



NO. 98-748-A

GEORGE JOSEPH DOLEZAL, et al.	§	IN THE DISTRICT COURT OF
	§	
Plaintiffs,	§	
	§	
vs.	§	NUECES COUNTY, TEXAS
	§	
OWENS CORNING (a/k/a OWENS	§	
CORNING CORPORATION), et al.,	§	
	§	
Defendants.	§	28 TH JUDICIAL DISTRICT

**DEFENDANTS CNA HOLDINGS, INC.
AND CELANESE LTD.'S FIRST SUPPLEMENTAL
RESPONSE TO PLAINTIFF RAMIREZ'S FIRST SET OF
INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION**

Pursuant to the Texas Rules of Civil Procedure (the "Rules"), Defendants CNA Holdings (f/k/a HNA Holdings, Inc. f/k/a Hoechst Celanese Corporation) and Celanese Ltd. (referenced herein as "Defendants" or "Celanese") submit these Supplemental Responses to Plaintiff Baudelio Salazar Ramirez' First Set of Interrogatories and First Request for Production Propounded on Premises Defendant [sic] Hoechst Celanese Corporation and Celanese Ltd. as follows:

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

Defendants make the following general objections to each and every request and interrogatory directed to them:

1. Celanese objects to Plaintiffs' 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 and Article V. of the Texas Rules of Civil Evidence ("Rules of Evidence"), including the attorney/client privilege, the joint defense privilege, the attorney work product doctrine, or the investigative privilege.

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 who are parties to this suit. Defendants also objects to paragraphs one and three because they include Defendants' attorneys; information and things protected by the attorney client privilege and work product doctrine is 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, seeks information specifically exempted from discovery by the privileges afforded in the Rules and Rule 503 of the Texas Rules of Civil 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. 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 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 Baudelio Salazar Ramirez 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 interrogatories as to all plants.

8. Defendants object to Plaintiffs' discovery requests because they are unlimited in time.

9. Defendants object to Plaintiffs' 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

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, and also supplied by former employees of Celanese, whose identities are disclosed in Defendants' Rule 194.2(e) Disclosures.

Interrogatory No. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises between the years 1969 and 1980.

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 would have been controlled by plant security.

Interrogatory No. 19:

Do you contend that Plaintiff's exposure to asbestos at Defendant's Premises was not a substantial contributing factor in causing his asbestos-related injury? If the answer is anything other than "no", identify each and every fact which supports this contention.

Response:

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

Subject to these objections, Celanese contends that plaintiff Ramirez had no exposure to asbestos while working on its premises and further contends that plaintiff does not suffer from an asbestos-related injury. 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; the deposition testimony of Baudelio Salazar Ramirez; and the medical reports regarding plaintiff Ramirez produced by all parties in this action.

Interrogatory No. 20:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, identify the individuals who received, maintained, reviewed, or disseminated the information contained in such written materials.

Response:

Celanese additionally objects to this request because:

1. It is not limited to the time or plant at issue in this case;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It is vague and ambiguous.

Subject to these objections, it is believed that the corporate medical department may have received materials of this nature from time to time, and the company was certainly aware of the OSHA regulations. The individuals in the medical department during the relevant time would have been Ernest M. Dixon, M.D. and Charles S. Laubly. Mr. Laubly disseminated copies of the OSHA regulations and related materials to the

company's plants. At the plant level, various individuals would have disseminated information and material regarding asbestos issues. 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.

Request For Production No. 68:

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

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 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.

Request For Production No. 81:

Produce all documents, including but not limited to, corporate minutes, which mention the hazards or potential hazards of asbestos.

Response:

Celanese additionally objects to this request because:

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

2. It is vague and ambiguous; and
3. It is unlimited in time and plant location and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.
4. It seeks 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.

Request for Production No. 95:

Produce all contracts pertaining to work done by contractors at Defendant's facility.

Response:

Celanese additionally objects to this request because:

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

Subject to these objections, see the documents previously produced 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. See also the 1968 and 1977 contracts between Defendants and Arthur Brothers, Inc., which were served on plaintiff under separate cover on April 14, 2000.

Request for Production No. 97:

Produce all documents and other tangible things relating to the Plaintiff.

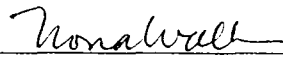
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**ATTORNEYS FOR DEFENDANTS
CNA HOLDINGS, INC. (F/K/A
HOECHST CELANESE CORPORATION,
F/K/A CELANESE CORPORATION) AND
CELANESE LTD.**

CERTIFICATE OF SERVICE

In accordance with Rule 21 of the Texas Rules of Civil Procedure, the foregoing Amended Response to Correct Scrivener's Error to Plaintiff's First Set of Interrogatories has been served upon the following counsel for Plaintiff by certified mail, return receipt requested on this 10th day of April, 2000:

Russell Budd
Melissa Hutts
Holly Huart
Stephanie Finch
Baron & Budd, P.C.
3102 Oak Lawn; Suite 1100
Dallas, TX 75219



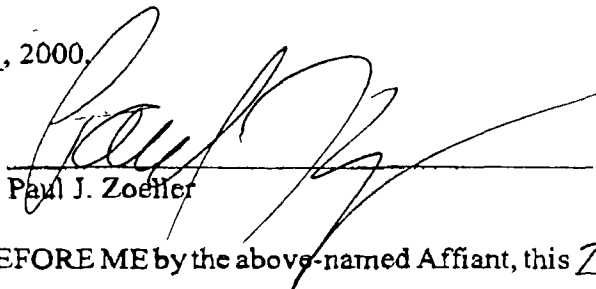
Nona Walker

VERIFICATION

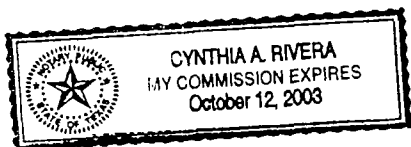
COMES NOW Paul J. Zoeller, being of sound mind and lawful age, and personally appearing before the undersigned notary public in and for the State of Texas, declares as follows:

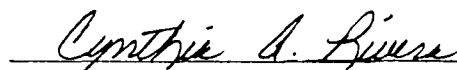
"I am over 18 years of age, have never been convicted of a crime, and am competent to make this verification. I am associate general counsel for Celanese Ltd. and a duly authorized agent of CNA Holdings, Inc. f/k/a HNA Holdings, Inc. f/k/a Hoechst Celanese Corporation. In that capacity, I have read the foregoing Amended Response to Correct Scrivener's Error to Plaintiff's First Set of Interrogatories. While I do not have personal knowledge of all facts recited in the response, the information contained therein has been collected and made available to me from others with personal knowledge whom I deem to be reliable. On that basis, and to the best of my present knowledge, information and belief, the facts set forth in the response is true and verified on behalf of CNA Holdings, Inc. f/k/a HNA Holdings, Inc. f/k/a Hoechst Celanese Corporation and Celanese Ltd."

Dated: APRIL 7, 2000.


Paul J. Zoeller

SWORN TO AND SUBSCRIBED BEFORE ME by the above-named Affiant, this 7TH day of APRIL, 2000.




Notary Public in and for the State of Texas