

No. 98-317-G

**WILMA S. CLARK, INDIVIDUALLY AND AS
PERSONAL REPRESENTATIVE OF THE
HEIRS AND ESTATE OF HOWARD HAROLD
CLARK, DECEASED**

PLAINTIFF,

V.

OF NUECES COUNTY

**UNION PACIFIC RESOURCES COMPANY,
ET AL.,**

DEFENDANTS.

319TH JUDICIAL DISTRICT

**RESPONSES AND OBJECTIONS OF DEFENDANT
HOECHST CELANESE CO. P. TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND
FIRST REQUEST FOR ADMISSION**

TO: Plaintiff by and through her attorneys of record, Holly J. W. Huart and Stephanie A. Finch
of Baron & Budd, a Professional Corporation, The Centrum, 3102 Oak Lawn Avenue, Suite
1100, Dallas, Texas 75219.

Pursuant to Rules 192, 193, 196 and 197 of the Texas Rules of Civil Procedure (the “Rules”), Hoechst Celanese Corp. (“Defendant” or “Celanese”), Defendant herein, submits these Responses and Objections to Plaintiff’s First Set of Interrogatories, First Request for Production and First Request for Admissions, as follows:

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

Defendant makes the following general objections to each and every interrogatory and request for production directed to it:

1. Defendant objects to paragraph one of the DEFINITIONS regarding “Defendant,” “You,” “Your,” and “Your company” and paragraph three regarding “persons” because they are

overly broad and unduly burdensome and pertain to corporations other than those who are parties to this suit. Defendant also objects to paragraphs one and three because they include Defendant's attorneys; information and things protected by the attorney client privilege and work product doctrine is not discoverable.

2. Defendant objects to paragraph two of the DEFINITIONS because the definition of the word "document" and the instructions regarding "possession, custody or control" are overly broad, seek information specifically exempted from discovery by the privileges afforded in the Rules and Rule 502 of the Texas Rules of Civil Evidence, including the attorney work product doctrine, the attorney client privilege and the party communications privilege, and because it exceeds the scope of Rule 192.3 of the Texas Rules of Civil Procedure. Throughout these responses, Defendant will assume that the word will have its commonly used meaning, as set forth in Rule 192.3(b) and will respond accordingly.

3. Defendant objects to the definitions of "identify" contained in paragraphs 19 and 20 of the DEFINITIONS because they are overly broad, unduly burdensome and harassing.

4. Defendant objects to DEFINITION 6 to the extent that information is sought concerning asbestos in a non-friable form.

5. Defendant further objects to any discovery request seeking to charge them with knowledge or information held by their "predecessors or subsidiaries" or requiring them to provide information regarding plants other than the one in which Plaintiff's Decedent, Howard Harold Clark, was employed, which plant is currently unknown. Defendant operated multiple facilities and

employed thousands of workers. Accordingly, it is unduly burdensome, excessively expensive and harassing to require Defendant to answer these interrogatories as to all plants.

6. Defendant objects to Plaintiff's discovery requests because they are unlimited in time.

7. Defendant objects to Plaintiff's requests to the extent that they necessarily seek disclosure of trade secrets, proprietary material and other confidential information protected from discovery by the Texas Rules of Civil Procedure.

8. The presence of an objection does not mean that Defendant possesses non-privileged information responsive to a discovery request.

SPECIFIC OBJECTIONS

Each of the following specific responses and objections incorporate by reference the above-stated general responses, objections and assertions of privilege. Subject to the foregoing, Defendant specifically responds as follows:

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

RESPONSE:

Defendant additionally objects to this interrogatory for the following reasons:

1. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
2. The words "supplied any information" are vague and ambiguous; and
3. It seeks, on its face, to compel the disclosure of information exempted from discovery by the privileges afforded in the Texas Rules of Civil Procedure (the

“Rules”) and Rule 503 of the Texas Rules of Civil Evidence, including specifically the work-product doctrine and the lawyer-client privilege.

Subject to these objections, the information contained in these interrogatory responses is derived from corporate documents, copies of which have previously been produced, and also supplied by former employees of Celanese or other entities, whose identities are disclosed in Defendant’s Rule 194.2(e) Disclosures.

REQUEST FOR ADMISSION NO. 1:

Admit that Defendant ordered, purchased or otherwise acquired asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products.

RESPONSE:

Admitted generally, although Celanese denies that it ever ordered, purchased, or otherwise acquired asbestos-containing materials of any kind for the Pontiac facility at issue in this case.

REQUEST FOR PRODUCTION NO. 1:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Celanese possesses no such documents. See the response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant’s Premises between the years 1964 and 1974.

RESPONSE:

Celanese objects to this request because it is vague and ambiguous. Celanese also objects to and denies any characterization that the Pontiac facility in question was ever owned by Celanese or that it was its “premises.”

Subject to these objections, after reasonable inquiry, the information known or easily obtainable is insufficient to enable Celanese to admit or deny this request. Celanese further states that, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese does not know whether any asbestos containing materials or machinery were ever utilized at the Pontiac facility in Corpus Christi where the decedent allegedly worked. Celanese never ordered, supplied or purchased any asbestos-containing materials for that facility.

INTERROGATORY NO. 2:

If you admit the foregoing request, list all asbestos-containing products used at Defendant's Premises and for each product state the following:

- a. What these products were used for
- b. From whom these products were purchased
- c. Where these products were installed
- d. Specific persons or contractors who install these products
- e. The first year each product was no longer purchased and installed on Defendant's Premises.

RESPONSE:

Not applicable. See also the response to Request for Admission No. 2 above.

REQUEST FOR PRODUCTION NO. 2:

Produce all ordering and sales documents pertaining to the purchase or acquisition of such asbestos-containing products for use at Defendant's Premises, including but not limited to invoices, price quotations, purchase orders, requisitions, bills of lading, and other purchasing and/or shipping documents of the similar nature.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;

2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise.

Subject to these objections, Celanese has no such documents. See also the response to Request for Admission No. 2 above.

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff's Decedent was employed by Defendant, it was foreseeable that asbestos-containing products on Defendant's Premises would or could be removed, stripped, replaced or repaired at some time after installation.

RESPONSE:

Celanese objects to this request because it assumes facts not in evidence and because it is based upon an improper premise.

Subject to that objection, denied as stated. See also the response to Request for Admission No. 2 above.

REQUEST FOR ADMISSION NO. 4:

Admit that the decedent was exposed to asbestos-containing products and/or machinery requiring or calling for the use of asbestos and/or asbestos-containing products in his occupation at Defendant's premises.

RESPONSE:

Celanese objects to this request because it assumes facts not in evidence, is based upon an improper premise, and because it is vague and ambiguous. Celanese also objects to and denies any characterization that the Pontiac facility in question was ever owned by Celanese or that it was its "premises."

Subject to these objections, after reasonable inquiry, the information known or easily obtainable is insufficient to enable Celanese to admit or deny this request. Celanese further states that, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to

August 1969, Celanese does not know whether any asbestos containing materials or machinery were ever utilized at the Pontiac facility in Corpus Christi where the decedent allegedly worked, or whether decedent was exposed to same. Celanese never ordered, supplied or purchased any asbestos-containing materials for that facility.

REQUEST FOR PRODUCTION NO. 3:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 10th Judicial District Court of Nueces County, Texas

REQUEST FOR ADMISSION NO. 5:

Admit that Plaintiff's Decedent was employed by Defendant or by a predecessor-in-interest of Defendant.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 4:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas

REQUEST FOR PRODUCTION NO. 5:

If you admit the foregoing request, in whole or in part, produce Plaintiff's Decedent's employment file.

RESPONSE:

Celanese possesses no such materials.

INTERROGATORY NO. 3:

Do you contend that Plaintiff's Decedent was not exposed to asbestos while working at the Defendant's Premise(s) in Harlingen, Texas? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE:

Celanese objects to this request because it is vague and ambiguous and because it is based upon an improper premise. Celanese does not and has never owned a facility in Harlingen, Texas.

REQUEST FOR ADMISSION NO. 6:

Admit that Plaintiff's Decedent worked on and/or around Defendant's Premises in areas where asbestos-containing products were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported.

RESPONSE:

Denied. It is further denied that Plaintiff's Decedent ever worked for any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 6:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas

REQUEST FOR ADMISSION NO. 7:

Admit that while the decedent was working on Defendant's premises he was continuously exposed to asbestos and asbestos-containing dust without the provision of appropriate safeguards.

RESPONSE:

Celanese objects to this request because it assumes facts not in evidence, is based upon an improper premise, and because it is vague and ambiguous. Celanese also objects to and denies any characterization that the Pontiac facility in question was ever owned by Celanese or that it was its "premises."

Subject to these objections, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. Celanese further states that, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese does not know whether any asbestos containing materials or machinery were ever utilized at the Pontiac facility in Corpus Christi where the decedent allegedly worked, whether decedent was exposed to same, or whether there were safeguards in place.

REQUEST FOR PRODUCTION NO. 7:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas

REQUEST FOR ADMISSION NO. 8:

Admit that Defendant was negligent in the installation, maintenance, removal and/or abatement of asbestos in its place of employment.

RESPONSE:

Denied. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 8:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure. Subject to that objection, Celanese possesses no such documents for the Pontiac facility at issue in this case, which it never owned. See also the response to Request for Admission No. 2, above.

REQUEST FOR ADMISSION NO. 9:

Admit that Defendant consciously decided not to warn its employees of dangers of asbestos.

RESPONSE:

Denied. See also the response to Request for Admission No. 2, above.

INTERROGATORY NO. 4:

Do you contend that Defendant specifically warned Plaintiff's Decedent about the hazards of asbestos and asbestos-containing products? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE:

Defendant additionally objects to this discovery request on the following grounds:

1. It assumes facts not in evidence and is predicated upon an improper premise;

2. It is unlimited in time, scope, and plant location.

Celanese further states that, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions with Plaintiff's decedent.

INTERROGATORY NO. 5:

Describe all safety precautions taken by you or your employees (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiff's Decedents [sic]) from the hazards resulting from the use of asbestos-containing products by your employees at any locations.

RESPONSE:

Celanese additionally objects to this request because:

1. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
2. It is unlimited in time, overly broad and unduly burdensome; and
3. It assumes facts not in evidence and is based upon an improper premise.

Subject to these objections, see also the response to Request for Admission No. 2, above. See also the documents previously produced on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. The referenced documents are Celanese's best source of information on the subject, and the information sought may be derived from them by plaintiff as easily as by Celanese. However, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions with Plaintiff's decedent.

REQUEST FOR ADMISSION NO. 10:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff's Decedent was present.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 9:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese also objects to and denies any characterization that the Pontiac facility in question was ever owned by Celanese or that it was its "premises."

Subject to these objections, see the response to Request for Admission No. 2, above. See also the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates labeled 000001-006430. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility, which it never owned. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions plaintiff's decedent.

REQUEST FOR ADMISSION NO. 11:

Admit that you did not utilize engineering controls such as isolation or enclosure at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff's Decedent was present.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 10:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese also objects to and denies any characterization that the Pontiac facility in question was ever owned by Celanese or that it was its "premises."

Subject to these objections, see the response to Request for Admission No. 2, above. See also the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates labeled 000001-006430. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility, which it never owned. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions plaintiff's decedent.

REQUEST FOR ADMISSION NO. 12:

Admit that you did not utilize ventilation or exhaust systems to divert dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff's Decedent was present.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 11:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese also objects to and denies any characterization that the Pontiac facility in question was ever owned by Celanese or that it was its "premises."

Subject to these objections, see the response to Request for Admission No. 2, above. See also the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates labeled 000001-006430. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility, which it never owned. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions plaintiff's decedent.

REQUEST FOR ADMISSION NO. 13:

Admit that you did not utilize dust collection engineering controls to trap airborne asbestos dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff's Decedent was present.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 12:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese also objects to and denies any characterization that the Pontiac facility in question was ever owned by Celanese or that it was its "premises."

Subject to these objections, see the response to Request for Admission No. 2, above. See also the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates labeled 000001-006430. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility, which it never owned. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions plaintiff's decedent.

REQUEST FOR ADMISSION NO. 14:

Admit that you did not require your employees to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff's Decedent was present.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 13:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese also objects to and denies any characterization that the Pontiac facility in question was ever owned by Celanese or that it was its "premises."

Subject to these objections, see the response to Request for Admission No. 2, above. See also the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates labeled 000001-006430. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility, which it never owned. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions plaintiff's decedent.

REQUEST FOR ADMISSION NO. 15:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff's Decedent was present.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese also objects to and denies any characterization that the Pontiac facility in question was ever owned by Celanese or that it was its "premises."

Subject to these objections, see the response to Request for Admission No. 2, above. See also the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates labeled 000001-006430. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility, which it never owned. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions plaintiff's decedent.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not protect the Plaintiff from exposure to asbestos fibers on Defendant's Premises.

RESPONSE:

Celanese objects to this request because:

1. It is vague and ambiguous; and
2. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, denied. Moreover, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility, which it never owned, and had no opportunity to provide such protection to decedent. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 15:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 17:

Admit that exposure to asbestos fibers on Defendant's Premises put Plaintiff's Decedent at an extreme risk of injury.

RESPONSE:

Defendant objects to this request because it is vague and ambiguous, assumes facts not in evidence, and is predicated upon an improper premise.

After reasonable inquiry, denied. Celanese further states that, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese does not know whether any asbestos containing materials or machinery were ever utilized at the Pontiac facility in Corpus Christi, which it never owned, where the decedent allegedly worked, whether decedent was

exposed to same, or whether there was a risk of injury. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 16:

If you fail to unequivocally admit the foregoing request, produce all documents which support your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 18:

Admit that by failing to adequately protect Plaintiff's Decedent from exposure to asbestos fibers, Defendant placed Plaintiff's decedent at an extreme degree of risk.

RESPONSE:

Defendant objects to this request because it is vague and ambiguous, assumes facts not in evidence, and is predicated upon an improper premise.

After reasonable inquiry, denied. Celanese further states that, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese does not know whether any asbestos containing materials or machinery were ever utilized at the Pontiac facility in Corpus Christi, which it never owned, where the decedent allegedly worked, whether decedent was exposed to same, or whether there was a risk of injury. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 17:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 19:

Admit that Defendant was aware of the presence of and/or use of asbestos-containing products on Defendant's Premises during the time period Plaintiff was working on Defendant's Premises.

RESPONSE:

Defendant objects to this request because it is vague and ambiguous, assumes facts not in evidence, and is predicated upon an improper premise.

Subject to these objections, denied. It is further denied that Plaintiff's Decedent worked any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 18:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 20:

Admit that Defendant knew that asbestos fibers when inhaled could cause injury.

RESPONSE:

Defendant objects to this request because:

1. It is vague and ambiguous; and
2. It is unlimited in time and plant location;
3. It assumes that any exposure is capable of causing disease; and
4. It is vague and ambiguous by use of expressions such as "asbestos fibers" and "injury."

Subject to these objections, Celanese admits that at some point in time it became aware that exposure to high concentrations of asbestos over a lengthy period of time could potentially cause injury. However, Defendant is unable to state when any of its thousands of employees may first have acquired such information. When the OSHA Regulations concerning Asbestos in the 1970's, Celanese became aware of those Regulations.

REQUEST FOR PRODUCTION NO. 19:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 21:

Admit that by knowing of the hazards [sic] of exposure to asbestos fibers and failing to protect Plaintiff's Decedent from exposure to asbestos fibers, Defendant exhibited conscious indifference to the rights, safety, and welfare of Plaintiff's Decedent.

RESPONSE:

Defendant objects to this request because it is vague and ambiguous, assumes facts not in evidence, and is predicated upon an improper premise.

Subject to these objections, denied. It is further denied that Plaintiff's Decedent worked any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 20:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see response to Request for Admission No. 2, above. Celanese further states that, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility, which it never owned, and no involvement or interactions with Plaintiff's decedent. See the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 22:

Admit that Defendant demonstrated "such an entire want of care as to establish that its acts and omission were the result of actual conscious indifference to the rights, safety and welfare of the decedent, and that such acts and omissions were a proximate cause of the decedent's death."

RESPONSE:

Defendant objects to this request because:

1. It is vague and ambiguous; and
2. It assumes facts not in evidence and is predicated upon an improper premise.

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 21:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the response to Request for Admission No. 2, above. Celanese further states that, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility, which it never owned, and no involvement or interactions with Plaintiff's decedent. See the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 23:

Admit that Defendant failed to provide safety equipment for decedent to use on Defendant's Premises.

RESPONSE:

Defendant objects to this request because:

1. It is vague and ambiguous; and
2. It assumes facts not in evidence and is predicated upon an improper premise.

Subject to these objections, Celanese admits that it did not provide such safety equipment, but further states that because it never owned the Pontiac facility at issue in this case, it did not control the daily operations of the facility and did not have the opportunity to provide such equipment. See Response to Request for Admission No. 2.

REQUEST FOR PRODUCTION NO. 22:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 24:

Admit that Plaintiff's Decedent's exposure to asbestos at Defendant's Premises was a substantial contributing factor in causing his asbestos-related injury.

RESPONSE:

Defendant objects to this request because:

1. It is vague and ambiguous; and
2. It assumes facts not in evidence and is predicated upon an improper premise.

Subject to these objections, after reasonable inquiry, the information known or easily obtainable is insufficient to enable Celanese to admit or deny this request. Celanese further states that it never owned or operated the Pontiac facility at issue in this case, did not control the daily operations of the facility and does not know whether asbestos-containing products were in use at the time Plaintiff's Decedent claims to have worked there. See Response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 23:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. See the response to Request for Admission No. 2, above.

REQUEST FOR ADMISSION NO. 25:

Admit that Defendant did not exercise reasonable care to reduce or eliminate the risk of harm posed by the use of asbestos-containing products at Defendant's Premises.

RESPONSE:

Celanese objects to this request because:

1. It is not limited in time or scope;
2. It is vague and ambiguous;
3. It assumes facts not in evidence and is based upon an incorrect premise; and
4. It is argumentative and conclusory.

Subject to those objections, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR ADMISSION NO. 26:

Admit that Defendant did not reduce or eliminate the unreasonable risk of harm posed by the use of asbestos-containing products at Defendant's Premises.

RESPONSE:

Celanese objects to this request because:

1. It is not limited in time or scope;
2. It is vague and ambiguous;
3. It assumes facts not in evidence and is based upon an incorrect premise; and
4. It is argumentative and conclusory.

Subject to those objections, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 24:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 28:

Admit that Defendant's failure to reduce or eliminate the risk of harm to Plaintiff's Decedent posed by exposure to asbestos was a substantial factor in bringing about Plaintiff's Decedent's asbestos-related injury.

RESPONSE:

Celanese objects to this request because:

1. It is not limited in time or scope;
2. It is vague and ambiguous;
3. It assumes facts not in evidence and is based upon an incorrect premise; and
4. It is argumentative and conclusory.

Subject to those objections, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 25:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR PRODUCTION NO. 26:

If you contend that while at the premises on which you or your employees were working with asbestos-containing materials, Plaintiff's Decedent was not exposed to sufficient quantities of asbestos dust to produce the disease(s) complained of, produce all documents supporting your contention.

RESPONSE:

Celanese objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Celanese does not contend that Plaintiff's Decedent was working on premises where its employees were working. In fact, Celanese denies that Plaintiff's Decedent ever worked at premises owned or operated by it. Nor does it contend that Celanese employees were working with asbestos-containing materials when Plaintiff's decedent was working at the Pontiac facility, which Celanese never owned. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 27:

If you contend that Plaintiff's Decedent is suffering from an asbestos disease as a result of exposures other than asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE:

Celanese objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous; and

3. It assumes facts not in evidence and is based upon an incorrect premise.

Celanese does not contend that Plaintiff's Decedent was working on premises where its employees were working. In fact, Celanese denies that Plaintiff's Decedent ever worked at premises owned or operated by it. Nor does it contend that Celanese employees were working with asbestos-containing materials when Plaintiff's decedent was working at the Pontiac facility, which Celanese never owned. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 28:

If you contend that Plaintiff's Decedent does not suffer from the asbestos-related disease(s) complained of, produce all documents supporting your contention.

RESPONSE:

Celanese objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to these objections, see the medical records of Plaintiff's decedent along with all reports regarding Plaintiff's decedent produced by all parties in this action.

REQUEST FOR PRODUCTION NO. 29:

If you contend that Plaintiff's Decedent was not exposed to asbestos dust on your premises, produce all documents supporting your contention.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

INTERROGATORY NO. 6:

State whether Defendant has at any time provided safety equipment at any time for workers' protection against the inhalation of asbestos dust, including but not limited to masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment,

indicate when such was first provided to your workers, under what circumstances such were provided, and the name, address and telephone number of the person most knowledgeable concerning such provision.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, see the response to Request for Admission No. 2, above. Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent.

REQUEST FOR PRODUCTION NO. 30:

Produce all documents which support your response to the foregoing interrogatory.

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese also objects to and denies any characterization that the Pontiac facility in question was ever owned by Celanese or that it was its "premises."

Subject to these objections, see the response to Request for Admission No. 2, above. See also the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates labeled 000001-006430. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility, which it never owned. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions plaintiff's decedent.

INTERROGATORY NO. 7:

If you ever had a policy requiring employees to use respirators, state when this policy was implemented; describe this policy in detail; state to whom it applied (i.e. Defendant employees and contractor employees); and describe what types and brand names of respirators were required by you.

RESPONSE:

Defendant additionally objects to this discovery request on the following grounds:

1. It is unlimited in time, scope, and plant location;
2. It is overly broad, unduly burdensome, and harassing; and
3. It seeks matters that are neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections, Celanese further states that, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese did not have any policies at the Pontiac facility in Corpus Christi where the decedent allegedly worked.

REQUEST FOR PRODUCTION NO. 31:

Produce all documents which support your response to the foregoing interrogatory.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 29:

Admit that Defendant did not provide adequate safety measures and protection against asbestos dust to the decedent.

RESPONSE:

Celanese objects to this request because:

1. It is vague and ambiguous; and
2. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, admitted. However, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility, which it never owned, and had no opportunity to provide such protection to decedent. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 32:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 30:

Admit the Defendant did not adequately warn the decedent of the extreme risk and dangers of asbestos exposure during the installation, maintenance, manufacturing and removal process.

RESPONSE:

Celanese objects to this request because:

1. It is vague and ambiguous; and
2. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, Celanese admits that it provided no warnings to Plaintiff's Decedent but states that, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility, which it never owned, and had no opportunity to provide warnings to decedent. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 33:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

INTERROGATORY NO. 8:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiffs regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence; and
3. It is unlimited in time, overly broad and unduly burdensome.

Subject to these objections, see the response to Request for Admission No. 30, above.

INTERROGATORY NO. 9:

If Defendant or any of its predecessor or subsidiary companies have at any time published or distributed any printed material containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos? If so, identify each person responsible for having drafted or issued the warning statements and/or written materials, and the dates when each warning was first issued or distributed.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. See also the response to Request for Admission No. 2, above.

REQUEST FOR ADMISSION NO. 31:

Admit that Defendant did not adhere to all industrial, governmental, regulatory and other established measures to protect workers from harm from exposure to asbestos during the relevant time of the decedent's employment.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 34:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

INTERROGATORY NO.10:

State in detail what tests, if any, Defendant, Defendant's employees, governmental inspectors or insurance company ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products at any of Defendant's job sites. State where and when these tests were conducted, and the results of any such test.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 35:

Produce all documents identified in the foregoing interrogatory.

RESPONSE:

See answer on file in this case. Celanese has no documents for the Pontiac facility pertaining to the issues referenced in Interrogatory No. 10. See response to Request for Admission No. 2, above.

INTERROGATORY NO. 11:

State each time any regulatory agency or other governing body has inspected the Defendant's premises to determine if health and safety regulations governing exposure to asbestos were being followed. Include in your response the date and results of each inspection, and state whether a written report was generated.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 36:

Produce all documents identified in the foregoing interrogatory.

RESPONSE:

Celanese has no documents pertaining to the issues referenced in Interrogatory No. 11 for the Pontiac facility.

REQUEST FOR ADMISSION NO. 32:

Admit that Defendant attempted to install, maintain, manufacture and/or remove asbestos in its workplace without taking adequate precautions for the protection of workers in the vicinity and/or in the plant generally.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, denied. It is further denied that Plaintiff's Decedent worked at any premises owned or operated by Celanese. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 37:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

INTERROGATORY NO. 12:

State the years during which Defendant or its subsidiaries or predecessors operated a medical department and identify all persons who directed, headed or supervised said department and the years of their service in that capacity.

RESPONSE:

Defendant additionally objects to this discovery request on the following grounds:

1. Because it is not limited in time or to the plant at issue in this case;
2. It is overly broad and unduly burdensome; and
3. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

While Defendant operated a medical department during the relevant time period of this case, it had no involvement with the plant referenced in plaintiffs' petition. See response to Request for Admission No. 2, above.

INTERROGATORY NO. 13:

State the years which Defendant or its predecessor or subsidiaries operated a safety department and identify all persons who directed, headed or supervised said department and the years of their service in that capacity.

RESPONSE:

Defendant additionally objects to this discovery request on the following grounds:

1. Because it is not limited in time or to the plant at issue in this case;
2. It is overly broad and unduly burdensome; and
3. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

While Defendant operated safety departments at various levels within its organization, it had no involvement with the plant referenced in plaintiffs' petition. See response to Request for Admission No. 2, above.

REQUEST FOR ADMISSION NO. 33:

Admit that asbestos is still in use and/or in place on Defendant's Premises.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the time when Plaintiff claims to have worked on Celanese's premises;
2. It is vague and ambiguous;
3. It is overly broad and unduly burdensome; and
4. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, after reasonable inquiry Celanese cannot admit or deny this request. Defendant further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it has no information about the Pontiac facility today and does not know whether asbestos-containing products are still present at the plant.

REQUEST FOR ADMISSION NO. 33 [sic]:

Admit that asbestos containing materials are no longer in use on Defendant's Premises.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the time when Plaintiff claims to have worked on Celanese's premises;
2. It is vague and ambiguous;
4. It is overly broad and unduly burdensome; and
5. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, after reasonable inquiry Celanese cannot admit or deny this request. Defendant further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it has no information about the Pontiac facility today and does not know whether asbestos-containing products are still present at the plant.

INTERROGATORY NO. 14:

State the date when Defendant ceased to use asbestos-containing products, indicating the first year each type of product was no longer purchased and/or installed.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue or the time when Plaintiff claims to have worked on Celanese's premises;
2. It is vague and ambiguous;
3. It is overly broad and unduly burdensome; and
4. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, Celanese states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and does not know whether asbestos-containing products were used or ceased to be used in the plant.

INTERROGATORY NO. 15:

State whether written warnings were placed at any locations adjacent or near asbestos in place at Defendant's job sites. If so, describe with specificity such signs, including size, color, wording, etc. Additionally, state the number of such signs that were installed and indicate the specific location of each such sign and the dates and length of time such sign was placed at that location.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue or the time when Plaintiff claims to have worked on Celanese's premises;
2. It is vague and ambiguous;
3. It is overly broad and unduly burdensome; and

4. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, Celanese states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and does not know whether written warnings were used at the facility.

INTERROGATORY NO. 16:

State whether any asbestos products in place or in use have been removed or abated from Defendant's Premises. If so, list each and every abatement company or other contractor involved with the removal of asbestos, including address and telephone number, dates and particular locations of such removal.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue and the time when Plaintiff claims to have worked on Celanese's premises;
2. It is vague and ambiguous;
3. It is overly broad and unduly burdensome; and
4. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, Celanese states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and does not know whether asbestos-containing products were used in the plant, and, if so, when they were removed.

INTERROGATORY NO. 17:

If you contend that you have not been negligent towards Plaintiff, as Plaintiff has alleged in Plaintiff's Original Petition and any amendments thereto, please state in full the basis for this contention and describe all regulations, laws, statutes, or other authority including internal procedures relating to asbestos that you have relied upon in making this contention.

RESPONSE:

Defendant additionally objects to this request on the following grounds:

1. It seeks matters that are protected from discovery by the work product doctrine and the attorney client privilege; and
2. It calls for a legal conclusion.

See Defendant's Answer on file in this case. See also response to Request for Admission No. 2, above.

INTERROGATORY NO. 18:

If Defendant has ever been a member of any trade organization that published or disseminated any documents or information relating to asbestos, state the names of such organizations and list the dates of membership.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It assumes facts not in evidence and is based upon an incorrect premise.

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent.

INTERROGATORY NO. 19:

Identify every individual ever employed at Defendant's facilities who has made or presented a Worker's Compensation or other claim for personal injury or death resulting from inhalation of asbestos. Include in your response the date of any such claims and a description of the injury alleged.

RESPONSE:

Defendant additionally objects to this discovery request on the following grounds:

1. It is unlimited in time, scope, and plant location;
2. It is overly broad, unduly burdensome, and harassing; and
3. It seeks matters that are neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, Celanese possesses no information concerning Worker's Compensation claims for the Pontiac facility at issue in this case.

INTERROGATORY NO. 20:

State whether a medical monitoring program, medical examination program or other medical surveillance was provided to your employees and specifically to Decedent. If so, indicate what records of such program, examination or surveillance concerning Decedent exist at this time, including but not limited to reports, x-rays, medical notes and/or descriptions of any kind.

RESPONSE:

Defendant additionally objects to this discovery request on the following grounds:

1. This request is unlimited in time and plant location;
2. It is overly broad and unduly burdensome; and
3. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, Celanese states that while it operated a medical monitoring program, that program had no involvement with the Pontiac facility at issue in this case. See also the Response to Request for Admission No. 2, above.

INTERROGATORY NO. 21:

State the year you first learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards. Further, identify any documents that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Defendant additionally objects to this discovery request on the following grounds:

1. It is overly broad, unduly burdensome, and harassing;
2. It assumes that any exposure is capable of causing disease; and
3. It is vague and ambiguous by use of expressions such as "physical injury" and "asbestos fibers," and "asbestos hazards."

Defendant is unable to state when it first "learned" that persons could suffer physical injury through inhalation of asbestos fibers. When the OSHA regulations concerning asbestos were published in the 1970's, Defendant became aware of those regulations.

REQUEST FOR PRODUCTION NO. 38:

Produce any and all documents, memoranda and/or other writings that reflect, indicate or in any way relate to communications between you and any manufacturer of asbestos-containing products concerning or related to the asbestos contained in such products.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430 and all documents subsequently produced by Celanese entities.

REQUEST FOR PRODUCTION NO. 39:

Produce any and all documents, memoranda and/or other writings, including but not limited to books, pamphlets, or other written materials of any kind or character in your possession that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430 and all documents subsequently produced by Celanese entities.

REQUEST FOR PRODUCTION NO. 40:

Produce any and all publications in your possession that were disseminated or published by any trade association or organization and that contain information relating to the hazards of asbestos and all documents which refer to such publications.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430 and all documents subsequently produced by Celanese entities.

REQUEST FOR PRODUCTION NO. 41:

Produce any and all documents memoranda and/or other writings that indicate and/or reflect or refer to any inspections by any regulatory agency for the purpose of ascertaining whether health or safety regulations were being followed or adhered to at any of your job sites, including but not limited to written reports produced by such agency. This request specifically seeks and all such documentation referring to dust hazards.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430 and all documents subsequently produced by Celanese entities.

REQUEST FOR PRODUCTION NO. 42:

Produce all safety meeting minutes or other documents, memoranda and/or writings that refer to the dangers of asbestos safety measures to be used in the vicinity of asbestos at Defendant's facility.

RESPONSE:

Defendant additionally objects to this request because:

1. It is vague, ambiguous and rendered nonsensical by use of the phrases "that refer to the dangers of asbestos safety measures" and "Defendant's facilities";

2. It fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196;

3. It is unlimited in time, overly broad and seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence; and

4. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese has no information or documents regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. See also the Response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 43:

Produce any and all contracts, memoranda, and/or other writings that in any way reflect arrangements made for the removal of asbestos and/or the installation of asbestos production at any of Defendant's facilities.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430 and all documents subsequently produced by Celanese entities.

REQUEST FOR PRODUCTION NO. 44:

Produce any and all documents, memoranda, and/or other writings that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at any of Defendant's facilities.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced on July 13, 1999, Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430 and all documents subsequently produced by Celanese entities.

REQUEST FOR PRODUCTION NO. 45:

Produce any and all safety manuals and/or safety handbooks provided to Defendant's employees at any time.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th

Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430 and all documents subsequently produced by Celanese entities. Celanese limits its production to safety materials pertinent to asbestos.

REQUEST FOR PRODUCTION NO. 46:

Produce all documents related to the medical condition of JOHN ENGLISH at any time during his employment by Defendant and/or Defendant's subsidiary. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, etc.

RESPONSE:

Defendant additionally objects to this request because:

1. It seeks matters that are not relevant to the subject matter of this lawsuit or are reasonably calculated to lead to the discovery of admissible evidence;
2. It is vague and ambiguous;
3. It fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196;
4. It is unlimited in time, and overly broad; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese possesses no such materials.

REQUEST FOR PRODUCTION NO. 47:

Produce the entire personnel file for FRANCISCO JAVIER TORRES.

RESPONSE:

Defendant objects to this request because it seeks matter that are not relevant to the subject matter of this lawsuit or are reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, Celanese possesses no such materials.

REQUEST FOR PRODUCTION NO. 48:

Produce all documents that relate to an inquiry made by you to any contractor working at a Premises at the same time as Defendant's employees which refer, relate or mention the hazards of asbestos, the existence or location of asbestos-containing materials and/or procedures to follow in the event that work is to be performed by your employees, including Plaintiff's Decedent, in the vicinity of asbestos-containing materials.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. Celanese denies that Plaintiff's Decedent was ever its "employee." See also the Response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO.49:

Produce all documents that relate to an inquiry made by any of your employees to you or to any other entity or individual which refer, relate or mention the hazards of asbestos, the existence or location of asbestos-containing materials and/or procedures to follow in the event that work is to be or has been performed by your employees, including Plaintiff's Decedent, in the vicinity of asbestos-containing materials.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. Celanese denies that its employees worked at the Pontiac facility at issue in this case. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 50:

Produce any and all safety guidelines, specifications and/or other documents provided to Defendant and/or its employees by any other contractors working at Defendant's job sites at the same time as Defendant's employees, including Plaintiff's Decedent, which refer, relate or mention the hazards of asbestos, the existence or location of asbestos-containing materials and/or procedures to follow in the event that work is to be performed in the vicinity of asbestos-containing materials.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. Celanese denies the Plaintiff's Decedent was ever its "employee." See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 51:

Produce any and all safety guidelines, specifications and/or other documents from any source that were provided to Defendant's employees, including Plaintiff's Decedent, which refer or relate or mention the hazards of asbestos, the existence or location of asbestos-containing materials and/or procedures to follow in the event that work is to be performed by Defendant's employees in the vicinity of asbestos-containing materials.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. Celanese denies that any of its employees worked at the Pontiac facility at issue in this case. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 52:

Produce any brochures, pamphlets, catalogs, packaging, or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos that have been published, distributed, or disseminated by you.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430 and all documents subsequently produced by Celanese entities.

REQUEST FOR PRODUCTION NO. 53:

Produce any photographs, videotape, film, slides or other tangible thing graphically depicting images of asbestos products in place or asbestos products being mixed, applied, fabricated, installed, repaired, maintained, utilized, removed, replaced, or abated at any of Defendant's facilities.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese is not aware of any such materials.

REQUEST FOR PRODUCTION NO. 54:

Produce any photographs, videotape, film slides, or other tangible thing graphically depicting images or warning signs or other cautionary statements or statements restricting access to areas in the vicinity of asbestos-containing products or asbestos in place being mixed, applied, fabricated, installed, repaired, maintained, utilized, removed, replaced, or abated at any time of Defendant's facilities.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese is not aware of any such materials.

REQUEST FOR PRODUCTION NO. 55:

Produce any photographs, videotape, film slides or other tangible thing graphically depicting images of containment areas or other restricted access areas in the vicinity of asbestos-containing products or asbestos in place being mixed, applied, fabricated, installed, repaired, maintained, utilized, removed, replaced, or abated at any time at any of Defendant's facilities.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;

3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese is not aware of any such materials.

REQUEST FOR PRODUCTION NO. 56:

Produce any documents, including but not limited to workers compensation claims, indicating that any individuals claimed injury as a result of exposure to asbestos products while employed by you.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese possesses no responsive document for the time period at issue in this case. Celanese possesses no Workers' Compensation claims at all for the Pontiac facility at issue in this case.

REQUEST FOR PRODUCTION NO. 57:

Produce any memoranda, writings, or other documents, including but not limited to, corporate minutes, which in any way contain a discussion of the hazards or potential hazards of asbestos.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430 and all documents subsequently produced by Celanese entities.

REQUEST FOR PRODUCTION NO. 58:

Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the purchase of asbestos-containing products for use by Defendant's employees.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June

1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 59:

Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the purchase or respirators, protective clothing, containment materials, or other protective devices for use by Defendant's employees who were to be working in the vicinity of asbestos-containing products during the course and scope of their employment duties.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 60:

Produce any and all documents, memoranda or other writings reflecting in any way any inspections by labor inspectors, insurance company inspectors or anyone from your company or hired by your company, that included the taking or measuring of "dust counts" at any of Defendant's facilities or at any of the Defendant's job sites.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 61:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its job sites with respect to asbestos dust, produce any documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE:

Defendant additionally objects to this request because:

1. It is vague and ambiguous by use of the phrase "that in any way reflect,"
2. It fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196;
3. It is unlimited in time and plant location and seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence; and

4. It is overly broad, harassing and unduly burdensome in that it requires Defendant to request documents and information from dozens of facilities located nationwide that have no bearing on this case; and
5. It assumes facts not in evidence and is based upon an improper premise.

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's decedent. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 62:

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

RESPONSE:

Defendant additionally objects to this request because:

1. It is vague and ambiguous by use of the phrase "that in any way pertain to,"
2. It fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196;
3. It is unlimited in time and seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence; and
4. It is overly broad, harassing and unduly burdensome in that it requires Defendant to request documents and information from dozens of facilities located nationwide that have no bearing on this case.

Subject to these objections, Celanese has not yet determine who its experts may be.

REQUEST FOR PRODUCTION NO. 63:

Produce any and all documents provided to any expert or fact witnesses as a result of the filing of this case.

RESPONSE:

Defendant additionally objects to this request because it seeks to compel the disclosure of information exempted from discovery by the privileges afforded in Rule 166b(3) of the Rules and Rule 503 of the Texas Rules of Civil Evidence, including specifically the work-product doctrine and the lawyer-client privilege.

Defendant has not yet determined who, if anyone, it may call as an expert to testify at trial. If defendant decides to call an expert to testify and give expert testimony at the time of trial, then this response will be supplemented and non-privileged, responsive documents, if any, will be produced, subject to the foregoing objections.

REQUEST FOR PRODUCTION NO. 64:

Produce any and all curriculum vitae resumes of any of the experts and/or persons with knowledge of relevant facts that you have listed in your Answers to Interrogatories.

RESPONSE:

Defendant has not yet determined who, if anyone, it may call as an expert to testify at trial. If defendant decides to call an expert to testify and give expert testimony at the time of trial, then this response will be supplemented and responsive documents, if any, will be produced.

REQUEST FOR PRODUCTION NO. 65:

Produce all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to cross-examine other witnesses or in rebuttal, and which you contend are relevant to any of Defendant's enumerated defenses in Defendant's most recently filed Answer.

RESPONSE:

Defendant additionally objects to this request because, on its face, it seeks to compel the disclosure of information exempted from discovery by the privileges afforded in the Rules and Rule 503 of the Texas Rules of Civil Evidence, including specifically the work-product doctrine and the lawyer-client privilege.

REQUEST FOR PRODUCTION NO. 66:

Produce any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Defendant additionally objects to this request because:

1. It fails to describe the item or category of items with reasonable particularity as required by Rule 196 of the Texas Rules of Civil Procedure;
2. It seeks documents that are not relevant to any issue in this case nor are reasonably calculated to the discovery of admissible evidence; and
3. It is overly broad, harassing and unduly burdensome in that it requires Defendant to request documents and information from dozens of facilities located nationwide that have no bearing on this case. Indeed, as drafted, the request seeks documents located anywhere in the world.

REQUEST FOR PRODUCTION NO. 67:

Produce all documents that relate to an inquiry made by you to any contractor working at a Premises at the same time as Defendant's employees which refer, relate or mention the hazards of asbestos, the location of asbestos-containing materials and/or procedures to follow in the event that work is to be performed by your employees, including Plaintiff's Decedent, in the vicinity of asbestos-containing materials.

RESPONSE:

Celanese refers Plaintiff to its response to Request for Production No. 48, above.

REQUEST FOR PRODUCTION NO. 68:

Produce all documents which reflect an agreement between Defendant and any of Defendant's customers to indemnify and hold harmless any individual or entity for injuries sustained by Defendant's employees, including Plaintiff's Decedent, at any Premises between 1955 and 1979.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;

3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese is unaware of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 69:

Produce all documents which reflect any discussion concerning the exercise of control over Defendant's employees, including Plaintiff's Decedent, over the work of Defendant's employees, or over the safety practices of Defendant's employees while such employees were performing their duties within the course and scope of their employment with Defendant at any Premises between 1955 and 1979.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's Decedent. Celanese denies that Plaintiff's Decedent was ever its "employee." See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 70:

Produce all documents which reflect any discussion concerning the exercise of control over or monitoring of the use of respirators, protective clothing or other protective equipment by

Defendant's employees, including Plaintiff's Decedent, while such employees were performing their duties within the course and scope of their employment with Defendant at any Premises between 1955 and 1979.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, Celanese has no information regarding these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interaction with Plaintiff's Decedent. Celanese denies that Plaintiff's Decedent was ever its "employee." See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 71:

Produce all documents used, referred to or relied upon in answering any Interrogatories or Request for Disclosure.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure; and
2. It is vague and ambiguous.

Subject to these objections, see the documents previously produced on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th

Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430 and all subsequent documents produced by Celanese. See also the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas

REQUEST FOR ADMISSION NO. 34:

Admit that Plaintiff filed suit against Defendant within two (2) years of the date of discovering his asbestos-related condition or the existence of any asbestos-related causes of action.

RESPONSE:

After reasonable inquiry, the information known or easily obtainable is insufficient to enable Celanese to admit or deny this request.

REQUEST FOR ADMISSION NO. 35:

Admit that the 3-hour time-weighted average airborne concentrations of asbestos fibers to which Plaintiff was exposed exceeded five fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, after reasonable inquiry Celanese cannot admit or deny this request. Defendant further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and does not know whether asbestos-containing products were used in the plant and, if so, whether decedent was exposed to asbestos fibers. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 72:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 36:

Admit that you did not measure the 3-hour-time-weighted average airborne concentrations of asbestos fibers to which Plaintiff was exposed while in your employ.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it performed no such measurements, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to measure fiber concentrations in the facility. Celanese denies that Plaintiff's Decedent was ever its "employee."

REQUEST FOR PRODUCTION NO. 73:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 37:

Admit that the 8-hour-time-weighted average airborne concentrations of asbestos fibers to which Plaintiff was exposed exceeded two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, after reasonable inquiry Celanese cannot admit or deny this request. Defendant further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to measure fiber concentrations in the facility.

REQUEST FOR PRODUCTION NO. 74:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 38:

Admit that you did not measure the 8-hour time-weighted average airborne concentrations of asbestos fibers to which Plaintiff was exposed while in your employ.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it performed no such measurements, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to measure fiber concentrations in the facility. Celanese denies that Plaintiff's Decedent was ever its "employee."

REQUEST FOR PRODUCTION NO. 75:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 39:

Admit that while in your employ, Plaintiff was exposed to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, after reasonable inquiry Celanese cannot admit or deny this request. Defendant further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to measure fiber concentrations in the facility. Celanese denies the Plaintiff's Decedent was ever its "employee."

REQUEST FOR PRODUCTION NO. 76:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 40:

Admit that you did not measure airborne concentrations of asbestos fibers in Plaintiff's work area to determine whether Plaintiff was exposed to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air while in your employ.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it performed no such measurements, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to measure fiber concentrations in the facility. Celanese denies that Plaintiff's Decedent was ever its "employee."

REQUEST FOR PRODUCTION NO. 77:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 41:

Admit that you did not employ the following engineering control in Plaintiff's place of employment: isolation.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it did not employ such controls, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to employ any engineering controls at the Pontiac facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 78:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 42:

Admit that you did not employ the following engineering control in Plaintiff's place of employment: enclosure.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it did not employ such controls, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to employ any engineering controls at the Pontiac facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 79:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 43:

Admit that you did not employ the following engineering control in Plaintiff's place of employment: exhaust ventilation.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it did not employ such controls, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to employ any engineering controls at the Pontiac facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 80:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 44:

Admit that you did not provide and require the use of the following special clothing by Plaintiff: coveralls or similar whole body clothing.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it did not require such clothing, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to require such clothing at the Pontiac facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 81:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 45:

Admit that you did not provide and require the use of the following special clothing by Plaintiff: head coverings.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it did not require such clothing, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to require such clothing at the Pontiac facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 82:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 46:

Admit that you did not provide and require the use of the following special clothing by Plaintiff: gloves.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it did not require such clothing, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to require such clothing at the Pontiac facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 83:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 47:

Admit that you did not provide and require the use of the following special clothing by Plaintiff: foot coverings.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it did not require such clothing, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to require such clothing at the Pontiac facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 84:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 48:

Admit that you did not undertake the laundering of Plaintiff's work clothing worn during your employ.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it undertook no such step, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to make any such provisions at the Pontiac facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 85:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 49:

Admit that you did not make determinations of airborne concentrations of asbestos fibers in Plaintiff's place of employment by the membrane filter method at 400-450X (magnification) (4 millimeter objective) with phase illumination.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it made no such determinations, and further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to measure fiber concentrations in the facility or to make such determinations concerning them. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 86:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 50:

Admit that you did not monitor every place of employment of Plaintiff where asbestos fibers were released in such a way as to determine whether Plaintiff's exposure to asbestos fibers was below two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits it performed no such monitoring, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to conduct air monitoring in the facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 87:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 51:

Admit that you did not collect samples from within the breathing zone of the Plaintiff on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits it performed no such monitoring, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to conduct air monitoring in the facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 88:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 52:

Admit that you did not collect samples (from within the breathing zone of the Plaintiff on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder) of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees, including Plaintiff.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and

2. It is vague and ambiguous.

Subject to these objections, Celanese admits it performed no such monitoring, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to conduct air monitoring in the facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 89:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 53:

Admit that you did not collect samples (from within the breathing zone of the Plaintiff membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder) at intervals of 6 months or less.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits it performed no such monitoring, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to conduct air monitoring in the facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 90:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 54:

Admit that you did not collect samples from areas of a work environmental which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff during his employ.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits it performed no such monitoring, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to conduct air monitoring in the facility. See also the response to Request for Admission No. 2, above. Celanese denies that the Plaintiff's Decedent was ever its "employee."

REQUEST FOR PRODUCTION NO. 91:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 55:

Admit that you did not collect samples (from areas of a work environmental which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff during his employ) of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the Plaintiff.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits it performed no such monitoring, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to conduct air monitoring in the facility. See also the response to Request for Admission No. 2, above. Celanese denies that the Plaintiff's Decedent was ever its "employee."

REQUEST FOR PRODUCTION NO. 92:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 56:

Admit that you did not collect samples (from areas of work environment which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff during his employ) at intervals equal to or less than 6 months.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits it performed no such monitoring, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to conduct air monitoring in the facility. See also the response to Request for Admission No. 2, above. Celanese denies that the Plaintiff's Decedent was ever its "employee."

REQUEST FOR PRODUCTION NO. 93:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 57:

Admit that you did not provide and display caution signs at each location where Plaintiff worked in which airborne concentrations of asbestos fibers may have exceeded of two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits it provided no such signage, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to provide and display cautions signs in the facility.

REQUEST FOR PRODUCTION NO. 94:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 58:

Admit that you did not provide and display cautions signs at each location where Plaintiff worked in which airborne concentrations of asbestos fibers may have exceeded two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits it provided no such signage, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to provide and display cautions signs in the facility.

REQUEST FOR PRODUCTION NO. 95:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 59:

Admit that you did not post caution signs at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs.

RESPONSE:

Celanese objects to this request because:

1. It is unlimited in time and plant location;
2. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence;

3. It assumes facts not in evidence and is based upon an incorrect premise; and
4. It is vague and ambiguous.

Subject to these objections, Celanese admits it provided no such signage, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to provide and display cautions signs in the facility.

REQUEST FOR PRODUCTION NO. 96:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 60:

Admit that you did not post caution signs at all approaches to areas containing concentrations of airborne asbestos fibers in excess of two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It is unlimited in time and plant location;
2. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence;
3. It assumes facts not in evidence and is based upon an incorrect premise; and
4. It is vague and ambiguous.

Subject to these objections, Celanese admits it provided no such signage, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to provide and display cautions signs in the facility.

REQUEST FOR PRODUCTION NO. 97:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 61:

Admit that you did not maintain records of any personal monitoring of the breathing zone of Plaintiff.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it maintained no such records, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to maintain records concerning the facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 98:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to the records pertaining to such monitoring.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 62:

Admit that you did not maintain records of any decision you made to forego personal monitoring of the breathing zone of Plaintiff.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it maintained no such records, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to maintain records concerning the facility. See also the response to Request for Admission No. 2, above.

REQUEST FOR PRODUCTION NO. 99:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 63:

Admit that you did not maintain records of any monitoring of every place of employment of Plaintiff where asbestos fibers are released in such a way as to determine whether every employee's exposure to asbestos fibers is below two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it maintained no such records, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to maintain records concerning the facility. See also the response to Request for Admission No. 2, above. Celanese denies that the Plaintiff's Decedent was ever its "employee."

REQUEST FOR PRODUCTION NO. 100:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to the records pertaining to such monitoring.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 64:

Admit that you did not maintain records of any decision to forego monitoring of every place of employment of Plaintiff where asbestos fibers are released in such a way as to determine whether every employee's exposure to asbestos fibers is below two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it maintained no such records, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to maintain records concerning the facility. See also the response to Request for Admission No. 2, above. Celanese denies that the Plaintiff's Decedent was ever its "employee."

REQUEST FOR PRODUCTION NO. 101:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 65:

Admit that you did not notify Plaintiff in writing that he had been exposed to airborne concentrations of asbestos fibers in excess of two fibers, longer than 5 micrometers, per cubic centimeter of air as soon as was practicable but not later than 5 days of the finding.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits it made no such notification, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to issue any notifications to Plaintiff's decedent.

REQUEST FOR PRODUCTION NO. 102:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to such written notifications.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 66:

Admit that you did not provide to Plaintiff or make available to him at your cost, medical examinations relative to exposure to asbestos.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it did not provide such an examination, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to make any medical examinations available to Plaintiff's Decedent.

REQUEST FOR PRODUCTION NO. 103:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 67:

Admit that you did not provide or make available to Plaintiff, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease and pulmonary function tests to include force vital capacity (FVC) and forced expiratory volume at 1 second.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it did not provide such an examination, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to make any medical examinations available to Plaintiff's Decedent. Celanese denies that Plaintiff's Decedent was ever its "employee."

REQUEST FOR PRODUCTION NO. 104:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 68:

Admit that you did not provide, or make available to Plaintiff, comprehensive medical examinations on at least an annual basis that included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit etiology of respiratory disease and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it did not provide such an examination, but further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to make any medical examinations available to Plaintiff's Decedent. Celanese denies that Plaintiff's Decedent was ever its "employee."

REQUEST FOR PRODUCTION NO. 105:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 69:

Admit that you did not provide, or make available, within 30 calendar days before or after the termination of Plaintiff's employment, a comprehensive medical examination which included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology or respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese refers Plaintiff to its response to Request for Admission No. 67, above.

REQUEST FOR PRODUCTION NO. 106:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 70:

Admit that you did not maintain and retain for at least 20 years complete and accurate records of all comprehensive medical examinations of Plaintiff which included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it never had and certainly did not maintain such records, and further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to provide medical examinations to Plaintiff's decedent or to make and maintain records for the facility.

REQUEST FOR PRODUCTION NO. 107:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to the records of the examinations.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

REQUEST FOR ADMISSION NO. 71:

Admit that you did not maintain and retain for at least 20 years complete and accurate records of your decision to forego providing or making available to Plaintiff comprehensive medical examinations of Plaintiff which included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise; and
2. It is vague and ambiguous.

Subject to these objections, Celanese admits that it never had and certainly did not maintain such records, and further states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue and did not have the opportunity to provide medical examinations to Plaintiff's Decedent or to make and maintain records for the facility.

REQUEST FOR PRODUCTION NO. 108:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, see the documents produced by Celanese on April 4, 2000, in Cause No 97-0844-E; *Jose J. Cano, et al. v. Owens Corning Fiberglas Corporation, et al.*, in the 28th Judicial District Court of Nueces County, Texas.

Respectfully submitted,



Nona Walker
State Bar No. 19890600
ROSE•WALKER, L.L.P.
1701 N. Market St., Suite 200
Dallas, Texas 75202
Phone: (214) 752-8600
Fax: (214) 752-8700

Michael E. Hutchins
Hawkins & Parnell, L.L.P.
4000 Suntrust Plaza
303 Peachtree Street, N.E.
Atlanta, Georgia 30308-3243
Phone: (404) 614-7400
Fax: (404) 614-7500

ATTORNEYS FOR DEFENDANT,
HOECHST CELANESE CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Responses and Objections of Defendant Hoechst Celanese Corp. to Plaintiff's First Set of Interrogatories, First Request for Production and First Request for Admission has been forwarded to the following counsel of record by certified mail, return receipt requested on this 26th day of December, 2000:

Russell W. Budd
Holly J. W. Huart
Stephanie Finch
Baron & Budd, P.C.
3102 Oak Lawn Avenue
Suite 1100
Dallas, Texas 75219-4281

B. Stephen Rice
Craig S. Wolcott
Hays McConn Rice & Pickering
400 Two Allen Center
1200 Smith Street
Houston, Texas 77002



Nona Walker