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G-134th JUDICIAL DISTRICT

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

2. Defendants object to the interrogatories and 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 ("Rules") and Article V. of the Texas Rules of Evidence ("Rules of Evidence"), including the attorney/client privilege, the joint defense privilege, the attorney work product doctrine, or the investigative privilege. Any withholding of documents or information on the basis of privilege will be specifically noted as part of Defendants' objections and responses after the discovery request calling for such privileged information and/or documents, if any.

3. Defendants object 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 that are parties to this suit. Defendants also object to paragraphs one and three because they include Defendants' attorneys; information and things protected by the attorney client privilege and work product doctrine are not discoverable.

4. Defendants object 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 they exceed

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

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

7. Celanese objects to these discovery requests in that they are premature. Plaintiff has, thus far, failed to provide discovery responses or information indicating the history, timing, or nature of her decedent's alleged work and asbestos exposure at any Celanese facilities, other than the vague allegations contained in Plaintiffs' Original Petition. Thus, these requests at present are overbroad, unduly burdensome and harassing. Celanese reserves the right to supplement and/or amend its responses as discovery progresses.

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 one at which Plaintiff Janet G. Rogers' decedent allegedly worked. Celanese operated multiple facilities and employs thousands of workers. Accordingly, it is unduly burdensome, excessively expensive and harassing to require Celanese to answer these discovery requests as to all plants, and/or any plant at which plaintiff's decedent was never present.

9. Defendants object to Plaintiff's discovery requests because they are unlimited in time.

10. Defendants object 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 Rules.

11. The presence of an objection does not mean that Celanese 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, Celanese specifically responds as follows:

RESPONSES

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, 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.

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; and
2. The words "supplied any information" are vague and ambiguous.

Subject to these objections, the information contained in these responses is derived from corporate documents, copies of which have previously been produced, or will be produced, and also supplied by former employees of Celanese, whose identities are, or will be, disclosed in Defendants' 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.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Not applicable.

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 during the years at issue.

RESPONSE:

Celanese additionally objects to this request because it is vague and ambiguous.

Subject to these objections, Celanese admits that, during the stated time, some asbestos-containing thermal surface insulation, building products and gasket/packing materials were utilized at the plant from time to time.

INTERROGATORY NO. 2:

If you admit the foregoing request, please 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:

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; and
2. It is unlimited in time, overly broad and unduly burdensome.

Subject to these objections, Celanese refers plaintiff to its responses to Request for Admission No. 2, above. By way of further response, Celanese states that purchase and/or usage of asbestos-containing thermal surface insulation products was discontinued in 1972-1973 and that purchase and/or usage of other asbestos-containing materials was discontinued at various times thereafter. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

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; and
4. It is unlimited in time, overly broad and unduly burdensome.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff was working on Defendant's Premises, 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 additionally objects to this request because it assumes facts not in evidence and because it is based upon an improper premise.

Subject to these objections, denied as stated.

INTERROGATORY NO. 3:

Please state whether any asbestos-containing products in place or in use at Defendant's Premises have been abated at any time.

- a. If so, list each person or company that performed such abatement services (including address and telephone number)
- b. State the dates and locations of each abatement procedure;
- c. State which asbestos-containing products were abated.

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 vague and ambiguous; and
3. It is unlimited in time, overly broad and unduly burdensome.

Subject to these objections, Celanese believes that removal of asbestos-containing materials would have occurred at various times during the course of the plant's existence.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents that in any way pertain to abatement of asbestos-containing materials on Defendant's Premises, including but not limited to a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises, and in operation and maintenance plan.

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; and
4. It is unlimited in time, overly broad and unduly burdensome.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR ADMISSION NO. 4:

Admit that Plaintiff worked on premises owned by Defendant or by a predecessor-in-interest of Defendant.

RESPONSE:

Celanese admits that Plaintiffs' Original Petition alleges that plaintiff's decedent worked at the Pampa Plant. Celanese has no information reasonably available to it to confirm Plaintiff's statement.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 5:

If you admit the foregoing request, in whole or in part, produce all documents supporting your admission that Plaintiff was on Defendant's Premises.

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.

Subject to these objections, see Plaintiffs' Original Petition.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises during the years at issue, including but not limited to sign-in logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a 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; and
4. It is overly broad and unduly burdensome.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR PRODUCTION NO. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, during the years at issue, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

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; and
4. It is overly broad and unduly burdensome.

Subject to these objections, and following a reasonably diligent search, Celanese believes that no documents or materials responsive to this request exist. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises during the years at issue, and for each, state:

- a. The type of work performed by the contractor
- b. The dates such work was performed
- c. Identify your employee responsible for monitoring, verifying, or instructing concerning these services to be performed by such contractors.

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 vague and ambiguous; and
3. It is not limited to the plant at issue in this case; and
4. It is overly broad and unduly burdensome.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with responsive documents relevant to the plaintiff's decedent's employer(s), if any.

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises during the years at issue, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a 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; and
4. It is overly broad and unduly burdensome.

Subject to these objections, Celanese further states that specifications and blue prints may exist. Investigation is ongoing, and non-privileged responsive items pertaining to the plaintiff's decedent's employer(s) that may be responsive to this request, if any, during the applicable time period may be produced at a mutually agreeable time and place.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises during the years at issue.

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 vague and ambiguous; and
3. It is overly broad and unduly burdensome.

Subject to these objections, Celanese believes that access by contractors such as those who employed plaintiff's decedent would have been controlled by plant security.

REQUEST FOR ADMISSION NO. 5:

Admit that Plaintiff worked on Defendant's Premises where Defendant used or applied asbestos-containing products.

RESPONSE:

Celanese additionally objects to this request because it is vague and ambiguous.

Subject to those objections, denied.

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 further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

INTERROGATORY NO. 6:

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

RESPONSE:

Celanese does not contend that plaintiff's decedent had exposure to any asbestos while working at Celanese's premises in Pampa, Texas. Discovery is ongoing and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 6:

Admit that Plaintiff, in the course and scope of his work as an employee of an independent contractor, worked around Defendant's employees who were using and/or applying asbestos-containing products.

RESPONSE:

Celanese additionally objects to this request because it is vague and ambiguous. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, denied.

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 further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR ADMISSION NO. 7:

Admit that Plaintiff 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.

REQUEST FOR ADMISSION NO. 8:

Admit that during the time period Plaintiff worked at premises, Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

Celanese admits that, while it may have been aware at that time that long-term exposure to high concentrations of asbestos dust could potentially pose hazards to workers in certain industries, it had no reason to believe that any persons working on its premises stood at risk of incurring any asbestos-related injury.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 9:

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:

Celanese admits that some asbestos-containing products were present at the Pampa plant during the stated period but denies that plaintiff's decedent had any exposure to those products.

REQUEST FOR PRODUCTION NO. 12:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products by your employees at any locations.

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 unlimited in time, overly broad and unduly burdensome; and
4. It is not limited to the plant at issue....,

Subject to these objections and after a reasonably diligent inquiry, Celanese states that it is aware of no responsive materials for the time period plaintiff's decedent claims to have worked at the Pampa Plant.

INTERROGATORY NO. 7:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiffs [sic] 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;
3. It is unlimited in time, overly broad and unduly burdensome; and
4. It is not limited to the plant at issue.

Subject to these objections, Celanese has no information at this time regarding warnings which may have been given directly to plaintiff's decedent. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 10:

Admit that Defendant did not distribute any literature or warnings of any kind to its employees during the period of time Plaintiff worked on Defendant's Premises regarding the potential health hazards to those who breathe airborne asbestos dust.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO.14:

If you deny the foregoing, produce all such warnings.

RESPONSE:

Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

INTERROGATORY NO. 8:

Describe Defendant's safety policy as it relates to the use of asbestos-containing materials at jobsites where Defendant's employees were performing services. In your answer, please state:

- a. when, if ever, Defendant's employees were first warned about the hazards of asbestos exposure; and
- b. what instructions, if any, were given to Defendant's employees on the identification of materials which might or did contain asbestos.

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

Subject to these objections, Celanese believes that its employees were instructed or otherwise knowledgeable about using suitable care when working around high concentrations of dust, to include the use of respiratory protection and other dust control measures as they or their supervisors deemed appropriate. When information about potential asbestos health risks became generally available, additional personal protective equipment and asbestos handling/disposal policies were implemented. From at least some time in the 1970s, personnel were instructed to approach all insulation products and

certain types of other materials as though they contained asbestos barring positive evidence to the contrary. Celanese believes that contractor companies working at the plant followed parallel practices. The manufacturer's names of respiratory equipment used at the plant during the time plaintiff claims to have worked there are currently unknown. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

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; and
2. It is unlimited in time, overly broad and unduly burdensome.

Subject to these objections, see the documents previously produced to you 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. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

Denied.

INTERROGATORY NO. 9:

Do you contend that Defendant specifically warned Plaintiff 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:

Celanese refers plaintiff to its response to Interrogatory No. 7 above.

INTERROGATORY NO. 10:

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 Plaintiffs) 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; and
2. It is unlimited in time, overly broad and unduly burdensome.

Subject to these objections, see response to Interrogatory No. 8 above. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

INTERROGATORY NO. 11:

Have you ever provided safety equipment to persons working on Defendant's Premises? If so, please list the safety equipment provided and indicate:

- a. when the equipment was first provided
- b. to whom the equipment was provided
- c. under what circumstances the equipment was provided
- d. Further, identify the person with the most knowledge of your "safety equipment" policies.

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; and
2. It is unlimited in time, overly broad and unduly burdensome.

Subject to these objections, Celanese states that respiratory protection was issued as appropriate to its own employees from the time the plant began operations. Contractors working at the plant generally provided respiratory protection to their own employees although Celanese occasionally loaned specialized respiratory equipment to contractors undertaking unusual tasks. The respiratory protection referenced above was used to protect individuals against excessive concentrations of dusts, vapors, and fumes. After reasonable inquiry, Celanese is currently unaware of any "one person with the most knowledge" of its safety equipment policies at the Pampa Plant.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1945 to the present for the purpose of protecting these employees from inhaling asbestos.

RESPONSE:

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

INTERROGATORY NO. 12:

State in detail what tests have been conducted 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 in any of your facilities. Please state where and when these tests were conducted, by whom these tests were conducted, and the results of any such test.

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, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with information and/or documents relevant to the Pampa plant, if any.

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1970 to determine the quantity of asbestos fibers in the air at Defendant's facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

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; and
2. It is not limited to the time plaintiff's decedent worked at Defendant's premises and is overly broad and unduly burdensome.

Subject to these objections, Celanese states after a reasonably diligent inquiry the answer to this interrogatory is unknown at the present time. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

INTERROGATORY NO. 14:

Please 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 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
2. It is unlimited in time, overly broad and unduly burdensome.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with information and/or documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 13:

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 was present.

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, denied as stated.

REQUEST FOR PRODUCTION NO. 16:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 14:

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 was present.

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, denied as stated.

REQUEST FOR PRODUCTION NO. 17:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 15:

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 was present.

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, denied as stated.

REQUEST FOR PRODUCTION NO.18:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 16:

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 was present.

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, denied as stated.

REQUEST FOR PRODUCTION NO. 19:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 17:

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 was present.

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, denied as stated.

REQUEST FOR PRODUCTION NO. 20:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 18:

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 was present.

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, denied as stated.

REQUEST FOR PRODUCTION NO. 21:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

INTERROGATORY NO. 15:

Have you ever warned workers on Defendant's Premises of the hazards of asbestos and asbestos-containing products? If so, describe in detail the methods of such warning, who you warned and when. Please include in your response a description of any written warnings relating to the hazards of asbestos in place at Defendant's Premises and state when the written warnings were installed, how many were installed, and whether they have been removed.

RESPONSE:

Celanese additionally objects to this request because:

1. It is unlimited in time and scope;
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, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with information relevant to the Pampa plant, if any.

INTERROGATORY NO. 16:

Have you ever had a policy requiring workers on Defendant's premises to use respirators? If so, please:

- a. state when this policy was implemented;
- b. describe this policy in detail;
- c. state to whom it applied (i.e. Defendant employees and contractor employees);
- d. and describe what types and brand names of respirators were required by you.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the plant or time at issue in this case;
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 refers plaintiff to its response to Interrogatory No. 8 above.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not post warning, caution or hazard signs prior to the utilization of asbestos-containing materials by your employees at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

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, denied as stated.

REQUEST FOR PRODUCTION NO. 22:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not issue any warnings to others at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

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, denied as stated.

REQUEST FOR PRODUCTION NO. 23:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors during the years at issue, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

Celanese additionally objects to this request because;

1. It is not limited to the plant at issue;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and

3. It is overly broad, unduly burdensome and harassing.
4. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to plaintiff's decedent's employers, if any.

REQUEST FOR ADMISSION NO. 21:

Admit that the use of asbestos-containing materials on Defendant's Premises created a substantial risk of injury.

RESPONSE:

Celanese additionally objects to this request because:

1. It is vague and ambiguous.
2. It is unlimited in time.

Subject to these objections, denied.

REQUEST FOR ADMISSION NO. 22:

Admit that during the years at issue, Defendant had to [sic] power to control Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 25:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 23:

Admit that, during the years at issue, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 26:

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

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 24:

Admit that, during the years at issue, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 27:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 25:

Admit that, during the years at issue, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 28:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 26:

Admit that, during the years at issue, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 29:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 27:

Admit that, during the years at issue, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 30:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 28:

Admit that, during the years at issue, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 31:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 29:

Admit that, during the years at issue, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 32:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 30:

Admit that, during the years at issue, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 33:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 31:

Admit that during the years at issue Defendant controlled Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 34:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 32:

Admit that, during the years at issue, Defendant managed the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 35:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 33:

Admit that, during the years at issue, Defendant directed the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 36:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 34:

Admit that, during the years at issue, Defendant superintended the use or conditions of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 37:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 35:

Admit that, during the years at issue, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 38:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 36:

Admit that, during the years at issue, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 39:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 37:

Admit that, during the years at issue, Defendant governed the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 40:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 38:

Admit that, during the years at issue, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 41:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 39:

Admit that, during the years at issue, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Pampa Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 42:

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.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 40:

Admit that Defendant retained some control over the manner in which Plaintiff's work was performed.

RESPONSE:

Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 43:

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 further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to decedent's employers if any.

INTERROGATORY NO. 17:

Do you contend that at no time during the years at issue, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on Defendant's Premises, who were engaged in activities which could be potentially hazardous to either themselves or to the employees of Defendant? If the answer is anything other than "no," identify each and every fact which supports this contention.

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; and
2. It is not limited to the plant at issue, and it is overly broad and unduly burdensome.

Subject to these objections, Celanese states that, if it was aware a contractor's employees were engaged in an activity that posed an obvious and imminent risk of serious injury or damage, Celanese would bring the matter to the attention of the contractor's supervision and, if necessary, intervene. In all respects and at all times, however, safety and the observance of safe work practices were the responsibility of the contractor by law and by contract.

REQUEST FOR ADMISSION NO. 41:

Admit that Defendant retained some control over the manner in which Plaintiff's employer performed the work requested by the Defendant.

RESPONSE:

Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 44:

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 further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to decedent's employers if any.

REQUEST FOR ADMISSION NO. 42:

Admit that Plaintiff was not entirely free to do the work on Defendant's Premises in his own way.

RESPONSE:

Celanese additionally objects to this request because it is vague and ambiguous. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, and subject to Celanese's understanding of this request, denied.

REQUEST FOR PRODUCTION NO. 45:

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 further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to decedent's employers if any.

REQUEST FOR ADMISSION NO. 43:

Admit that Plaintiff's employer was not entirely free to do the work requested by Defendant on Defendant's Premises in its own way.

RESPONSE:

Celanese additionally objects to this request because it is vague and ambiguous. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, and subject to Celanese's understanding of this request, denied.

REQUEST FOR PRODUCTION NO. 46:

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 further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to decedent's employers if any.

REQUEST FOR ADMISSION NO. 44:

Admit that asbestos-containing gaskets were installed at Defendant's Premises.

RESPONSE:

Celanese additionally objects to this request because it is not limited to the time Plaintiff's decedent claims to have worked on Celanese's premises. Subject to these objections, Celanese admits that at various times asbestos-containing gaskets were utilized at the Pampa Plant.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 45:

Admit that asbestos-containing pipe covering was installed at Defendant's Premises.

RESPONSE:

Celanese additionally objects to this request because it is not limited to the time Plaintiff's decedent claims to have worked on Celanese's premises. Subject to these objections, Celanese admits that at various times asbestos-containing pipe covering was utilized at the Pampa Plant.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 46:

Admit that asbestos-containing boilers were installed at Defendant's Premises.

RESPONSE:

Celanese additionally objects to this request because it is not limited to the time Plaintiff's decedent claims to have worked on Celanese's premises. Subject to these objections, Celanese, on information and belief, admits that boilers incorporating asbestos-containing components were present at the Pampa Plant.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 47:

Admit that asbestos-containing fireproofing was installed at Defendant's Premises.

RESPONSE:

Celanese additionally objects to this request because it is not limited to the time Plaintiff's decedent claims to have worked on Celanese's premises and because it is vague and ambiguous. Subject to these objections, after reasonable inquiry, the information known or easily obtainable is insufficient to enable Celanese to admit or deny this request.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 48:

Admit that asbestos-containing joint compound was installed at Defendant's Premises.

RESPONSE:

Celanese additionally objects to this request because it is not limited to the time Plaintiff's decedent claims to have worked on Celanese's 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.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 49:

Admit that asbestos-containing insulation was installed at Defendant's Premises.

RESPONSE:

Celanese additionally objects to this request because it is not limited to the time Plaintiff's decedent claims to have worked on Celanese's premises. Subject to these objections, Celanese admits that at various times asbestos-containing insulation was utilized at the Pampa Plant.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 50:

Admit that such installation was done under your direction, supervision, and/or control.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the time Plaintiff's decedent claims to have worked on Celanese's premises;
2. It is vague and ambiguous because the subject of the phrase "such installation" is undefined; and
3. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 53:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to all documents identifying the entities or individuals who directed, supervised, and/or controlled such installation activities.

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 not limited to the time Plaintiff's decedent claims to have worked on Celanese's premises;
3. It is vague and ambiguous because the subject of the phrase "such installation" is undefined; and
4. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

INTERROGATORY NO. 18:

Please state the first year you learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards.

RESPONSE:

Celanese additionally objects to this interrogatory because it is vague and ambiguous.

Subject to these objections, Celanese states that it cannot say with any certainty the first year any one of its employees first became aware of a health risk potentially associated with asbestos exposure, or how such information may have been acquired.

REQUEST FOR PRODUCTION NO. 54:

Produce all documents that 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;

3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
4. It seeks the production of documents not in Celanese's custody or control.

Subject to these objections, see the documents previously produced to you 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. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR ADMISSION NO. 51:

Admit that you supervised the health and safety procedures implemented by contractors working on Defendant's Premises.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the time Plaintiff's decedent claims to have worked on Celanese's premises or to Plaintiff's decedent's employer;
2. It is vague and ambiguous; and
3. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, denied as stated.

REQUEST FOR ADMISSION NO. 52:

Admit that you supervised the health and safety practices implemented by Plaintiff's employer.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the time Plaintiff's decedent claims to have worked on Celanese's premises;
2. It is vague and ambiguous;

3. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
4. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, denied as stated.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Celanese additionally objects to this request because:

1. It is vague and ambiguous;
2. It assumes facts not in evidence and is based upon an incorrect premise; and
3. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of decedent's alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 55:

Produce all documents supporting the legal theories and factual bases of your defenses set forth in your response to Plaintiff's Request for Disclosure under Texas Rules of Civil Procedure 194.2, subparagraph (c).

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