

NO. 00-03335-H

ATILANO ARROYO, et al.	§	IN THE DISTRICT COURT OF
	§	
Plaintiffs,	§	
	§	
vs.	§	DALLAS COUNTY, TEXAS
	§	
GAF CORPORATION, (successor to	§	
RUBEROID CORPORATION), et al.	§	
	§	
Defendants.	§	H-160TH JUDICIAL DISTRICT

**DEFENDANT CELANESE LTD.'S RESPONSES
TO PLAINTIFF FRANCISCO JAVIER LUNA'S FIRST
SET OF INTERROGATORIES, FIRST REQUEST FOR
PRODUCTION, AND FIRST REQUEST FOR ADMISSIONS**

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

Pursuant to the Texas Rules of Civil Procedure (the "Rules"), Defendant Celanese Ltd. (referenced herein as "Defendant" or "Celanese") submits these Responses to Plaintiff Francisco Javier Luna's First Set of Interrogatories, First Request for Production and First Request for Admissions Propounded on Premises Defendant Celanese Ltd. as follows:

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

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

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

2. Defendant objects to the 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, 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 Defendant's objections and responses after the discovery request calling for such privileged information and/or documents, if any.

3. Defendant objects to paragraph one of the DEFINITIONS regarding "Defendant," "You," "Your," and "Your Company" and paragraph three regarding "persons" because they are overly broad and unduly burdensome and pertain to corporations other than those that are parties to this suit. Defendant also objects to paragraphs one and three because they include Defendant's attorneys; information and things protected by the attorney client privilege and work product doctrine are not discoverable.

4. Defendant objects to paragraph two of the DEFINITIONS because the definition of the word "document" and the instructions regarding "possession, custody or control" are overly broad, seeks information specifically exempted from discovery by the privileges afforded in the Rules and Rule 503 of the Texas Rules of Evidence, including the attorney work product doctrine, and the attorney client privilege because it exceeds the scope of Rule 192.3 of the Rules. Throughout these responses, Celanese will assume that the word will have its commonly used meaning, as set forth in Rule 192.3(b), and will respond accordingly.

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

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

7. 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 Francisco Javier Luna allegedly worked, to wit, the Celanese Corpus Christi, Texas facility. 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 never worked.

8. Defendant objects to Plaintiff's discovery requests to the extent they are unlimited in time.

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

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

SPECIFIC OBJECTIONS

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:

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, or who assisted in identifying, locating or retrieving documents responsive to Plaintiff's Request for Production, identify such person and include the length of time employed by Defendant or other employer, and a year-by-year list of all other positions, titles, or jobs held.

ANSWER:

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. The words "supplied any information" are vague and ambiguous; and
3. It is overly broad and unduly burdensome.

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 Defendant's Rule 194.2(e) Disclosures.

INTERROGATORY NO. 2:

As to each of the following, please state the first year you first became aware, what you learned, and how Defendant learned that humans who inhale asbestos fibers can contract

1. asbestosis
2. lung cancer
3. mesothelioma

ANSWER:

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.

INTERROGATORY NO. 3:

Please list all trade organizations, trade associations and any other industry-wide groups to which you belong(ed) (specifically including but not limited to the following groups: American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association, American Chemical Council, American Petroleum Institute, Texas Chemical Council, Ohio Safety Congress, National Safety Council, Asbestos Information Association, Industrial Medical Association) in which information or documents relating to asbestos was discussed, disseminated, or published (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk). As to each such group, please state:

- a. the inclusive dates of your membership and
- b. identify Defendant's employees or former employees or representatives who attended any of the meetings held by each organization, and
- c. the meetings they attended, and
- d. if any individuals employed by Defendant or representing Defendant were members of committees or subcommittees of any such organizations, (such as, e.g., a medical advisory committee or legal committee), identify the committee or subcommittee on which such individual served and the position occupied on the committee, if applicable.

ANSWER:

Celanese additionally objects to this request because:

1. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
2. It is overly broad, unduly burdensome and unlimited in time.

Subject to and without waiving these objections, Celanese has, at various times, been a member of:

National Safety Council – Start date unknown (known to be a member in the 1960s) to present.

American Industrial Hygiene Association – On present information and belief, Celanese states that individual employees of the company have been members of AIHA since at least the 1970s. Discovery is ongoing and Celanese will supplement this request when and if relevant and responsive information is identified.

Chemical Manufacturers Association – 1930s (exact year unknown) to present.

Texas Chemical Council – Start date unknown (known to be a member in the 1970s) to present.

Industrial Hygiene Foundation – 1952 to 1976.

Celanese further states on present information and belief that it was never a member of the American Hygiene Foundation, the American Petroleum Institute, the Ohio Safety Congress, the Asbestos Information Association or the Industrial Medical Association.

Of those various trade organizations of which Celanese was a member, Celanese presently lacks sufficient information to identify which, if any, of them may have published, discussed or disseminated information or documents relating to asbestos to Celanese during the period of its membership. Celanese is presently unaware of any information to suggest it received such materials or information from those organizations during the years of Celanese's membership or at any other time.

INTERROGATORY NO. 4:

Please identify Defendant's employees or former employees or representatives who attended any proceedings, symposia, or conferences of a scientific or medical or technical nature at which information or documents relating to asbestos was discussed, disseminated, or published, (including, by way of example, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk) and specifically including but not limited to the Seventh Saranac Symposium, 1952, and/or New York Academy of Sciences, October 1964, and for each such individual, state the proceedings, symposia, or conferences attended and to whom within your corporate organization information concerning attendance at such proceedings, symposia, or conferences were reported, either verbally or in documentary form.

ANSWER:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Subject to and without waiving these objections, Celanese states that Dr. Ernest M. Dixon attended the 1964 proceedings of the New York Academy of Sciences prior to joining Celanese. Beyond that, Celanese lacks sufficient information to know which of its 10,000 or more employees may have attended proceedings at which asbestos was discussed.

INTERROGATORY NO. 5:

Please identify each company from which you acquired asbestos-containing products used at Defendant's Premises At Issue during the years Plaintiff has indicated he worked at Defendant's Premises At Issue and include in your response

- a. a description of each asbestos-containing product acquired and
- b. the dates each asbestos-containing product was acquired.

ANSWER:

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 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. In response to the remainder of this interrogatory, see the documents previously produced to you in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188. Given the passage of time, the referenced documents generally constitute Celanese's best source of information on these topics.

INTERROGATORY NO. 6:

If any asbestos-containing materials located or formerly located at Defendant's Premises At Issue have been removed, encapsulated, or otherwise abated at any time,

- a. Identify each person or company that performed such abatement services;
- b. State the dates and locations within Defendant's Premises At Issue of each abatement procedure; and
- c. Describe what asbestos-containing materials were abated
- d. State how such asbestos-containing waste was stored at Defendant's Premises At Issue prior to disposal and how it was disposed of.

ANSWER:

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. During the time periods at issue in this case, removal would have typically been handled by the on-site maintenance contractor. Waste from removal activities would have occurred and been handled in conformance with any applicable state and/or federal regulations. Removal activities most often involved thermal surface insulation materials, although gasket material and transite board would have also been removed and disposed of from time to time. The documents previously produced to plaintiff's counsel in the *Dominguez* and *Moake* cases contain more information on these topics and are generally Celanese's best source of information, and the information sought may be derived from them by plaintiff as easily as by Celanese.

INTERROGATORY NO. 7:

Please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this case concerning Defendant's Premises At Issue during the Time Period At Issue, including but not limited to the identification or location in your premises of asbestos-containing products to which Plaintiff was exposed or facts disputing the identification or location of such product or type of products.

ANSWER:

Celanese additionally objects to this request because:

1. It is overly broad and unduly burdensome;
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 fails to describe with reasonable particularity the information or items sought as required by Rule 196.1;
4. It is vague and ambiguous;
5. It assumes facts not in evidence and is based upon an improper premise; and
6. The phrase "experience and qualifications" is undefined, ambiguous, and vague.

Subject to and without waiving these objections, see Celanese's Rule 194.2(e) disclosures served or to be served on plaintiff.

INTERROGATORY NO. 8:

With respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being employed by you or having been employed by you whose duties and/or responsibilities included interface or liaison with Plaintiff's employer or other contractors who installed, removed, maintained, repaired or replaced asbestos-containing products (including foremen or supervisors or Plaintiff) on Defendant's Premises At Issue (regardless of job title, including but not limited to "plant engineers," "project engineers," "company engineers," "project superintendents," "purchasing agents" or job descriptions of a similar nature) and specifically include those whose duties and responsibilities included the following:

- a. entering into contracts or purchase orders (including specifications) with such contractors
- b. allowing such contractors access to Defendant's Premises At Issue,
- c. overseeing or supervising or observing or monitoring such contractor activities or addressing any contractor questions or concerns relating to the work being performed
- d. providing or approving asbestos-containing materials to be used by such contractors
- e. inspecting or approving work done by such contractors or authorizing payment for work done by such contractors.

ANSWER:

Celanese additionally objects to this request because:

1. It is overly broad and unduly burdensome;
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 fails to describe with reasonable particularity the information or items sought as required by Rule 196.1;
4. It is vague and ambiguous;
5. It assumes facts not in evidence and is based upon an improper premise; and
6. The phrase "experience and qualifications" is undefined, ambiguous, and vague.

Subject to and without waiving these objections, see Celanese's Rule 194.2(e) disclosures served or to be served on plaintiff.

Discovery is ongoing, and Celanese reserves the right to supplement and/or amend this response, if appropriate, with relevant and responsive information or documents, if any.

INTERROGATORY NO. 9:

If you have or have had an industrial hygiene or safety or medical department, please

- a. state the year such department was established, and whether it was established on the corporate level or at Defendant's Premises At Issue or both and
- b. with respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being or having acted in a medical, safety, or industrial hygiene advisory capacity (regardless of job title), specifically including, but not limited to, physicians, medical directors, medical personnel, nurses, safety engineers or managers and industrial hygienists. (You should include in your answer those persons on a corporate level, regardless of whether they worked directly on Defendants' Premises if they had such responsibilities for workers on Defendant's Premises At Issue, and identify such individuals as affiliated with the corporate headquarters of Defendant.)

ANSWER:

Celanese additionally objects to this request because:

1. It is overly broad and unduly burdensome;
2. The phrase "experience and qualifications" is undefined, vague, and ambiguous; and
3. It fails to describe with reasonable particularity the information or items sought as required by Rule 196.1.

Subject to and without waiving these objections, every employee and contractor present at any Celanese site would have had some responsibility for safety and safe work practices. However, by way of further response, Celanese provides the following information:

As distinct from consultation from outside contractors, Celanese's medical department was created in 1956. Celanese hired its first on-staff industrial hygienist in 1966. Celanese had a formal safety department by at least 1948 and perhaps earlier,

while each of its plants would have had a safety function from at or about the time of start up.

By way of further response, Celanese provides the following:

John Osterritter, M.D.
Deceased
Corporate level physician

Ernie Dixon, M.D., Sc.D.
Corporate level physician

John Dougherty, M.D.
Corporate level physician

Lawrence J. Enders, M.D.
Corporate level physician

Charles Laubly
Corporate level industrial hygienist

Lawrence R. Birkner, CIH, CSP
Corporate level industrial hygienist

C. David Barrett
Corporate level industrial hygienist

Mark R. Stenzel
Corporate level industrial hygienist

Bruce A. Melaas
Industrial hygienist

James R. Ramey
Deceased
Industrial hygienist

Glenn Fleming
Deceased
Corporate level safety

Herbert Kolodner, Ph.D.
Corporate level safety

INTERROGATORY NO. 10:

Please identify all warnings given by Defendant, if any, to anyone at Defendant's Premises At Issue (including the Plaintiff) regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers, and please include in your response:

- a. to whom these warnings were given (and specifically state if Plaintiff was among them),
- b. when they were given, if ever, and
- c. in what manner they were given (e.g., written pamphlets, signs posted, oral/group meeting, individual discussions, etc.) and
- d. state whether you have ever published, written, edited, or distributed any other printed materials, including brochures, pamphlets, catalogs, packaging, advertising, signs, statements, or other materials containing any warnings of the possibility of injury from the use or exposure to asbestos or asbestos-containing products, and
- e. state whether any of the foregoing warnings were in Spanish or any other language besides English.

ANSWER:

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

Subject to these objections, Celanese has no information at this time regarding warnings which may have been given directly to plaintiff Luna. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate. With respect to warnings in general about potential health hazards associated with asbestos, Celanese refers plaintiff to the documents already produced or to be produced to plaintiff's counsel. These documents are generally Celanese's best source of information on this topic.

INTERROGATORY NO. 11:

If Defendant has had or maintained 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, please identify

- a. the individuals who received, maintained, reviewed, and disseminated the information contained in such written materials,
- b. identify the written materials received, and
- c. state how and why these materials came into Defendant's possession.

ANSWER:

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, ambiguous, overly broad and unduly burdensome.

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 plaintiff's counsel 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 documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

INTERROGATORY NO. 12:

Please describe in detail your manufacturing or industrial use of any asbestos or asbestos-containing products at Defendant's Premises At Issue. Please include in your response

- a. the type of asbestos fiber used,
- b. from whom you purchased the asbestos fiber used,
- c. a description of the process in which the asbestos was used.

ANSWER:

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, unduly burdensome, vague and ambiguous.

Subject to these objections, not applicable.

INTERROGATORY NO. 13:

Identify by name and location each plant, facility, location, or premises owned, operated, or controlled by you in which asbestos-containing products were assembled, stored, used, prepare for use, installed, or fabricated during the Time Period At Issue. For each plant, facility, location, or premises listed as responsive to the above request, specify

- a. the functional dates for each plant, facility, location, or premises and
- b. the period during which asbestos-containing materials were stored, used, prepared for use, installed or fabricated.

ANSWER:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time;
2. It is not limited to the plant at issue;
3. 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;
4. It is vague and ambiguous; and
5. It is improper in that, in light of the number and discrete subparts of the foregoing interrogatories, this request exceeds the number of interrogatories permissible under the Texas Rules of Civil Procedure.

Subject to and without waiving these objections, the Corpus Christi plant has been in operation since 1946 and has been owned and operated by a Celanese-related entity since then. Asbestos-containing products would have been utilized at various times and in varying amounts at the Corpus Christi plant. Non-asbestos variants of the same types of products were extensively used in the plant during all periods. The purchase and/or usage of asbestos-containing thermal surface insulation products and cements was eliminated in 1972-1973, and the purchase and/or usage of other asbestos-containing materials such as gaskets and siding materials, was discontinued at various times thereafter as appropriate substitutes became commercially available.

INTERROGATORY NO. 14:

For any of Defendant's Premises At Issue, during the Time Period At Issue, if you, your affiliates, subsidiaries, or predecessor(s), arranged for any of your employees, labor inspectors, insurance company inspectors, industrial hygienists, or any other party, whether directly employed by you or otherwise, to count or measure quantity, quality or threshold limit values or concentrations of asbestos dust or particles or other dust at any of your plants, facilities, locations, or premises where asbestos or asbestos-containing products were used, assembled, installed, or removed, please describe such tests and indicate

- a. the results obtained,
- b. by whom such tests were performed and
- c. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such tests and their results.

ANSWER:

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 overly broad, unduly burdensome, vague and ambiguous; and
3. It is improper in that, in light of the number and discrete subparts of the foregoing interrogatories, this request exceeds the number of interrogatories permissible under the Texas Rules of Civil Procedure.

Subject to these objections, see the documents previously produced to you in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188. The referenced documents are Celanese's best source of information on the subject, and the information sought may be derived from them by plaintiff as easily as by Celanese.

INTERROGATORY NO. 15:

For the Time Period At Issue, if you provided or caused to be provided any safety equipment or medical programs (including, but not limited to, masks, respirators, other breathing devices, protective clothing, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or medical monitoring program, medical examination program, or other medical or safety program) to employees, contractors, or invitees at any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were manufactured, used, assembled, installed, or removed, please indicate

- a. when such was first provided to your employees, contractors, and/or invitees and to whom,
- b. under what circumstances such were provided, and
- c. state whether you conducted safety meetings discussing the hazards of asbestos with employees, contractors, or invitees at any of Defendant's Premises At Issue during the Time Period At Issue, and if so, when and what was discussed, and
- d. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such equipment and programs and their provision.

ANSWER:

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 not limited to the plant at issue and it is overly broad and unduly burdensome; and
3. It is improper in that, in light of the number and discrete subparts of the foregoing interrogatories, this request exceeds the number of interrogatories permissible under the Texas Rules of Civil Procedure.

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 Corpus Christi plant. With respect to safety equipment, medical programs and related issues, see the documents already produced or to be produced to plaintiff's counsel. Given the passage of time, these documents are generally Celanese's best source of information on these topics, and the information sought may be derived from them by plaintiff as easily as by Celanese.

INTERROGATORY NO. 16:

Please state for each of Defendant's Premises At Issue, all relevant State and Federal regulations, laws, statutes, mandates, or other authority pertaining to industrial hygiene, safety, and health of which you were aware during the Time Period At Issue that governed, controlled, or applied to exposure to asbestos or asbestos-containing products,

abatement or removal of asbestos-containing products, and transportation of asbestos containing waste from such removal or abatement activities.

ANSWER:

Celanese additionally objects to this request because it seeks conclusions of law as opposed to seeking factual information. Further, it is overbroad, vague, ambiguous, unduly burdensome, and harassing.

INTERROGATORY NO. 17:

For any of Defendant's Premises At Issue, detail every occasion during the Time Period At Issue when any State, Federal, or local regulatory agency, commission, or other examiner inspected or visited any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were used, manufactured, assembled, installed, or removed to ascertain whether you were in compliance with relevant State, Federal, or local health and safety regulations.

ANSWER:

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, ambiguous, overly broad and unduly burdensome; and
3. It is improper in that, in light of the number and discrete subparts of the foregoing interrogatories, this request exceeds the number of interrogatories permissible under the Texas Rules of Civil Procedure.

Subject to these objections, Celanese states that, to its knowledge, no regulatory agencies have inspected the Corpus Christi plant solely to determine compliance with asbestos regulations.

INTERROGATORY NO. 18:

If, before 1980, you have received notice that any individual or individuals had claimed for alleged injury against you resulting from exposure to asbestos, state for each:

- a. The name and address of the claimant
- b. A description of the claim.
- c. The name and address of the attorney representing such claimant.

ANSWER:

Celanese additional objects to this request because it is improper in that, in light of the number and discrete subparts of the foregoing interrogatories, this request exceeds the number of interrogatories permissible under the Texas Rules of Civil Procedure.

Subject to and without waiving these objections, not applicable.

INTERROGATORY NO. 19:

If you contend that you did not own or operate or control the Defendants' Premises during the Time Period At Issue, or if you contend you are not liable in the capacity alleged in the most recent petition, describe in detail the facts supporting your contention and include a detailed corporate history of Defendant and its ownership, sale, acquisition, or divestiture or any of Defendant's Premises At Issue and any relevant mergers, acquisitions, consolidation, or other events of similar nature that you believe bear on the issue of ownership, control, or assumption of liabilities for acts occurring on Defendant's Premises At Issue during the Time Period At Issue and identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this issue.

ANSWER:

Celanese additionally objects to this request because it is improper in that, in light of the number and discrete subparts of the foregoing interrogatories, this request exceeds the number of interrogatories permissible under the Texas Rules of Civil Procedure.

Subject to and without waiving these objections, not applicable.

INTERROGATORY NO. 20:

If you contend that venue is not proper, identify by municipality and county the location you contend is your principal place of business within this state for purposes of venue, as well as your next three most significant business locations within this state. If you do not contend that any of your locations are a principal place of business, identify up to four of your places of business where your highest level decision makers within this state work.

ANSWER:

Celanese additionally objects to this request because it is improper in that, in light of the number and discrete subparts of the foregoing interrogatories, this request exceeds the number of interrogatories permissible under the Texas Rules of Civil Procedure.

Subject to and without waiving these objections, not applicable.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce all ordering, sales, and shipping documents pertaining to the purchase or acquisition of asbestos-containing products for use at Defendant's Premises At Issue at any time.

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 in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents that relate to abatement of asbestos or asbestos-containing materials at Defendant's Premises At Issue and transportation of asbestos-containing waste.

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, see the documents previously produced to you in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 3:

Please produce all records identifying contractors and/or the employees of contractors who were on Defendant's Premises At Issue during the Time Period At Issue, including but not limited to gate records, sign-in logs, visitor's logs, identification badge or "brassing" procedures, fingerprinting, or 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, see the documents previously produced to you in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 4:

Please produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving Defendant's Premises At Issue during the Time Period At Issue.

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.

REQUEST FOR PRODUCTION NO. 5:

Please produce the contract and work progress documents pertaining to the contractors who performed services at Defendant's Premises At Issue during the Time Period At Issue, including, but not limited to invitations to bid, requests for proposals, bids, proposals, statements of scope of work, work orders, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, inspection reports, work logs or contractor logs, including but not limited to all of the contractor documents referring to work to be done, underway, or completed by Plaintiff's employer at Defendant's Premises At Issue during the Time Period At Issue.

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, see the documents previously produced to you in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 6:

Please produce all documents reflecting payments made to Plaintiff's employer for work contracted to do at Defendant's Premises At Issue during the Time Period At Issue, including but not limited to authorizations for payment, 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 seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
2. It is overly broad, unduly burdensome and harassing.

Subject to these objections, see the documents previously produced to you in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 7:

Please produce all photographs or videographic depictions or films depicting the use 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 at Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections and after a reasonably diligent inquiry, Celanese states that it is aware of no responsive materials for the time period Plaintiff Francisco Javier Luna claims to have worked at the Corpus Christi plant.

REQUEST FOR PRODUCTION NO. 8:

Please produce all documents containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to 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 seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
3. It is vague and ambiguous;
4. It is overly broad and unduly burdensome; and
5. It is not limited to the plant or time frame at issue.

Subject to these objections, see the documents previously produced to you in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 9:

Please produce all photographs of warning signs or warning statements which are or have been in place at Defendant's Premises At Issue in the vicinity of asbestos-containing products.

RESPONSE:

Celanese additionally objects to this request because:

1. It is unlimited in time; and
2. It seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, Celanese is unaware of any responsive photographs. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR PRODUCTION NO. 10:

Please produce all documents that relate to any inspections by any regulatory agency for the purpose of ascertaining whether health or safety regulations were being followed or adhered to at any of your plants. This request specifically seeks any and all

such documentation referring to dust hazards, including but not limited to asbestos in your plants.

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, ambiguous, and not limited to the plant at issue; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced to you in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

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 in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 12:

Please produce all documents relating to inspections by labor inspectors, insurance company inspectors or anyone from your company or hired by your company, that included the taking or measuring of "dust counts."

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 in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 13:

Please 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. See also the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 14:

Please 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 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. Further, it constitutes an impermissible fishing expedition.

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. See also the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188. See also all medical records, chest x-rays, and medical reports regarding plaintiff that have been or will be produced by all parties in this litigation.

REQUEST FOR PRODUCTION NO. 15:

If you contend that Plaintiff was not exposed to asbestos dust at Defendant's Premises At Issue, please produce the documents supporting your contention.

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. Further, it constitutes an impermissible fishing expedition.

Subject to these objections, see the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188. See also all medical records, chest x-rays, and medical reports regarding plaintiff that have been or will be produced by all parties in this litigation.

REQUEST FOR PRODUCTION NO. 16:

Please produce all documents used, referred to or relied upon in answering any Interrogatories.

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 constitutes an impermissible fishing expedition.

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. See also all medical reports, medical records and x-rays regarding Francisco Javier Luna produced by all parties to this action. See also the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 17:

Please produce any and all documents and other tangible things which refer to the document retention (and/or destruction) policy of Defendant, including the following:

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.
- b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, microfiched, imaged, scanned, or stored on tapes, disks, diskettes, CD-rom, databases, etc., or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site, including but not limited to supplements, addenda, memoranda, operating bulletins,

revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

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, ambiguous, overbroad and unduly burdensome; and
3. It is unlimited in time or 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 bates labeled 6431-9188 produced to plaintiff's counsel in the *Moake* case.

REQUEST FOR PRODUCTION NO. 18:

Please produce all documents, including but not limited to lists, inventories, indices, databases or printouts thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) pertaining to any of the subject matter areas of Plaintiff's Interrogatories.

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 or plant location and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
4. It constitutes an impermissible fishing expedition.

Subject to these objections, Celanese has no materials that are responsive to this request.

REQUEST FOR PRODUCTION NO. 19:

Please produce all books, pamphlets, memoranda, or written materials of any kind or character that were received by you and that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Celanese additionally objects to this request because:

1. It 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. See also the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

Celanese additionally objects to this request because:

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

3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced 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. See also the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 21:

Please produce all documents in your possession disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents and any documents pertaining to meetings of such trade associations that were attended by any of your employees or representatives.

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. See also the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 22:

Please produce all of Defendant's safety meeting minutes that refer to the dangers 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, ambiguous and overbroad; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced to you in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 23:

Please produce all documents related to the installation of asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, see the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 24:

Please produce all documents related to the medical condition of Plaintiff at any time during his work at Defendant's Premises At Issue. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and any records relating to Plaintiff's health.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, Celanese possesses no such documents.

REQUEST FOR PRODUCTION NO. 25:

Please produce all documents related to Plaintiff, including but not limited to Plaintiff's work performance and/or personnel records at Defendant's Premises At Issue.

RESPONSE:

Celanese has no documents relating to plaintiff's "work performance," and no "personnel file" concerning Plaintiff Francisco Javier Luna. As for medical and employment records, see Celanese's 194.2(k) response.

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents that reflect or depict in any way the layout of Defendant's Premises At Issue, including the location and dimensions of all buildings and the location and placement of asbestos-containing products, and specifically including all photographs, plats, maps, diagrams, blueprints, drawings, specifications or other architectural renderings.

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 constitutes an impermissible fishing expedition.

Subject to these objections, see the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 27:

Please produce all demonstrative aids Defendant plans to use at trial in this matter.

RESPONSE:

Celanese does not presently know what demonstrative aids, if any, it may use at trial. At the appropriate time and if appropriate, Celanese may supplement this response and will do so only in accordance with the requirements of the Texas Rules of Civil Procedure and/or the Court's Standing Order.

REQUEST FOR PRODUCTION NO. 28:

Please produce all photographs of asbestos products in place or asbestos-containing materials being installed, maintained, removed, replaced, repaired, or manipulated in any way at Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because:

1. It is unlimited in time; and
2. It seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, Celanese is unaware of any responsive photographs. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR PRODUCTION NO. 29:

Please produce all documents relating to any individuals' claimed injury as a result of exposure to asbestos at any facility of Defendant, but not limited to, workers' compensation claims and any documentation going to or received from any insurance carrier pertaining to such claims, and any documentation pertaining to the disposition of such claims.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, Celanese states that it received no such claim until after the time plaintiff allegedly worked at the Corpus Christi plant.

REQUEST FOR PRODUCTION NO. 30:

Please produce all documents that in any way reflect corporate minutes, corporate records, departmental meetings or discussions, or meetings with agents or contractors that in any way discuss, note, or table a discussion of the hazards of asbestos or potential health hazards of asbestos. The documents sought in this request include those produced and/or maintained at a corporate level by those responsible for supervising or advising personnel at Defendant's Premises At Issue.

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 in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 31:

Please produce all documents of corporate, board of directors, Defendant Premises representatives, departmental persons, task force, or other meetings of members of Defendant from 1940 until the last year of the Time Period At Issue that contain discussion or information concerning asbestos, asbestos-related health hazards, or asbestos-containing products.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is vague and ambiguous;
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 is overbroad 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. See also the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

Celanese additionally objects to this request because:

1. It exceeds the scope of permissible discovery referenced in Rule 192 of the Rules;

2. 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
3. It is vague and ambiguous.

Celanese cannot know what potential exhibits it may use to cross examine witnesses at this time. Celanese will comply with the Texas Rules of Civil Procedure and the applicable provisions of the Court's Asbestos Standing Order.

REQUEST FOR PRODUCTION NO. 33:

Please produce documents between Defendant and any of its worker's compensation insurance carriers or any other insurance carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, Celanese states that it is unaware of any responsive materials.

REQUEST FOR PRODUCTION NO. 34:

Please produce documents between Defendant and any of its insurance carriers relating to any inspections carried out by the insurance carrier in which asbestos or dust in general was mentioned.

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, bates-labeled 000001-006430. See also the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 35:

Please produce a copy of all regulations, orders, rules and/or policies which have been used relating to the safety of the Defendant's Premises At Issue.

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, ambiguous and unduly burdensome;
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
4. It constitutes an impermissible fishing expedition; and
5. It seeks OSHA, NIOSH, EPA and other state and federal agency materials that are in the public domain.

Subject to these objections, see the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 36:

Please produce all documents which contain complaints by employees of Defendant at the Defendant's Premises At Issue regarding safety conditions and work place conditions at the Defendant's Premises At Issue.

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, ambiguous, and overbroad; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, Celanese states that it is unaware of any responsive materials. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR PRODUCTION NO. 37:

Please produce all documents which contain complaints by Union representatives of Defendant's Premises At Issue regarding safety conditions and work place conditions at the Defendant's Premises At Issue.

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, ambiguous, and overbroad; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, Celanese states that it is unaware of any responsive materials. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR PRODUCTION NO. 38:

Please produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises At Issue and their areas of responsibility during the Time Period At Issue.

RESPONSE:

Subject to these objections, Celanese states that it is unaware of any responsive materials. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR PRODUCTION NO. 39:

Please produce all documents which evidence Defendant's net worth, including, but not limited to, all "10-K" forms filed for the last five (5) years.

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 seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 40:

Please produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership or of liabilities relating to Defendant's Premises At Issue.

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 seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Celanese purchased the land and built the plant at issue in this case. Celanese has continuously owned this facility to this day. Thus, there are no documents "which evidence Defendant's purchase, acquisition, sale, or transfer of ownership or of liabilities relating to Defendant's Premises."

REQUEST FOR PRODUCTION NO. 41:

If you contend that you are not liable for any dangerous condition or activity taking place at Defendant's Premises At Issue during the Time Period At Issue, please produce all title documents supporting this contention.

RESPONSE:

Celanese additionally objects to this request because:

1. It is vague and ambiguous;
2. It fails to describe with reasonable particularity the information or items sought as required by Rule 196.1;
3. 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
4. It is unintelligible.

REQUEST FOR PRODUCTION NO. 42:

If you contend that you did not own or control the facility(ies) during any portion of the Time Period At Issue, please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiff's latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to this history of Defendant and any relevant purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of

your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 44:

Please produce all indemnity agreements, assignments of liability, subrogation agreements and other similar documents relating to Defendant's Premises At Issue and liabilities arising from said ownership.

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 seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Celanese purchased the land and built the plant at issue in this case. Celanese has continuously owned this facility to this day. Thus, Celanese does not believe there are documents responsive to this request.

REQUEST FOR PRODUCTION NO. 45:

If you contend Defendant's Premises At Issue was asbestos-free during the Time Period At Issue, please produce all documents which support your contention.

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 46:

If you contend that some or all of Defendant's Premises At Issue are asbestos-free, please produce all documents, including but not limited to, specifications, blue prints and drawings supporting your contention.

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 47:

Please produce all documents relating to your manufacturing of any asbestos or asbestos-containing products, or products to which any amount of asbestos was added, for use at any of Defendant's facilities or for sale to others.

RESPONSE:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time;
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 fails to describe with reasonable particularity the information or items sought as required by Rule 196.1;
4. it is not limited to the plant at issue; and
5. It constitutes an impermissible fishing expedition.

Subject to and without waiving these objections, see the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 48:

Please produce all documents relating to your use of any asbestos containing materials, asbestos containing products or tools with which asbestos is used, for any process taking place at any of Defendant's facilities.

RESPONSE:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time;
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 fails to describe with reasonable particularity the information or items sought as required by Rule 196.1;
4. it is not limited to the plant at issue; and
5. It constitutes an impermissible fishing expedition.

Subject to and without waiving these objections, see the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 49:

Please produce all documents relating to your use, manipulation or handling of asbestos in any industrial processes at Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time;
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 fails to describe with reasonable particularity the information or items sought as required by Rule 196.1;
4. it is not limited to the plant at issue; and
5. It constitutes an impermissible fishing expedition.

Subject to and without waiving these objections, see the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 50:

Please produce all marketing and advertising materials related in any way to your manufacturing of asbestos or asbestos containing materials or your use of asbestos or asbestos-containing materials in your industrial processes.

RESPONSE:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time;
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 fails to describe with reasonable particularity the information or items sought as required by Rule 196.1;
4. it is not limited to the plant at issue; and
5. It constitutes an impermissible fishing expedition.

Subject to and without waiving these objections, see the documents previously produced in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 51:

Please produce all documents relating to boilers at Defendant's Premises At Issue. This request includes owner manuals, maintenance manuals, purchase orders, and invoices.

RESPONSE:

Celanese additionally objects to this response because:

1. It is overly broad, unduly burdensome and unlimited in time;
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 fails to describe with reasonable particularity the information or items sought as required by Rule 196.1; and
4. It constitutes an impermissible fishing expedition.

REQUEST FOR PRODUCTION NO. 52:

Please produce all documents relating to any audits you conducted or caused to be conducted at Defendant's Premises At Issue in order to review some aspect of Defendant's safety program.

RESPONSE:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time;
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 fails to describe with reasonable particularity the information or items sought as required by Rule 196.1; and
4. It constitutes an impermissible fishing expedition.

Subject to and without waiving these objections, see the documents previously produced to plaintiff's counsel in the *Moake* case, bates labeled 6431-9188.

REQUEST FOR PRODUCTION NO. 53:

Please produce all documents provided by you to other plants or facilities relating to safety in the industry, audit procedures or means to eliminate dust exposure, including, but not limited to asbestos dust, at industrial facilities.

RESPONSE:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time;
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 fails to describe with reasonable particularity the information or items sought as required by Rule 196.1;
4. It is vague and ambiguous;
5. It assumes facts not in evidence and is based upon an improper premise; and
6. It constitutes an impermissible fishing expedition.

Subject to and without waiving these objections, see the documents previously produced to plaintiff's counsel in the *Dominguez* and *Moake* cases, bates labeled 000001-006430 and 6431-9188, respectively.

REQUEST FOR PRODUCTION NO. 54:

Please produce depositions and trial transcripts of your current or former employees or other corporate representatives taken in any matter involving an alleged injury or claimed property damage due to asbestos or insurance coverage for claims related to asbestos injury or property damage.

RESPONSE:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence; and
3. It constitutes an impermissible fishing expedition.

REQUEST FOR PRODUCTION NO. 55:

Please produce exhibit lists produced to you by any other counsel for plaintiff in other cases involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time;
2. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence; and
3. It constitutes an impermissible fishing expedition.

REQUEST FOR PRODUCTION NO. 56:

Please produce all correspondence from you to Plaintiff's employer and from Plaintiff's employer to you during the Time Period At Issue.

RESPONSE:

Celanese additionally objects to this request because:

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

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 fails to describe with reasonable particularity the information or items sought as required by Rule 196.1; and
4. It constitutes an impermissible fishing expedition.

Subject to and without waiving these objections, relevant responsive documents have already been produced to plaintiff's counsel in connection with the *Moake* case.

REQUEST FOR PRODUCTION NO. 57:

Please produce all documents that indicate or reference in any way any decision or discussion related to the cessation of the use of asbestos or asbestos-containing products in any of your facilities.

RESPONSE:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time; and
2. It fails to describe with reasonable particularity the information or items sought as required by Rule 196.1.

Subject to and without waiving these objections, relevant responsive documents have already been produced to plaintiff's counsel in connection with the *Moake* case.

REQUEST FOR PRODUCTION NO. 58:

Please produce all documents that indicate or reference in any way any the [sic] catalog or index or subscriptions or holdings of any library or other research repository of Defendant containing magazines, journals, books, publications or other documents relating to asbestos (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.).

RESPONSE:

Celanese additionally objects to this request because:

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

2. It fails to describe with reasonable particularity the information or items sought as required by Rule 196.1;
3. It constitutes an impermissible fishing expedition; and
4. 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.

REQUEST FOR PRODUCTION NO. 59:

Please produce all inventory, stock-on-hand, warehouse or other documents pertaining to asbestos-containing products that were stored, maintained, stockpiled, or kept by Defendant for use at any facility of Defendant, including Defendant's Premises At Issue, at any time.

RESPONSE:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time;
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 fails to describe with reasonable particularity the information or items sought as required by Rule 196.1;
4. It is vague and ambiguous;
5. It assumes facts not in evidence and is based upon an improper premise;
6. It constitutes an impermissible fishing expedition; and
7. It is not limited to the plant at issue.

Subject to and without waiving these objections, relevant responsive documents have already been produced to plaintiff's counsel in connection with the *Moake* case.

REQUEST FOR PRODUCTION NO. 60:

Please produce any letters, affidavits, or stipulations concerning authenticity of any of Defendant's documents provided by you in any other case involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

Celanese additionally objects to this request because:

1. It is overly broad, unduly burdensome and unlimited in time;
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 assumes facts not in evidence and is based upon an improper premise;
and
4. It constitutes an impermissible fishing expedition.

**RESPONSES TO REQUESTS FOR ADMISSION
AND FURTHER REQUESTS FOR PRODUCTION**

REQUEST FOR ADMISSION NO. 1:

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 At Issue during the Time Period At Issue.

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 2:

Admit that Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 61:

If your response to the foregoing request is anything other than "admit," produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

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 all medical records, chest x-rays and all medical reports regarding Francisco Javier Luna produced or to be produced by all parties in this litigation. See also the documents previously produced in Cause No. 90G2055, *Weldon*

R. Moake, et al. v. Owens Corning Fiberglas, et al., in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188. Celanese reserves the right to supplement this response if appropriate based on additional discovery.

REQUEST FOR ADMISSION NO. 3:

Admit that you have no air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to and without waiving these objections, denied.

REQUEST FOR PRODUCTION NO. 62: *[SIC – THIS SHOULD BE A RFA]*

Admit that results of air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue indicate Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 63:

If your response to the foregoing request is anything other than "admit," produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the information or items sought as required by Rule 196.1;
2. It constitutes an impermissible fishing expedition; and
3. 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.

Subject to and without waiving these objections, see the documents previously produced to plaintiff's counsel in the *Moake* case, bates labeled 6431-9188.

REQUEST FOR ADMISSION NO. 4:

Admit that Defendant's employees were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to and without waiving these objections, Celanese understands this request to apply to usage of asbestos-containing construction materials (such as thermal surface insulation products) within the various units of the plant. Subject to that understanding, denied as stated.

REQUEST FOR ADMISSION NO. 5:

Admit that contractors were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to and without waiving these objections, on information and belief, Celanese admits that from time to time some contractors working on the premises may have had short-term contact with asbestos-containing materials, but Celanese denies that plaintiff Luna had any exposure to these products.

REQUEST FOR ADMISSION NO. 6:

Admit that Defendant was aware of the presence of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Celanese admits that some asbestos-containing products were present at the Corpus Christi plant during the stated period but denies that plaintiff Luna had any exposure to those products.

REQUEST FOR ADMISSION NO. 7:

Admit that Defendant was aware of the use of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to and without waiving these objections, on information and belief, Celanese admits that from time to time some contractors working on the premises may have had short-term contact with asbestos-containing materials, but Celanese denies that plaintiff Luna had any exposure to these products.

REQUEST FOR ADMISSION NO. 8:

Admit that you did not post a warning, caution or hazard signs concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to these objections, denied as stated.

REQUEST FOR ADMISSION NO. 9:

Admit that you did not post a warning, caution or hazard signs in Spanish concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to and without waiving these objections, Celanese presently lacks sufficient information to admit or deny this request. Discovery is ongoing, and Celanese reserves the right to supplement and/or amend this response, if appropriate, with relevant and responsive information or documents, if any.

REQUEST FOR ADMISSION NO. 10:

Admit that you specified the use of asbestos-containing materials at Defendant's Premises At Issue prior to or during the Time Period At Issue.

RESPONSE:

Celanese additionally objects to this request because:

1. It is vague and ambiguous; and
2. It fails to describe with reasonable particularity the information or items sought as required by Rule 196.1.

Subject to and without waiving these objections, denied as stated.

REQUEST FOR ADMISSION NO. 11:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1950s.

RESPONSE:

Celanese additionally objects to this request because the phrase "in use" is vague, ambiguous, and undefined. Subject to and without waiving these objections, Celanese admits that certain types of asbestos-containing materials were occasionally used at the Corpus Christi plant during the stated period.

REQUEST FOR ADMISSION NO. 12:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1960s.

RESPONSE:

Celanese additionally objects to this request because the phrase "in use" is vague, ambiguous, and undefined. Subject to and without waiving these objections, Celanese admits that certain types of asbestos-containing materials were occasionally used at the Corpus Christi plant during the stated period.

REQUEST FOR ADMISSION NO. 13:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1970s.

RESPONSE:

Celanese additionally objects to this request because the phrase "in use" is vague, ambiguous, and undefined. Subject to and without waiving these objections, Celanese admits that certain types of asbestos-containing materials were occasionally used at the Corpus Christi plant during the stated period.

Celanese further notes that the purchase and use of asbestos-containing thermal surface insulation products and cements was eliminated in 1972-1973, and the purchase and/or usage of other asbestos-containing materials was discontinued at various times thereafter as appropriate substitutes became commercially available.

REQUEST FOR ADMISSION NO. 14:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1980s.

RESPONSE:

Please see Celanese's objections and response to Request for Admission No. 13 above.

REQUEST FOR ADMISSION NO. 15:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1990s.

RESPONSE:

Please see Celanese's objections and response to Request for Admission No. 13 above.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the contractor(s) at issue (i.e., plaintiff's employer(s));
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. Celanese states, however, that its contractors were generally responsible for taking steps to ensure the safety and health of their own employees.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the contractor(s) at issue (i.e., plaintiff's employer(s));
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 and without waiving these objections, Celanese presently lacks sufficient information to admit or deny this request. Celanese states, however, that its contractors were generally responsible for taking steps to ensure the safety and health of their own employees.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not conduct with contractors health and safety meetings relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the contractor(s) at issue (i.e., plaintiff's employer(s));
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. Celanese states, however, that its contractors were generally responsible for taking steps to ensure the safety and health of their own employees.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not conduct with contractors health and safety meetings in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the contractor(s) at issue (i.e., plaintiff's employer(s));
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 and without waiving these objections, Celanese presently lacks sufficient information to admit or deny this request. Celanese states, however, that its contractors were generally responsible for taking steps to ensure the safety and health of their own employees.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not take any steps to protect contractor employees from exposure to asbestos on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Celanese additionally objects to this request because:

1. It is vague, ambiguous, and/or overbroad;
2. It assumes facts not in evidence and is based upon an incorrect premise; and
3. 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.

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 64:

If your response to the foregoing request is anything other than "admit," produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable

inquiry you undertook in connection with your inability to admit or deny the foregoing request.

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 constitutes an impermissible fishing expedition; and
3. It 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 in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR ADMISSION NO. 21:

Admit that asbestos is still in use at Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, Celanese admits that some amount of asbestos-containing material is still present (although not used) at the Corpus Christi plant.

REQUEST FOR ADMISSION NO. 22:

Admit that asbestos is still in place at Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because:

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

2. It is vague and ambiguous.

Subject to these objections, see Response to Request for Admission No. 21 above.

REQUEST FOR ADMISSION NO. 23:

Admit that the United States government has contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this response because:

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

Subject to and without waiving these objections, Celanese is presently without sufficient information to admit or deny this request. Discovery is ongoing, and Celanese reserves the right to supplement and/or amend this response, if appropriate, with relevant and responsive information or documents, if any.

REQUEST FOR ADMISSION NO. 24:

Admit that the United States government paid Defendant more than \$10,000 for the work it contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this response because:

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

Subject to and without waiving these objections, Celanese is presently without sufficient information to admit or deny this request. Discovery is ongoing, and Celanese reserves the right to supplement and/or amend this response, if appropriate, with relevant and responsive information or documents, if any.

REQUEST FOR ADMISSION NO. 25:

Admit that Defendant owned Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 26:

Admit that Defendant operated Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 27:

Admit that you did not conduct air monitoring for the presence of asbestos dust during the time period in question.

RESPONSE:

Celanese additionally objects to this request because it is not limited to the plant at issue and it is overbroad.

Subject to and without waiving these objections, denied.

REQUEST FOR ADMISSION NO. 28:

Admit that during the Time Period At Issue, you did not conduct air monitoring tests for levels of asbestos at Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 29:

Admit that you were aware that business invitees at Defendant's Premises At Issue did not understand English.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to and without waiving these objections, denied as stated.

REQUEST FOR ADMISSION NO. 30:

Admit that you did not take any steps to ascertain whether business invitees at Defendant's Premises At Issue understood English.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to and without waiving these objections, denied as stated.

REQUEST FOR ADMISSION NO. 31:

Admit that you did not to (sic) provide safety orientations to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because:

1. It is unlimited in time;
2. It is vague, ambiguous, and overbroad; and
3. It assumes facts not in evidence and is based upon an improper premise.

Subject to and without waiving these objections, denied.

REQUEST FOR ADMISSION NO. 32:

Admit that you did not to (sic) provide safety orientations in Spanish to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because:

1. It is unlimited in time;
2. It is vague, ambiguous and overbroad; and
3. It assumes facts not in evidence and is based upon an improper premise.

Subject to and without waiving these objections, Celanese admits that the safety orientations it provided to contractors were not conducted in Spanish, but states that the relevant contractor personnel with whom Celanese dealt spoke and understood English.

REQUEST FOR ADMISSION NO. 33:

Admit that you hired or contracted with Plaintiff's employer to remove asbestos-containing materials from Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to and without waiving these objections, Celanese admits only that it contracted with plaintiff's employer(s) to perform various construction and maintenance services at the Corpus Christi plant to include the occasional installation and/or maintenance and/or removal of thermal surface insulation products and other construction materials.

REQUEST FOR ADMISSION NO. 34:

Admit that you hired or contracted with Plaintiff's employer to replace asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to and without waiving these objections, Celanese admits only that it contracted with plaintiff's employer(s) to perform various construction and maintenance services at the Corpus Christi plant to include the occasional installation and/or maintenance and/or removal of thermal surface insulation products and other construction materials.

REQUEST FOR ADMISSION NO. 35:

Admit that you hired or contracted with Plaintiff's employer to install asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to and without waiving these objections, Celanese admits only that it contracted with plaintiff's employer(s) to perform various construction and maintenance services at the Corpus Christi plant to include the occasional installation and/or maintenance and/or removal of thermal surface insulation products and other construction materials.

REQUEST FOR ADMISSION NO. 36:

Admit that you hired or contracted with Plaintiff's employer to maintain asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

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

Subject to and without waiving these objections, Celanese admits only that it contracted with plaintiff's employer(s) to perform various construction and maintenance services at the Corpus Christi plant to include the occasional installation and/or maintenance and/or removal of thermal surface insulation products and other construction materials.

REQUEST FOR ADMISSION NO. 37:

Admit that you hired or contracted with Plaintiff's employer to do new construction work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to and without waiving these objections, Celanese admits that plaintiff's employer(s) was hired from time to time to perform "new" construction work, among other activities. However, Celanese can neither admit or deny that plaintiff was engaged in "new" construction activities pending the outcome of discovery.

REQUEST FOR ADMISSION NO. 38:

Admit that you hired Plaintiff's employer to do "turnaround" work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

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

Subject to and without waiving these objections, Celanese admits that plaintiff's employer(s) was hired from time to time to perform "new" construction work, among other activities. However, Celanese can neither admit or deny that plaintiff was engaged in "new" construction activities pending the outcome of discovery.

REQUEST FOR ADMISSION NO. 39:

Admit that you communicated with Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. 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 ADMISSION NO. 40:

Admit that you instructed Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. 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 ADMISSION NO. 41:

Admit that you instructed Plaintiff's employer concerning how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. 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 ADMISSION NO. 42:

Admit that you showed Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. 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 ADMISSION NO. 43:

Admit that your specifications indicated to Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. 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. 65:

If your response to the foregoing request is anything other than "admit," produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

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 constitutes an impermissible fishing expedition; and
3. It 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 in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR ADMISSION NO. 44:

Admit that your specifications indicated to Plaintiff's employer what materials were to be used in performing the work on Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Subject to and without waiving these objections, on information and belief, Celanese admits only that specifications supplied to independent contractors, if any, may have indicated types of materials to be used on certain projects. In any event, the contractors often selected specific materials, and the manner and method of using those materials would have been up to the contractor.

REQUEST FOR PRODUCTION NO. 66:

If your response to the foregoing request is anything other than "admit," produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

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 constitutes an impermissible fishing expedition; and
3. It 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 in Cause No. 90G2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 6431-9188.

REQUEST FOR ADMISSION NO. 45:

Admit that you told Plaintiff's employer or supervisor when to start work.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Subject to and without waiving these objections, Celanese admits only that, in a general sense, it informed independent contractors when it wanted the project(s) for which the independent contractor was retained to begin and the time frame within which it wanted the project completed.

REQUEST FOR ADMISSION NO. 46:

Admit that you told Plaintiff's employer or supervisor when to stop work.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Subject to and without waiving these objections, Celanese admits only that, in a general sense, it informed independent contractors when it wanted the project(s) for which the independent contractor was retained to begin and the time frame within which it wanted the project completed.

REQUEST FOR ADMISSION NO. 47:

Admit that you told Plaintiff's employer what materials to use when doing the work.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Subject to and without waiving these objections, on information and belief, Celanese admits only that specifications supplied to independent contractors, if any, may have indicated types of materials to be used on certain projects. In any event, the contractors often selected specific materials, and the manner and method of using those materials would have been up to the contractor.

REQUEST FOR ADMISSION NO. 48:

Admit that you told Plaintiff's employer in what order the work should be done.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Subject to and without waiving these objections, Celanese admits only that, in a general sense, it informed independent contractors when it wanted the project(s) for which the independent contractor was retained to begin and the time frame within which it wanted the project completed.

REQUEST FOR ADMISSION NO. 49:

Admit that you told Plaintiff's employer the deadline by which the work on Defendant's Premises At Issue was to be completed.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Subject to and without waiving these objections, Celanese admits only that, in a general sense, it informed independent contractors when it wanted the project(s) for which the independent contractor was retained to begin and the time frame within which it wanted the project completed.

REQUEST FOR ADMISSION NO. 50:

Admit that you had the power to correct the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. 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 ADMISSION NO. 51:

Admit that you had the power to require that the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue be redone to your satisfaction.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. 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 ADMISSION NO. 52:

Admit that you had the power to stop the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. 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 ADMISSION NO. 53:

Admit that you observed the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. 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 ADMISSION NO. 54:

Admit that you inspected the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. 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 ADMISSION NO. 55:

Admit that you approved the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and unlimited in time.

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. 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 ADMISSION NO. 56:

Admit that you retained the power to control all phases of the work being performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

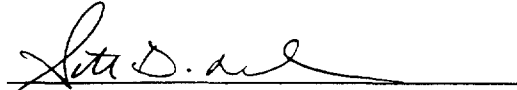
Celanese additionally objects to this request because:

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

Celanese admits only that it controlled its own employees' operations at the Corpus Christi 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. Celanese, from time to time, would have communicated with independent contractors on these issues. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

Respectfully submitted,

KASOWITZ, BENSON, TORRES
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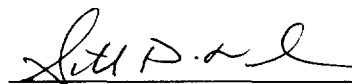
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served via facsimile and/or hand delivery and/or by United States mail, postage prepaid, to plaintiff's counsel of record on this 25th day of June, 2001.

A handwritten signature in black ink, appearing to read "Scott D. Nelson", is written over a horizontal line.

Scott D. Nelson

CAUSE NO. 00-03335-H

ATILANO ARROYO et al.,	§	IN THE DISTRICT COURT OF
	§	
Plaintiffs,	§	
	§	
vs.	§	DALLAS COUNTY, TEXAS
	§	
GAF CORPORATION, (successor to	§	
RUBBEROID CORPORATION), et al.	§	
	§	
Defendants.	§	H-160TH JUDICIAL DISTRICT

**DEFENDANT CELANESE LTD.'S RESPONSE
TO PLAINTIFF'S REQUEST FOR RULE 194 DISCLOSURES**

In accordance with Rule 194 of the Texas Rules of Civil Procedure, and in response to Plaintiff's Request for Disclosures, Defendant Celanese Ltd. ("Celanese") provides the following information in relation to Francisco Javier Luna.

(a) The correct names of the parties to the lawsuit:

Celanese Ltd. is the correct name of this defendant.

(b) The name, address, and telephone number of any potential parties:

At this stage of the suit, Celanese has insufficient information to know if all proper parties are joined.

(c) The legal theories and, in general, the factual bases of the responding party's claims or defenses:

On the basis of the limited information and vague allegations contained in Plaintiffs' Petition, Celanese believes the following affirmative defenses do or may apply to this case:

The sole proximate cause of Plaintiff's alleged injuries or damages were the acts or omissions of other parties or persons over whom Celanese had no control and for whom Celanese is not legally responsible. No act or omission on the part of Celanese either caused or contributed to Plaintiff's alleged injuries or damages. Further, Celanese owed Plaintiff no duty, legal or

otherwise, and is therefore not liable to Plaintiff for any alleged breach of any alleged duty.

As to any injuries or damages Plaintiff alleges to have incurred, Plaintiff voluntarily and knowingly assumed the risk of incurring any of the injuries or damages alleged. Additionally, Plaintiff failed to exercise ordinary care for his own safety, and such failure on his part proximately caused any injuries or damages alleged.

Plaintiff's claims against Celanese are barred by the applicable statute of limitations and the doctrines of laches and waiver.

Finally, it is unclear from Plaintiffs' Petition if or when Plaintiff worked at any Celanese facility, and if so, which facility. Assuming Plaintiff did perform some type of independent contractor work at a Celanese facility, Celanese denies that Plaintiff was exposed to asbestos at all, or in sufficient quantities to have caused any harm. Celanese believes its plants are and were safe and well-maintained industrial facilities, and there would have been insufficient opportunity for any such exposure.

- (e) **The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case:**

Please refer to the Persons with Knowledge List regarding Plaintiff Luna which will be provided as a supplement and labeled as Exhibit A.

- (f) **For any testifying expert: 1) the expert's name, address, and telephone number; 2) the subject matter on which the expert will testify; 3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information; 4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party: (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and (B) the expert's current resume and bibliography:**

1. J. LeRoy Balzer, Ph.D., 408 Horse Trail Court, Alamo, California 94507; (925) 274-0826.

Dr. Balzer has a Bachelor of Science degree in Public Health Microbiology

and a Master of Science degree in Preventive Medicine/Public Health, which were awarded by the University of California at Los Angeles in 1962 and 1963, respectively. He earned a Doctor of Philosophy degree in Environmental Health Science/Industrial Hygiene from the University of California at Berkeley in 1971. From 1966 to 1971, he was employed by the University of California School of Public Health as a research associate and research fellow. In 1966, he became involved in a coordinated research program of occupational medicine, industrial hygiene and education of insulation contractors. This intense study of the construction industry was sponsored through grants from the United States Public Health Service and involved observing the work environment of individuals working with asbestos-containing insulation and related products.

Dr. Balzer worked as a certified industrial hygienist from 1973 until 1987 when he became an Assistant Vice Chancellor at the University of California at San Francisco. He retired in 1994 and became a full-time consulting industrial hygienist and was appointed an Assistant Clinical Professor, School of Medicine, University of California Health Sciences. He is a member of the ACGIH (affiliate), AIHA and other professional organizations reflected on Dr. Balzer's curriculum vitae, which has already been provided to Baron & Budd in connection with the May and Dolezal cases. Dr. Balzer may testify at trial of this case live or by deposition.

Dr. Balzer has other personal knowledge of relevant facts based on his field work involving the use of asbestos-containing products and the surrounding occupational environment, but he also possesses general expertise in his field based upon specialized knowledge, skills and training. Dr. Balzer may offer opinions in this case about the general nature of the working environment in industrial locations such as where plaintiff worked, to include testimony regarding the composition and asbestos content, if any, of products used in such environments and the ability of such products to release asbestos fiber under certain conditions. Dr. Balzer may provide testimony on the availability of materials as substitutes for asbestos-containing products. Dr. Balzer will testify regarding an individual's exposure to asbestos from different media, to include circumstances and occupational settings that may result in direct exposure from persons having contact with asbestos-containing products or equipment, circumstances that may result in lower indirect or bystander exposures for others in the working environment. His testimony will be based, in part, on the results of testing which he has performed or reviewed for products which are the same or substantially similar to those which are anticipated to be discussed in this case. Dr. Balzer will also testify about industrial hygiene principles and methodologies used to determine potential hazards related to asbestos exposure, and how those principles and

methodologies have changed over time.

Additionally, Dr. Balzer, based on personal knowledge and a review of medical, scientific and/or technical literature, will provide historical state-of-the-art testimony on the gradual development of knowledge within industry and within the field of industrial hygiene about asbestos exposure levels and suitable control measures. Dr. Balzer will address the evolution of workplace practices available to control exposures to include historical development of the use of respiratory protection in association with the handling of asbestos-containing products. Finally, Dr. Balzer will testify regarding the development over time of governmental standards and regulations pertaining to asbestos, to include the historical evolution of threshold limit values and permissible exposure levels to asbestos developed by professional organizations and government agencies.

2. Lawrence R. Birkner, CIH, CSP, McIntyre, Birkner & Associates, Inc., 2026 El Monte Drive, Thousand Oaks, California 91362-1822; (805) 494-8173.

Mr. Birkner is a certified industrial hygienist and certified safety professional. He received a Bachelor of Science degree from Portland State University in 1973 and a Masters Degree in Occupational Safety and Health at New York University in 1975. Between 1974 - 1976, Mr. Birkner worked closely with Dr. Irvin Selikoff and others at Mount Sinai while employed as a safety and health research specialist at Environmental Sciences Laboratory in New York. From 1976 through 1996, Mr. Birkner worked extensively as a practicing industrial hygienist in American industry; in the course of that employment, Mr. Birkner worked as a corporate industrial hygienist for Celanese Corporation between 1977 - 1981. Mr. Birkner is a fellow of the AIHA and a member of the other professional industrial hygiene organizations reflected on Mr. Birkner's curriculum vitae, which has already been provided to Baron & Budd in connection with the May and Dolezal cases.

Mr. Birkner will provide testimony regarding the history of industrial hygiene, industrial hygiene methods, exposure levels which trigger diseases associated with dust exposure, good housekeeping measures, and other related matters. He is prepared to testify about respirator history, what constitutes good hygiene practice, and the periods of time from an industrial hygiene standpoint when people and companies became aware of associated health risks. Mr. Birkner may give testimony regarding the level of fiber release, if any, from asbestos-containing products in the occupational setting and may testify regarding the availability of materials as substitutes for asbestos-containing products. He may testify as to issues involving re-entrainment and fiber drift. Mr. Birkner may also testify regarding work

practices applicable to various types of occupations using products that contain asbestos, and he will provide a retrospective assessment or estimate of plaintiff's likely exposure to asbestos in a Celanese work environment based on historical literature and the facts available in this case.

Mr. Birkner has personal knowledge of relevant facts, but he also possesses generalized expertise in his field based on his specialized knowledge, skills and training. He may provide testimony regarding the applicability of the ACGIH, OSHA and EPA guidelines as they relate to occupational exposures to various types of asbestos-containing products. Mr. Birkner may testify regarding the size, construction, layout and working environment of facilities such as where plaintiff worked. He may testify about the nature of the working environment in such locations. He may testify about his knowledge of the composition and asbestos content, if any, of products present in the plaintiff's workplace and may testify concerning the ability of such products to emit asbestos fibers under certain conditions. Mr. Birkner may testify to the dust levels produced by particular occupational operations and products, to include those associated with the use of pipe and block insulation.

Mr. Birkner may testify about the development of literature and information about asbestos-related diseases as they relate to the gradual development of knowledge within industry and within the field of industrial hygiene about asbestos exposure and appropriate control measures. He will address the evolution of workplace practices available to control exposures, to include the historical development of the use of respiratory protection in association with the handling of asbestos-containing products. Mr. Birkner will testify regarding the development over time of governmental standards and regulations pertaining to asbestos, to include the historical evolution of permissible exposure levels to asbestos developed by professional organizations and government agencies. He will discuss his own research into asbestos-related diseases as they relate to industrial hygiene, the carcinogenicity of various fiber types as they relate to industrial hygiene, and the relationship, if any, between asbestos and various diseases. Mr. Birkner will provide testimony regarding the epidemiology of asbestos-related diseases, latency, state-of-the-art, and other related matters as they impact industrial hygiene. Based on the above evidence developed in this case, Mr. Birkner will testify that the plaintiff at issue had little or no opportunity for any harmful exposure to asbestos while working at a Celanese facility because of the nature of plaintiff's occupation and particular working environment, and he will also testify that Celanese's approach to the handling and control of any asbestos-containing materials on its premises were reasonable in light of available information and industrial hygiene practices at different points of time. He may also testify as to any matter raised by experts called by plaintiff

or any co-defendants in this action.

3. James D. Crapo, M.D., National Jewish Medical and Research Center, 1400 Jackson Street, Denver, Colorado 80206; (303) 398-1436.

Dr. Crapo received a Bachelor of Science degree from Brigham Young University in 1967 and his medical degree from the University of Rochester New York in 1971. He taught medicine for many years at Duke University in Durham, North Carolina. Dr. Crapo is board certified in internal medicine with a subspecialty certification in pulmonary disease. He presently practices medicine at the National Jewish Medical Center in Denver, Colorado and teaches today at the University of Colorado Health Science Center. Dr. Crapo is a fellow of the American Thoracic Society, the American College of Chest Physicians and other professional organizations reflected on Dr. Crapo's curriculum vitae, which has already been provided to Baron & Budd in connection with the May and Dolezal cases. Dr. Crapo may testify live or by deposition at trial in this matter.

Dr. Crapo is expected to testify about the pulmonary aspects of asbestos exposure, including matters such as dose response, pathogenicity, carcinogenicity and the potential for asbestos-related disease as a result of exposure to the different types of fiber. Dr. Crapo is also expected to testify as to general medical issues and physiology.

Dr. Crapo's testimony is based in part on the personal knowledge of relevant facts, but he also possesses general expertise in his field based upon specialized knowledge, skills and training. Dr. Crapo is expected to testify about alleged occupational exposure – as described by plaintiff and plaintiff's witnesses – and whether such exposure occurred for a sufficient period of time and in a sufficient dose to be of medical consequence, and whether such exposure could be considered a substantial contributing factor to plaintiff's alleged disease. In connection with this, based on his own experience and a review of the medical, scientific and/or technical literature and the opinions and conclusions contained in that literature, Dr. Crapo will provide historical state-of-the-art testimony on the gradual development of knowledge within the medical profession of the asbestos-related illnesses. Dr. Crapo may provide testimony regarding the reasonableness of Celanese's usage and control of asbestos at its premises from a medical standpoint based on the developing state of medical knowledge concerning asbestos over time.

Dr. Crapo is expected to testify about the principles of epidemiology and what is involved in an epidemiologic study. He is expected to testify that studies of particular groups or occupations of people are not necessarily applicable

to other groups or occupations. Dr. Crapo is expected to testify as to the information necessary to determine whether a group of people or persons are at risk for contracting an asbestos-related disease and if it is scientifically possible to attribute a disease to a particular exposure. Dr. Crapo is expected to discuss epidemiological analysis of asbestos-related disease in the context of given levels of exposure, and to discuss how such analysis may be applied to the evidence regarding the plaintiff in this case.

Finally, Dr. Crapo may testify regarding plaintiff's medical condition, cigarette smoking and lung disease, and generally about the pulmonary system and its functions as well as conditions and diseases of the pulmonary system. Dr. Crapo may also testify regarding the diagnosis and prognosis of asbestos-related markers and diseases, and the risks associated with developing cancers. Dr. Crapo may also testify about any matter raised by experts called by plaintiff or any co-defendant, to include but not limited to plaintiff's medical condition, the state of medical knowledge concerning asbestos, asbestos-related disease and other occupational diseases.

4. Dorsett D. Smith, M.D., 4310 Colby Avenue, Suite 201, Everett, Washington 98203; (425) 259-5171.

Dr. Smith received his Bachelor of Arts degree from Colgate University in 1959 and his medical degree from the University of Pennsylvania Medical School in 1963. Dr. Smith is board certified in internal medicine with a subspecialty certification in pulmonary disease. Dr. Smith has taught medicine at Johns Hopkins Hospital and the University of Washington Hospital for many years through the present. Dr. Smith is a NIOSH certified "B" reader and is fellow of the American Thoracic Society, the American College of Chest Physicians, the American College of Occupational and Environmental Medicine and other professional organizations reflected on Dr. Smith's curriculum vitae, which has already been provided to Baron & Budd in connection with the May and Dolezal cases.

Dr. Smith will testify about the pathology of asbestos-related diseases, his research into asbestos-related diseases, the carcinogenicity of various asbestos fiber types, the potential for asbestos-related disease as a result of exposures to the different types of fibers and the relationship, if any, between asbestos and various illnesses. Dr. Smith will also testify regarding the general pulmonary aspects of asbestos exposure, including matters such as dose response, latency and the required fiber burden associated with asbestos-related illnesses. Dr. Smith is expected to testify about alleged occupational exposure – as described by plaintiff and plaintiff's witnesses – and whether, based on his own experience and his review of the medical,

scientific and/or technical literature and the opinions and conclusions contained in that literature, whether any exposure at a facility owned or operated by Celanese could be considered a substantial contributing factor to plaintiff's alleged disease.

Dr. Smith has personal knowledge of certain relevant facts but also possesses general expertise in his field based upon specialized knowledge, skills and training. Based upon his own experience and his review of the medical, scientific and/or technical literature and the opinions and conclusions contained in that literature, Dr. Smith will provide historical state-of-the-art testimony on the gradual development of knowledge within the medical profession about the various diseases associated with asbestos and about the asbestos exposure levels thought to be associated with each disease. Dr. Smith will testify regarding the reasonableness of Celanese's historical usage and control of asbestos in its workplace from a medical standpoint based on the information available in the general medical literature and on the types of preventative measures considered by the general medical community as appropriate in the different decades from 1900 through the present.

Dr. Smith is expected to testify about the principles of epidemiology and what is involved in an epidemiologic study. He is expected to testify that studies of particular groups or occupations of people are not necessarily applicable to other groups or occupations. Dr. Smith is expected to testify as to the information necessary to determine whether a group of people are at risk of contracting a particular asbestos-related disease, and whether it is scientifically possible to attribute a disease to a particular exposure. Dr. Smith is expected to discuss epidemiological analysis of asbestos and how such analysis may be applied to the evidence in this case and to the plaintiff.

Dr. Smith may testify regarding plaintiff's medical condition, cigarette smoking and lung disease, and generally about the pulmonary system and its functions as well as the diagnosis and prognosis of asbestos-related markers and diseases, and the risks associated with developing cancers. Dr. Smith is also expected to testify about any matter raised by experts called by plaintiff or any co-defendant, including but not limited to plaintiff's medical condition, the state of medical knowledge concerning asbestos, asbestos-related disease and other occupational diseases.

5. Mark R. Stenzel, CIH, P.O. Box 850235, Richardson, Texas 75085-0235; (972) 404-3207.

Mr. Stenzel is a practicing certified industrial hygienist. He holds a Bachelor of Science degree in mathematics and chemistry and a Master of Science

degree in physical chemistry, which he received from the University of Illinois in 1975. In 1973, Mr. Stenzel was hired by Celanese Chemical Company and worked as a lab chemist/health chemist at its Pampa plant, where he performed industrial hygienist duties to include air monitoring. He became a certified industrial hygienist for Celanese. In that capacity, he had direct contact with each plant in the company and was the hygiene personnel at the plant, company and corporate levels. In 1983, Mr. Stenzel became Manager of Industrial Hygiene for Celanese and held that position through 1992. Since 1992, he has been otherwise employed in industry as an industrial hygienist. Mr. Stenzel is a member of the AIHA, the American Academy of Industrial Hygienists and other professional organizations reflected on Mr. Stenzel's curriculum vitae, which has already been provided to Baron & Budd in connection with the May and Dolezal cases. Mr. Stenzel may testify at trial live or by deposition.

Most of Mr. Stenzel's testimony will be factual in nature and will address the development of Celanese's industrial hygiene and environmental, safety and health programs from their inception through the 1980s. However, this disclosure is made in an abundance of caution because Mr. Stenzel also possesses general expertise in his field based upon specialized knowledge, skills and training, and some areas of his testimony may be informed by professional judgment and opinion. Mr. Stenzel will address the nature and structure of Celanese's industrial hygiene programs and the industrial hygiene and occupational safety practices adopted at Celanese facilities over time. From a review of company documents and other materials, Mr. Stenzel will testify about air monitoring for asbestos exposure and other workplace substances conducted at Celanese plants and the low exposures/low risk levels indicated by the available monitoring data.

From 1977 forward, Mr. Stenzel was intimately involved in the creation and design of Celanese's Health Monitoring System, to include its worker tracking module, health monitoring module and retrospective exposure assessment module. Mr. Stenzel piloted the worker tracking module, health monitoring module and retrospective exposure assessment module. Mr. Stenzel piloted the worker tracking module at the Pampa plant and helped implement all modules at other Celanese facilities between 1978 – 1981. Mr. Stenzel will testify that the system was state-of-the-art at the time and would be considered state-of-the-art today.

Based on a review of plant and company documents, Mr. Stenzel will testify about how each module system was implemented throughout the company

and at each company plant. Mr. Stenzel will provide testimony regarding the correlation of worker tracking exposure data and retrospective exposure data with the alleged exposure claimed by plaintiff. Based on his assessment of these materials, Mr. Stenzel is expected to testify about alleged occupational exposure – as described by plaintiff and plaintiff's witnesses – and the potential risk for developing an occupational disease associated with that exposure. Finally, Mr. Stenzel may provide testimony regarding mortality studies and similar disease assessments which involved the workforce employed at Celanese's plants. The nature of those studies are referenced in the attached curriculum vitae.

6. Ernest M. Dixon, M.D., Sc.D., 6305 Evermay Drive, McLean, Virginia 22101.

Dr. Dixon received his medical degree from the University of Virginia in 1948 and a doctorate in occupational health from the University of Cincinnati in 1957. Dr. Dixon has held various occupational health positions in industry and served as Celanese's corporate medical director from 1966 - 1981. A curriculum vitae is available upon request. Dr. Dixon may testify at trial in this case live or by deposition.

Dr. Dixon's anticipated testimony in this matter is expected to be factual in nature and will address the development of Celanese's occupational health, industrial hygiene and environmental program from their inception through the 1980s. Dr. Dixon will provide testimony regarding the nature and structure of those programs and, from his own experience and observations, the occupational health and safety practices adopted at Celanese's facilities over time. Dr. Dixon will testify that Celanese's plants over time were extremely clean, well maintained and safe premises; that Celanese's occupational health and safety programs were well developed and advanced for their time; that the potential for asbestos exposure at each plant over time was extremely low; and that no worker present at any Celanese plant was considered to be at risk of incurring any asbestos-related illness based on the information reasonably available to the occupational health community during his period of responsibility.

Dr. Dixon's testimony will be factual in nature based on personal knowledge in relevant areas. However, Dr. Dixon also possesses general expertise in the fields of medicine and occupational health based on specialized knowledge, skills and training. This disclosure is made in an abundance of caution because certain aspects of Dr. Dixon's anticipated testimony may be said to involve the exercise of professional judgment and/or the expression of professional opinion.

7. Mr. Charles S. Laubly, 2225 North Tucson Boulevard, Tucson, Arizona 85716.

Mr. Laubly received a Bachelor of Science degree from Georgia Tech in 1949. Mr. Laubly worked as field industrial hygienist thereafter and was employed as a corporate industrial hygienist by Celanese between 1967 - 1979. A curriculum vitae is available upon request. Mr. Laubly may testify at trial in this case live or by deposition.

Mr. Laubly's anticipated testimony in this matter is expected to be factual in nature and will address the development of Celanese's industrial hygiene and environmental programs from their inception through the 1980s. Mr. Laubly will provide testimony regarding the nature and structure of those programs and, from his own experience and observations, the industrial hygiene and safety practices adopted at Celanese's facilities over time. Mr. Laubly will testify that Celanese's plants over time were extremely clean, well maintained and safe premises; that Celanese's industrial hygiene and safety programs were well developed and advanced for their times; that the usage of asbestos at Celanese's facilities were relatively minor and that the potential for asbestos exposure at each plant over time was extremely low; and that no worker present at any Celanese plant was considered to be at risk of incurring any asbestos-related illness based on the information reasonably available to the occupational health community during his period of responsibility.

Mr. Laubly's testimony will be factual in nature based on personal knowledge in relevant areas. However, Mr. Laubly also possesses general expertise in the field of industrial hygiene based on education, training and experience. This disclosure is made in an abundance of caution because certain aspects of Mr. Laubly's anticipated testimony may be said to involve the exercise of professional judgment and/or the expression of professional opinion.

8. Herbert J. Kolodner, Ph.D., P.E., 777 Pebble Beach Drive, Crescent City, California 95331-3634.

Dr. Kolodner received a Master's degree in safety from the University of Maryland in 1960 and a doctorate in industrial safety from New York University in 1973. Dr. Kolodner has held various safety positions in industry and served as Celanese's corporate safety director from 1970 - 1984. A curriculum vitae is available upon request. Dr. Kolodner may testify at trial in this case live or by deposition.

Dr. Kolodner's anticipated testimony in this matter is expected to be factual in nature and will address the development of Celanese's occupational safety

and environmental programs from their inception through the 1980s. Dr. Kolodner will provide testimony regarding the nature and structure of those programs and, from his own experience and observations, the safety practices adopted at Celanese's facilities over time. Dr. Kolodner will testify that Celanese's plants over time were extremely clean, well maintained and safe premises; that Celanese's safety programs were well developed and advanced for their times; that the usage of asbestos at Celanese's facilities were relatively minor and the potential for asbestos exposure at each plant over time was extremely low.

Dr. Kolodner's testimony will be factual in nature based on personal knowledge in relevant areas. However, Dr. Kolodner also possesses general expertise in the field of industrial hygiene based on education, training and experience. This disclosure is made in an abundance of caution because certain aspects of Dr. Kolodner's anticipated testimony may be said to involve the exercise of professional judgment and/or the expression of professional opinion.

9. Carrol W. Whaley, CIH, CSP, 3403 Yerba Buena Road, San Jose, CA 95135.

Mr. Whaley has held various occupational health and industrial hygiene positions in industry and served as Celanese's plant industrial hygienist at the Bay City facility from 1978 - 1985. A curriculum vitae is available upon request. Mr. Whaley may testify in this case live or by deposition.

Mr. Whaley's anticipated testimony in this matter is expected to be factual in nature and will address the development of Celanese's industrial hygiene and environmental program at the Bay City plant during his employment there. Mr. Whaley will provide testimony regarding the nature and structure of those programs and, from his own experience and observations, the occupational health and safety practices adopted at the facility over time. Mr. Whaley will testify that the Bay City plant over time was an extremely clean, well maintained and safe premises; that Celanese's industrial hygiene and safety programs are well developed and advanced for their time; that the usage of asbestos at Bay City was relatively minor and that the potential for asbestos exposure at each plant over time was extremely low; and that no worker present at any Bay City plant was considered to be at risk of incurring any asbestos-related illness based on the information reasonably available to the occupational health community during his period of responsibility. Mr. Whaley may also provide testimony regarding development and implementation of the health monitoring system at Bay City, to include the retrospective exposure module.

Mr. Whaley's testimony will be factual in nature based on personal knowledge in relevant areas. However, Mr. Whaley also possesses general expertise in the field of industrial hygiene and occupational health based on specialized knowledge, skills and training. This disclosure is made in an abundance of caution because certain aspects of Mr. Whaley's anticipated testimony may be said to involve the exercise of professional judgment and/or the expression of professional opinion.

10. William L. Dyson, PhD., C.I.H., Workplace Hygiene, llc, 1022 Jefferson Road, Greensboro, North Carolina 27140

Dr. Dyson is a certified industrial hygienist. He received a bachelor of science degree from North Carolina State University in 1973, a master's degree in environmental health engineering from Northwestern University in 1971, and received his doctorate in environmental health engineering from Northwestern University in 1975. From 1967 through 1969, Dr. Dyson worked as a field industrial hygiene engineer for the U.S. Public Health Service providing industrial hygiene services to the public. From 1973 through 1982, Dr. Dyson worked extensively as a practicing industrial hygienist in American industry. Dr. Dyson has worked as a self-employed industrial hygiene consultant from that time through the present. Dr. Dyson is a fellow of the AIHA, a member of the American Academy of Industrial Hygiene, a diplomat of the American Board of Industrial Hygiene, a member of the American Society of Safety Engineers and other professional organizations reflected on the curriculum vitae of Dr. Dyson, which was produced to Baron & Budd in the Vicente Rodriguez case.

Dr. Dyson will provide testimony regarding the history of industrial hygiene, industrial hygiene methods, exposure levels which trigger diseases associated with dust exposure, good housekeeping measures, and other related matters. He is prepared to testify about respirator history, what constitutes good hygiene practice, and the periods of time from an industrial hygiene standpoint when people and companies became aware of associated health risks. Dr. Dyson may give testimony regarding the level of fiber release, if any, from asbestos-containing products in the occupational setting and may testify regarding the availability of materials as substitutes for asbestos-containing products. He may testify as to issues involving re-entrainment and fiber drift. Dr. Dyson may also testify regarding work practices applicable to various types of occupations using products that contain asbestos, and he will provide a retrospective assessment or estimate of plaintiff's likely exposure to asbestos in a Celanese work environment based on historical literature and the facts available in this case.

Dr. Dyson has personal knowledge of relevant facts, but he also possesses generalized expertise in his field based on his specialized knowledge, skills and training. He may provide testimony regarding the applicability of the ACGIH, OSHA and EPA guidelines as they relate to occupational exposures to various types of asbestos-containing products. Dr. Dyson may testify regarding the size, construction, layout and working environment of facilities such as where plaintiff worked. He may testify about the nature of the working environment in such locations. He may testify about his knowledge of the composition and asbestos content, if any, of products present in the plaintiff's workplace and may testify concerning the ability of such products to emit asbestos fibers under certain conditions. Dr. Dyson may testify to the dust levels produced by particular occupational operations and products, to include those associated with the use of pipe and block insulation.

Dr. Dyson may testify about the development of literature and information about asbestos-related diseases as they relate to the gradual development of knowledge within industry and within the field of industrial hygiene about asbestos exposure and appropriate control measures. He will address the evolution of workplace practices available to control exposures, to include the historical development of the use of respiratory protection in association with the handling of asbestos-containing products. Dr. Dyson will testify regarding the development over time of governmental standards and regulations pertaining to asbestos, to include the historical evolution of permissible exposure levels to asbestos developed by professional organizations and government agencies. He will discuss his own research into asbestos-related diseases as they relate to industrial hygiene, the carcinogenicity of various fiber types as they relate to industrial hygiene, and the relationship, if any, between asbestos and various diseases. Dr. Dyson will provide testimony regarding the epidemiology of asbestos-related diseases, latency, state-of-the-art, and other related matters as they impact industrial hygiene. Based on the above evidence developed in this case, Dr. Dyson will testify that the plaintiff at issue had little or no opportunity for any harmful exposure to asbestos while working at a Celanese facility because of the nature of plaintiff's occupation and particular working environment, and he will also testify that Celanese's approach to the handling and control of any asbestos-containing materials on its premises were reasonable in light of available information and industrial hygiene practices at different points of time. He may also testify as to any matter raised by experts called by plaintiff or any co-defendants in this action.

11. William G. Hughson, M.D., PhD., Center for Occupational and Environmental Medicine, UCSD Medical Center, 200 West Arbor Drive, San Diego, California 92103-8800

Dr. Hughson received his bachelor of science degree from the University of Calgary in 1970 and his medical degree from that same institution in 1973. He received his doctorate in epidemiology from Oxford University in 1977. Dr. Hughson is board certified in internal medicine with subspecialty certifications in pulmonary medicine and occupational medicine. Dr. Hughson has taught medicine at the University of California, San Diego for many years through the present. Dr. Hughson is a fellow of the American Thoracic Society, The American College of Chest Physicians, The American College of Occupational and Environmental Medicine and other professional organizations reflected on Dr. Hughson's curriculum vitae, which was produced to Baron & Budd in the Vicente Rodriguez case.

Dr. Hughson will testify about the pathology of asbestos-related diseases, his research into asbestos-related diseases, the carcinogenicity of various asbestos fiber types, the potential for asbestos-related disease as a result of exposures to the different types of fibers and the relationship, if any, between asbestos and various illnesses. Dr. Hughson will also testify regarding the general pulmonary aspects of asbestos exposure, including matters such as dose response, latency and the required fiber burden associated with asbestos-related illnesses. Dr. Hughson is expected to testify about alleged occupational exposure – as described by plaintiff and plaintiff's witnesses – and whether, based on his own experience and his review of the medical, scientific and/or technical literature and the opinions and conclusions contained in that literature, whether any exposure at a facility owned or operated by Celanese could be considered a substantial contributing factor to plaintiff's alleged disease.

Dr. Hughson has personal knowledge of certain relevant facts but also possesses general expertise in his field based upon specialized knowledge, skills and training. Based upon his own experience and his review of the medical, scientific and/or technical literature and the opinions and conclusions contained in that literature, Dr. Hughson will provide historical state-of-the-art testimony on the gradual development of knowledge within the medical profession about the various diseases associated with asbestos and about the asbestos exposure levels thought to be associated with each disease. Dr. Hughson will testify regarding the reasonableness of Celanese's historical usage and control of asbestos in its workplace from a medical standpoint based on the information available in the general medical literature and on the types of preventative measures considered by the general medical community

as appropriate in the different decades from 1900 through the present.

Dr. Hughson is expected to testify about the principles of epidemiology and what is involved in an epidemiologic study. He is expected to testify that studies of particular groups or occupations of people are not necessarily applicable to other groups or occupations. Dr. Hughson is expected to testify as to the information necessary to determine whether a group of people are at risk of contracting a particular asbestos-related disease, and whether it is scientifically possible to attribute a disease to a particular exposure. Dr. Hughson is expected to discuss epidemiological analysis of asbestos and how such analysis may be applied to the evidence in this case and to the plaintiff.

Dr. Hughson may testify regarding plaintiff's medical condition, cigarette smoking and lung disease, and generally about the pulmonary system and its functions as well as the diagnosis and prognosis of asbestos-related markers and diseases, and the risks associated with developing cancers. Dr. Hughson is also expected to testify about any matter raised by experts called by plaintiff or any co-defendant, including but not limited to plaintiff's medical condition, the state of medical knowledge concerning asbestos, asbestos-related disease and other occupational diseases.

12. Peter J. Barrett, M.D., 300 Boylston Street, Suite 714, Boston, Massachusetts 02116-3923

Dr. Barrett received his bachelor of arts degree from the College of The Holy Cross in 1964 and his medical degree from Tufts University School of Medicine in 1968. Dr. Barrett is board certified in diagnostic radiology and nuclear medicine. Dr. Barrett has taught radiology at Harvard University and at other institutions over the years. He is a NIOSH certified "R" reader and is a fellow of the American Thoracic Society, the American College of Chest Physicians, the American College of Radiology and other professional organizations reflected on Dr. Barrett's curriculum vitae, which was produced to Baron & Budd in the Vicente Rodriguez case.

Dr. Barrett is expected to testify generally about radiologic concepts and evaluation and their relation to the diagnosis of pulmonary diseases. He will testify specifically regarding his evaluation of x-rays and CT scans in the diagnosis of occupational pneumoconiosis. It is anticipated that Dr. Barrett will testify generally as to his interpretation of the plaintiff's chest images, the presence or absence of any asbestos-related condition as evidenced by those films, and the presence of other abnormalities or conditions unrelated to any exposure to asbestos. In addition, Dr. Barrett is expected to testify generally

about the pulmonary affects of asbestos exposure including matters such as dose response, pathogenicity, carcinogenicity and the potential for asbestos-related disease as a result of exposure to the different types of fibers. Dr. Barrett may testify regarding plaintiff's general medical condition, cigarette smoking history and lung disease, and generally about the pulmonary system and its functions as well as the diagnosis and prognosis of asbestos-related markers and diseases, and the risks associated with developing cancers. Dr. Barrett is also expected to testify about any matter raised by experts called by plaintiff or any co-defendant, including but not limited to plaintiff's medical condition, the state of medical knowledge concerning asbestos, asbestos-related disease and other occupational diseases. In that sense, his testimony may be dependent upon the prior testimony of other experts and cannot be specifically predicted. Dr. Barrett may testify live at trial or by deposition transcript.

13. John R. Holcomb, M.D. 4410 Medical Drive, San Antonio, Texas 78229-0373; (210) 692-9400

Dr. Holcomb will testify concerning examination and diagnosis of the physical condition of the plaintiff and/or his medical records. He may testify concerning the overall condition and the relationship of plaintiff's condition, if any, to plaintiff's exposure to asbestos. He may also testify concerning (a) anatomy and function of the respiratory and circulatory systems; (b) nature of asbestos; (c) the symptomatology, disease process and diagnosis of asbestosis and cancer associated with respiratory system, peritoneum, and peritoneal cavity; (d) the nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure; (e) the effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system; (f) methods of diagnosis of various diseases, particularly the means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos related diseases; (g) incidence of lung cancer among individuals with asbestosis compared with non-asbestotic asbestos workers and with the general population; (h) cigarette smoking and its effects on the lung; (i) the relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect; (j) difference between impairment and disability; (k) effect of asbestosis on disability and life expectancy; (l) the lack of a relationship between the presence of pleural plaques and a later development of any form of cancer; and (m) historical and/or medical literature. Dr. Holcomb's C.V. has already been provided to Baron & Budd in connection with the May and Dolezal cases.

14. Defendant further cross-designates any and all experts designated by other defendants in this action.

Defendant reserves the right to amend or supplement this disclosure pursuant to Rule 193.5 of the Texas Rules of Civil Procedure. Defendant further reserves the right to call undesignated expert witnesses in rebuttal, whose identities and testimony cannot reasonably be foreseen until plaintiff's named experts provide written reports in this case and/or have presented testimony and evidence at trial.

(h) Any discoverable indemnity and insuring agreements:

Celanese is investigating to determine whether any such agreements exist. Celanese reserves the right to supplement.

(i) Any discoverable witness statements:

None.

(k) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party:

None at present.

Respectfully submitted,

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP



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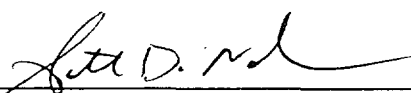
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New York, New York 10019
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(212) 506-1800 (Facsimile)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served via United States certified mail, return receipt requested, on counsel for plaintiffs on this 25th day of June, 2001.



Scott D. Nelson

CAUSE NO. 00-03335-H

ATILANO ARROYO, et al.,

Plaintiffs,

vs.

GAF CORPORATION (successor to
RUBEROID CORPORATION), et al.,

Defendants.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

H-160TH JUDICIAL DISTRICT

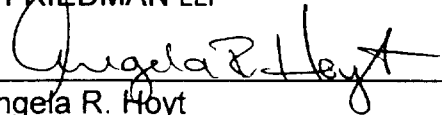
DEFENDANT CELANESE LTD.'S CERTIFICATE OF WRITTEN DISCOVERY

I, Angela R. Hoyt, counsel for Defendant Celanese Ltd., certify that on this the 25th day of June, 2001, I served the following discovery by certified mail, return receipt requested, on the respective attorneys of record for Plaintiff:

- 1) Celanese Ltd.'s Objections and Responses to Plaintiff Francisco Javier Luna's First Set of Interrogatories, First Request for Production and First Request for Admissions; and
- 2) Celanese Ltd.'s Response to Plaintiff Francisco Javier Luna's Request for Disclosure.

Respectfully submitted,

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP



Angela R. Hoyt

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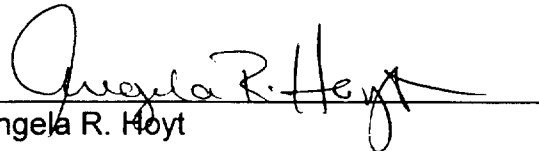
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OF COUNSEL:

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(212) 506-1800 (Facsimile)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served via United States certified mail, return receipt requested, on counsel for plaintiffs, and by regular mail, postage prepaid, on all remaining known counsel of record, on this 25th day of June, 2001.


Angela R. Hoyt

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WRITER'S DIRECT DIAL NUMBER

(713) 220-8817

June 25, 2001

**VIA CERTIFIED MAIL –
RETURN RECEIPT REQUESTED**

LeAnne Jackson
BARON & BUDD
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, TX 75219

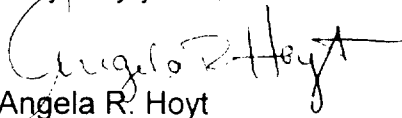
Re: *Atilano Arroyo, et al. v. GAF Corporation (successor to Ruberoid Corporation), et al.*, Cause No. 00-03335-H, in the H-160th Judicial District Court, Dallas County, Texas

Dear LeAnne:

Enclosed please find a copy of:

- 1) Celanese Ltd.'s Objections and Responses to Plaintiff Francisco Javier Luna's First Set of Interrogatories, First Request for Production and First Request for Admissions; and
- 2) Celanese Ltd.'s Response to Plaintiff Francisco Javier Luna's Request for Disclosure.

Very truly yours,


Angela R. Hoyt

ARH/jss
Enclosures