaintiffs' Exhibit 54, SUPPLY RECORDS, was 247</p> <p>3 marked for identification.)</p> <p>4 (Plaintiffs' Exhibit 60, BATES LABELS, was 224</p> <p>5 marked for identification.)</p> <p>6 (Plaintiffs' Exhibit 62, PRODUCT CHART, was 74</p> <p>7 marked for identification.)</p> <p>8 (Plaintiffs' Exhibit 63, DOCUMENT, was marked 13</p> <p>9 for identification.)</p> <p>10 (Plaintiffs' Exhibit 64, DOCUMENT, was marked 193</p> <p>11 for identification.)</p> <p>12 (Plaintiffs' Exhibit 65, INTERROGATORY, was 203</p> <p>13 marked for identification.)</p> <p>14 (Plaintiffs' Exhibit 66, DISCOVERY RESPONSES, 196</p> <p>15 was marked for identification.)</p> <p>16 (Plaintiffs' Exhibit 67, IMERYS 205</p> <p>17 INTERROGATORY, was marked for</p> <p>18 identification.)</p> <p>19 (Plaintiffs' Exhibit 68, DOCUMENT, was marked 206</p> <p>20 for identification.)</p> <p>21 (Plaintiffs' Exhibit 69, SPREADSHEET, was 185</p> <p>22 marked for identification.)</p> <p>23 (Plaintiffs' Exhibit 70, CYPRUS DOCUMENTS, 184</p> <p>24 was marked for identification.)</p> <p>25</p>	<p style="text-align: right;">Page 292</p> <p style="text-align: center;">C E R T I F I C A T I O N</p> <p>1</p> <p>2</p> <p>3 STATE OF NEW YORK)</p> <p>4) ss.</p> <p>5 COUNTY OF WESTCHESTER)</p> <p>6 I, DOUGLAS F. COLAVITO, Court Reporter</p> <p>7 and Notary Public within and for the County of</p> <p>8 Westchester, State of New York, do hereby certify:</p> <p>9 That I reported the proceedings that</p> <p>10 are hereinbefore set forth, and that such transcript</p> <p>11 is a true and accurate record of said proceedings.</p> <p>12 AND, I further certify that I am not</p> <p>13 related to any of the parties to this action by</p> <p>14 blood or marriage, and that I am in no way</p> <p>15 interested in the outcome of this matter.</p> <p>16</p> <p>17 IN WITNESS WHEREOF, I have hereunto set</p> <p>18 my hand.</p> <p>19</p> <p>20</p> <p>21 <i>Douglas F. Colavito</i></p> <p>22</p> <p>23 DOUGLAS F. COLAVITO</p> <p>24 Court Reporter</p> <p>25</p>
<p style="text-align: right;">Page 291</p> <p>1 (Plaintiffs' Exhibit 71, AVON FORMULA MASTER, 120</p> <p>2 was marked for identification.)</p> <p>3 (Plaintiffs' Exhibit 72, KNOWN FORMULAS FOR 132</p> <p>4 TOPAZ BEAUTY DUST, was marked for</p> <p>5 identification.)</p> <p>6 (Plaintiffs' Exhibit 75, DOCUMENTS FROM 218</p> <p>7 McCRONE, was marked for identification.)</p> <p>8 (Plaintiffs' Exhibit 76, TESTING DOCUMENTS, 235</p> <p>9 was marked for identification.)</p> <p>10 (Plaintiffs' Exhibit 77, DOCUMENTS, was 237</p> <p>11 marked for identification.)</p> <p>12 (Plaintiffs' Exhibit 78, DISCOVERY RESPONSES, 241</p> <p>13 was marked for identification.)</p> <p>14 (Plaintiffs' Exhibit 80, TWO-PAGED LETTER, 253</p> <p>15 was marked for identification.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19 (Exhibits were retained by the court reporter.</p> <p>20 Exhibits were not marked sequentially.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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