

CAUSE NO. 90G2055

WELDON R. MOAKE AND JANICE I. MOAKE; KEVIN R. MOAKE; DANA R. ASHLEY; AND MACK K. MOAKE.

Plaintiffs.

VS.

OWENS-CORNING FIBERGLAS
CORPORATION (A/K/A OWENS
CORNING CORPORATION), et al.,

Defendants.

IN THE DISTRICT COURT OF

BRAZORIA COUNTY, TEXAS

239TH JUDICIAL DISTRICT

**DEFENDANT CELANESE LTD.'S RESPONSES
TO PLAINTIFF WELDON R. MOAKE'S
SECOND REQUEST FOR PRODUCTION**

TO: Plaintiff Weldon Russell Moake, by and through his attorney, Stephanie Finch,
BARON & BUDD, The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas
75219

Pursuant to the Texas Rules of Civil Procedure (the “Rules”), Defendant Celanese Ltd. (referenced herein as “Defendant” or “Celanese”) submits these Responses to Plaintiff Weldon R. Moake’s Second Request for Production to Premises Defendant Celanese Ltd. as follows:

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

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

1. Celanese objects to Plaintiff's Instruction No. 1. Defendant may produce non-privileged responsive documents in the manner in which they are kept in the ordinary course of business.

2. Defendant objects to the requests to the extent that they seek to compel the disclosure of information specifically exempted from discovery by the privileges afforded in the Texas Rules of Civil Procedure and Article V. of the Texas Rules of Evidence, including the attorney/client privilege, the joint defense privilege, the attorney work product doctrine, or the investigative privilege. Withholding of documents or information on the basis of privilege, if any, will be specifically noted as part of Defendant's objections and responses after the discovery request calling for such privileged information and/or documents, if any.

3. 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 and entities other than those that 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 are not discoverable.

4. 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 503 of the Texas Rules of Evidence, including the attorney work product doctrine, and the attorney client privilege because it exceeds the scope of Rule 192.3 of the Rules. Throughout these responses, Celanese will assume that the word will have its commonly used meaning, as set forth in Rule 192.3(b), and will respond accordingly.

5. Defendant objects to the definitions of "identify" contained in paragraphs 16 and 17 of the DEFINITIONS because they are overly broad, unduly burdensome and harassing.

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

7. Defendant objects to any discovery request seeking information and/or documents outside of the relevant time frame of 1964 to 1988, which is the time frame identified by plaintiff in his deposition testimony during which he allegedly conducted independent contractor work at Defendant's Premises. Accordingly, it is unduly burdensome, excessively expensive, and harassing to require Celanese to respond to any discovery request seeking information or documents outside of that relevant time frame.

8. Celanese further objects to any discovery request seeking to charge it with knowledge or information held by its "predecessors or subsidiaries" or requiring it to provide information regarding plants other than the ones identified by plaintiff in Definition 18 as "Defendant's plant(s) and/or locations that were identified in Plaintiffs' Original Petition or last amended petition as the plant(s) or facility(ies) or location(s) owned or operated by this Defendant" where Plaintiff was allegedly exposed to asbestos-containing products." Celanese operated multiple facilities and employs thousands of workers. Accordingly, it is unduly burdensome, excessively expensive and harassing to require Celanese to respond to these discovery requests as to all plants and/or any plant at which plaintiff never worked.

9. 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.

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

SPECIFIC OBJECTIONS AND RESPONSES

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, Celanese specifically responds as follows:

RESPONSES

REQUEST FOR PRODUCTION NO. 1:

Produce a true and unadulterated copy of the Draft Hazardous Waste Permit, Proposed Permit No. HW-50123 and Compliance Plan, Proposed Compliance Plan No. CP-50123 for the Celanese Engineering Resins, Inc., Bishop, Texas facility which was submitted to the Texas Water Commission in 1987.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is unduly burdensome, abusive and harassing;
- (c) it constitutes an impermissible fishing expedition; and
- (d) it is not reasonably tailored to include matters relevant to this case.

REQUEST FOR PRODUCTION NO. 2:

Produce a true and unadulterated copy of the RCRA Facility Investigation Work Plan, Revision No. 2, for Hazardous Waste Management Permit No. HW50123-001, dated

May 1990, which was prepared by ENSR Consulting and Engineering on behalf of Celanese Engineering Resins, Inc., Bishop, Texas.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is not limited to the relevant time frame;
- (c) it is unduly burdensome, abusive and harassing;
- (d) it constitutes an impermissible fishing expedition;
- (e) it is not reasonably tailored to include matters relevant to this case; and
- (f) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 3:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos was deposited in landfills located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;

- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 4:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on asbestos being deposited in landfill located on property owned and/or operated by Celanese Engineering Resins, Inc., during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or any facilities at issue in this case;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 5:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos wastes were deposited in landfills located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 6:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on asbestos wastes being deposited in landfills located on property owned and/or operated by Celanese Engineering Resins, Inc., during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 7:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document terebutyl phthalate wastes were deposited in landfills located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;

- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 8:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on terebutyl phthalate wastes being deposited in landfills located on property owned and/or operated by Celanese Engineering Resins, Inc., during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or any facilities at issue in this lawsuit;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 9:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document terephthalate wastes were deposited in landfills located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit.
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 10:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on terephthalate wastes being deposited in landfills located on property owned and/or operated by Celanese Engineering Resins, Inc., during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 11:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document polybutylene terephthalate wastes were deposited in landfills located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit.
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;

- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 12:

Produce true and unadulterated copies of all business which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on polybutylene terephthalate wastes being deposited in landfills located on property owned and/or operated by Celanese Engineering Resins, Inc., during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 13:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document polyethylene terephthalate wastes were deposited in landfills located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 14:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on polyethylene terephthalate wastes being deposited in landfills located on property owned and/or operated by Celanese Engineering Resins, Inc., during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 15:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos contaminated polymer wastes were deposited in landfills located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;

- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 16:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on asbestos contaminated polymer wastes being deposited in landfills located on property owned and/or operated by Celanese Engineering Resins, Inc., during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 17:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos was deposited in Unit No. H, Landfill Site II, South, located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit ;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 18:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document terebutyl phthalate wastes were deposited in Unit No. H, Landfill Site II, South, located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 19:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos contaminated polymer wastes were deposited in Unit No. H, Landfill Site II, South, located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;

- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 20:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos was deposited in Landfill 11E located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 21:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos was deposited in Landfill 13E located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 22:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document terebutyl phthalate wastes were deposited in Landfill 11E located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a

party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;

- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 23:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document terebutyl phthalate wastes were deposited in Landfill 13E located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;

- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 24:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos contaminated polymer wastes were deposited in Landfill 11E located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 25:

Produce true and adulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos contaminated polymer wastes were deposited in Landfill 13E located on facility property during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 26:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos was transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;

- (d) it is not limited to the relevant time period and/or any facilities at issue in this lawsuit;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 27:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on asbestos being transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 28:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos wastes were transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 29:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on asbestos wastes being transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 30:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document terebutyl phthalate wastes were transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;

- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 31:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on terebutyl phthalate wastes being transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 32:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document polybutylene terephthalate wastes were transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 33:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on polybutylene terephthalate wastes being transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 34:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document polyethylene terephthalate wastes were transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;

- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 35:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on polyethylene terephthalate wastes being transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 36:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos contaminated polymer wastes were transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 37:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document a company-wide policy on asbestos contaminated polymer wastes being transported to off-site landfills and/or waste facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit and to products, chemicals and/or substances not at issue in the lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

REQUEST FOR PRODUCTION NO. 38:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos was used and/or mixed in polymer resins which were manufactured at this facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;

- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, Celanese states that all known documents addressing health, safety and monitoring issues for the Celanex unit at the Bishop plant during the period of time relevant to this case have been or will be produced to plaintiffs' counsel.

REQUEST FOR PRODUCTION NO. 39:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document asbestos was used and/or mixed in polymer resins which were manufactured at any Celanese Engineering Resins, Inc. facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, this defendant states on information and belief that, outside of the Bishop plant, no such documents exist because Celanex, the only asbestos-containing product produced by Celanese Engineering Resins, Inc. was only manufactured in one unit at the Bishop facility.

REQUEST FOR PRODUCTION NO. 40:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos was used and/or mixed in plastic resins which were manufactured at this facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 38 above.

REQUEST FOR PRODUCTION NO. 41:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document asbestos was used and/or mixed in plastic resins

which were manufactured at any Celanese Engineering Resins, Inc. facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see the Response to Request for Production No. 39 above.

REQUEST FOR PRODUCTION NO. 42:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos was used and/or mixed in terephthalate resins which were manufactured at this facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;

- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 38 above.

REQUEST FOR PRODUCTION NO. 43:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document asbestos was used and/or mixed in terephthalate resins which were manufactured at any Celanese Engineering Resins, Inc. facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;

- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 39 above.

REQUEST FOR PRODUCTION NO. 44:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos was used and/or mixed in terebutyl phthalate resins which were manufactured at this facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 38 above.

REQUEST FOR PRODUCTION NO. 45:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document asbestos was used and/or mixed in terebutyl phthalate resins which were manufactured at any Celanese Engineering Resins, Inc. facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 39 above.

REQUEST FOR PRODUCTION NO. 46:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos was used and/or mixed in polybutylene terephthalate resins which were manufactured at this facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 38 above.

REQUEST FOR PRODUCTION NO. 47:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document asbestos was used and/or mixed in polybutylene terephthalate resins which were manufactured at any Celanese Engineering Resins, Inc. facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;

- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 39 above.

REQUEST FOR PRODUCTION NO. 48:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos was used and/or mixed in polyethylene terephthalate resins which were manufactured at this facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 38 above.

REQUEST FOR PRODUCTION NO. 49:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document asbestos was used and/or mixed in polyethylene terephthalate resins which were manufactured at any Celanese Engineering Resins, Inc. facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without these objections, see Response to Request for Production No. 39 above.

REQUEST FOR PRODUCTION NO. 50:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos levels were measured in ambient air samples obtained in plant production areas where asbestos was added and/or mixed in polymer resins which were manufactured at the Bishop, Texas facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 38 above.

REQUEST FOR PRODUCTION NO. 51:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document Celanese Engineering Resins, Inc., had a company-wide policy on measuring asbestos levels in ambient air in plant production areas where asbestos was added and/or mixed in polymer resins that were manufactured at Celanese Engineering Resins, Inc. facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;

- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Responses to Requests for Production Nos. 38 and 39 above.

REQUEST FOR PRODUCTION NO. 52:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos levels were measured in ambient air samples obtained in plant production areas where asbestos was added and/or mixed in plastic resins which were manufactured at this facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;

- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 38 above.

REQUEST FOR PRODUCTION NO. 53:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document Celanese Engineering Resins, Inc., had a company-wide policy on measuring asbestos levels in ambient air in plant production areas where asbestos was added and/or mixed in plastic resins that were manufactured at Celanese Engineering Resins, Inc. facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Responses to Requests for Production Nos. 38 and 39 above.

REQUEST FOR PRODUCTION NO. 54:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos levels were measured in ambient air samples obtained in plant production areas where asbestos was added and/or mixed in terephthalate resins which were manufactured at this facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 38 above.

REQUEST FOR PRODUCTION NO. 55:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document Celanese Engineering Resins, Inc., had a company-wide policy on measuring asbestos levels in ambient air in plant production areas where asbestos was added and/or mixed in terephthalate resins that were manufactured at Celanese Engineering Resins, Inc. facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Responses to Requests for Production Nos. 38 and 39 above.

REQUEST FOR PRODUCTION NO. 56:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos levels were measured in ambient air samples obtained in plant production areas where asbestos was added and/or mixed in terebutyl phthalate resins which were manufactured at this facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;

- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 38 above.

REQUEST FOR PRODUCTION NO. 57:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document Celanese Engineering Resins, Inc., had a company-wide policy on measuring asbestos levels in ambient air in plant production areas where asbestos was added and/or mixed in terebutyl phthalate resins that were manufactured at Celanese Engineering Resins, Inc. facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;

- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Responses to Requests for Production Nos. 38 and 39 above.

REQUEST FOR PRODUCTION NO. 58:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos levels were measured in ambient air samples obtained in plant production areas where asbestos was added and/or mixed in polybutylene terephthalate resins which were manufactured at this facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 38 above.

REQUEST FOR PRODUCTION NO. 59:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document Celanese Engineering Resins, Inc., had a company-wide policy on measuring asbestos levels in ambient air in plant production areas where asbestos was added and/or mixed in polybutylene terephthalate resins that were manufactured at Celanese Engineering Resins, Inc. facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Responses to Requests for Production Nos. 38 and 39 above.

REQUEST FOR PRODUCTION NO. 60:

Produce true and unadulterated copies of all business records which were created by and/or on behalf of the Celanese Engineering Resins, Inc., Bishop, Texas facility during the course of its day-to-day business activities that document asbestos levels were measured in ambient air samples obtained in plant production areas where asbestos was added and/or mixed in polyethylene terephthalate resins which were manufactured at this facility during the period between January 1, 1946 through December 31, 1980.

RESPONSE:

Celanese additionally objects to this request for the following reasons:

- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;
- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Response to Request for Production No. 38 above.

REQUEST FOR PRODUCTION NO. 61

Produce true and unadulterated copies of all business records which were created by and/or on behalf of Celanese Engineering Resins, Inc., during the course of its day-to-day business activities that document Celanese Engineering Resins, Inc., had a company-wide policy on measuring asbestos levels in ambient air in plant production areas where asbestos was added and/or mixed in polyethylene terephthalate resins that were manufactured at Celanese Engineering Resins, Inc. facilities during the period between January 1, 1946 through December 31, 1980.

RESPONSE

Celanese additionally objects to this request for the following reasons:

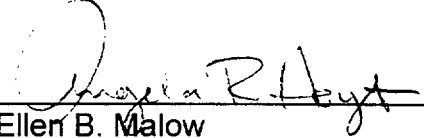
- (a) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it pertains to an entity not a party to this lawsuit;

- (b) it is vague and ambiguous;
- (c) it is overly broad, unduly burdensome, abusive and harassing;
- (d) it is not limited to the relevant time period and/or the facilities at issue;
- (e) it constitutes an impermissible fishing expedition;
- (f) it fails to describe with reasonable particularity the items or category of items sought to be inspected;
- (g) it is not reasonably tailored to include matters relevant to this case; and
- (h) it requires defendant to obtain documents in the possession of an entity other than this defendant.

Subject to and without waiving these objections, see Responses to Requests for Production Nos. 38 and 39 above.

Respectfully submitted,

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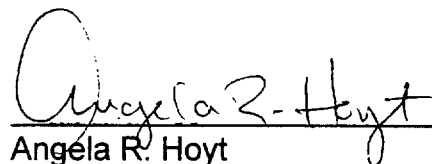
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served via facsimile and/or hand delivery and/or by United States mail, postage prepaid, to plaintiff's counsel of record on this 28th day of September 2000.



Angela R. Hoyt