

CAUSE NO. 97-0844-E

**JOSE J. CANO, JR., Individually and
as Personal Representative of the Heirs
and Estate of JOSE J. CANO, SR.,
Deceased and MARIA CANO;
RUBEN EURESTE; and
VELENA FAY MOORE,
Individually and as Personal
Representative of the Heirs and Estate of
LEO MOORE, Deceased**

Plaintiffs

vs.

OWENS CORNING, et al.,

Defendants

[illegible]

IN THE DISTRICT COURT

**PLAINTIFF'S
EXHIBIT**

CEL-491

NUECES COUNTY, TEXAS

28th JUDICIAL DISTRICT

**DEFENDANTS CNA HOLDINGS, INC.
AND CELANESE LTD.'S RESPONSE TO PLAINTIFF JOSE J. CANO, JR.'S
FIRST REQUESTS FOR ADMISSIONS AND
THIRD SET OF REQUESTS FOR PRODUCTION**

Pursuant to the Texas Rules of Civil Procedure (the “Rules”), Defendants CNA Holdings, Inc. (f/k/a HNA Holdings, Inc. f/k/a Hoechst Celanese Corporation) and Celanese Ltd. (referenced herein as “Defendants” or Celanese”) submit these Responses to Plaintiff Jose J. Cano, Jr.’s First Requests for Admissions and Third Set of Requests for Production, Propounded on Premises Defendants Hoechst Celanese Corporation and Celanese Ltd. as follows:

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

Defendants make the following general objections to each and every request for production directed to it:

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

2. Defendants object to the requests to the extent that they seek to compel the disclosure of information specifically exempted from discovery by the privileges afforded in the Texas Rules of Civil Procedure and Article V. of the Texas Rules of Civil Evidence ("Rules of Evidence"), including the attorney/client privilege, the joint defense privilege, the attorney work product doctrine, or the investigative privilege.

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

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

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

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

7. Celanese objects DEFINITION 18 because Defendants never owned, operated, or managed a "Pontiac-Suntide Oil Refinery in Corpus Christi."

8. Celanese further objects to any discovery request seeking to charge it with knowledge or information held by its "predecessors or subsidiaries" or requiring it to provide information regarding plants other than the one in which Plaintiff's decedent, Jose J. Cano, Sr., allegedly worked. Celanese operated multiple facilities and employs thousands of workers. Accordingly, it is unduly burdensome, excessively expensive and harassing to require Celanese to answer these responses as to all plants.

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

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

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

SPECIFIC OBJECTIONS

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

RESPONSES

REQUEST FOR ADMISSION NO. 1:

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

RESPONSE:

Admitted.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises between the years 1952 and 1970.

RESPONSE:

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

Subject to these objections, after reasonable inquiry, the information known or easily obtainable is insufficient to enable Celanese to admit or deny this request. Celanese further states that, as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese does not know whether any asbestos containing materials or machinery were ever utilized at the Pontiac facility in Corpus Christi where the decedent allegedly worked.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, Celanese has no such documents.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE:

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

Subject to that objection, denied as stated.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and subject to the further objection that the Pontiac facility was never "Defendant's [sic] Premises," none.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

See the documents produced by Celanese in this case on April 4, 2000.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1952 and 1970, including but not limited to sign-in logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and subject to the further objection that the Pontiac facility was ever "Defendant's [sic] Premises," none.

REQUEST FOR PRODUCTION NO. 7:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1952 and 1970, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

RESPONSE:

Celanese additionally objects to this request because:

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

3. It is vague and ambiguous; and

4. It is overly broad and unduly burdensome.

Subject to these objections, and subject to the further objection that the Pontiac facility was never "Defendant's [sic] Premises," none.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

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

Subject to those objections, denied.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

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

Subject to these objections, see the documents produced by Celanese in this case on April 4, 2000.

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE:

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

Subject to that objection, denied.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

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

Subject to these objections, see the deposition of Jose J. Cano, Jr. and the documents produced by Celanese on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1952 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

Celanese additionally objects to this request because:

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

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Celanese denies that Plaintiff Jose J. Cano, Sr. was ever its employee. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Celanese to admit or deny this request. Celanese was a mere stockholder of the Pontiac Refining Corporation for the

period of June 1967 to August 1969 and had no control over the daily operations at the Pontiac facility and no opportunity to provide any warnings to decedent.

REQUEST FOR PRODUCTION NO.14:

If you deny the foregoing, produce all such warnings.

RESPONSE:

None. See response to Request for Admission No. 7 above.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1952 to the present for the purpose of protecting these employees from inhaling asbestos.

RESPONSE:

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

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue and is unlimited in time;

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO.13:

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

RESPONSE:

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

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. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions plaintiff's decedent.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO.14:

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

RESPONSE:

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

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. In any event, Celanese has no information regarding or documents pertaining to thee issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions with plaintiff's decedents.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO.15:

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

RESPONSE:

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

Subject to these objections, 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. In any event, Celanese has no information regarding or documents pertaining to the issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions plaintiff's decedent.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO.16:

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

RESPONSE:

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

Subject to these objections, see the 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. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions with plaintiff's decedent.

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

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

Subject to these objections, see the 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. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions plaintiff's decedent.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

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

Subject to these objections, 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. In any event, Celanese has no information regarding or documents pertaining to these issues for Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions plaintiff's decedent.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

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

Subject to these objections, 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. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility. As a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to

August 1969, Celanese had no control over the Pontiac facility and no involvement or interactions with plaintiff's decedent.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

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

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

REQUEST FOR PRODUCTION NO. 21:

Produce all documents reflecting payments made to contractors between the years 1949 and 1979, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

Celanese objects to this request because;

1. It is not limited to the plant at issue;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It is overly broad, unduly burdensome and harassing.

Subject to these objections, none. Celanese states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, Celanese does not have any knowledge or information regarding any contractors who may have worked at the Pontiac facility where the decedent allegedly worked.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to that objection, denied.

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1952 and 1970 Defendant had to [sic] power to control Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

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

Subject to these objections, see the documents produced to you in this case on April 4, 2000.

REQUEST FOR ADMISSION NO. 23:

Admit that, between the years 1952 and 1970, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

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

Subject to these objections, see the documents produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 24:

Admit that, between the years 1952 and 1970, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 25:

Admit that, between the years 1952 and 1970, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 26:

Admit that, between the years 1952 and 1970, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 27:

Admit that, between the years 1952 and 1970, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 28:

Admit that, between the years 1952 and 1970, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 29:

Admit that, between the years 1952 and 1970, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 30:

Admit that, between 1952 and 1970, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 31:

Admit that between the years 1952 and 1970 Defendant controlled Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 32:

Admit that, between the years 1952 and 1970, Defendant managed the use or condition or Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 33:

Admit that, between the years 1952 and 1970, Defendant directed the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 34:

Admit that, between the years 1952 and 1970, Defendant superintended the use or conditions of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 35:

Admit that, between the years 1952 and 1970, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 36:

Admit that, between the years 1952 and 1970, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 37:

Admit that, between the years 1952 and 1970, Defendant governed the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 38:

Admit that, between the years 1952 and 1970, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 39:

Admit that, between 1952 and 1970, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

Denied. Celanese reiterates that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility at issue.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

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

Subject to these objections, and subject to the further objection that the Pontiac facility was never was "Defendant's [sic] Premises," and subject to Celanese's understanding of this request, denied.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Jose J. Cano, Jr.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

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

Subject to that objection, and subject to the further objection that the Pontiac facility was never "Defendant's [sic] Premises," and subject to Celanese's understanding of this request, denied.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

Celanese objects to this request because it is not limited in time. Subject to these objections, after reasonable inquiry, the information known or easily obtainable is insufficient to enable Celanese to admit or deny this request. Celanese denies, however, that the Pontiac facility at issue was Celanese's facility.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

Celanese objects to this request because it is not limited in time. Plaintiff claims to have worked on Celanese's premises. Subject to these objections, see the response to Request for Admission No. 44, above.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

See the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

Celanese objects to this request because it is not limited in time. Subject to these objections, see the response to Request for Admission No. 44, above.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

See the documents produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

Celanese objects to this request because it is not limited in time. Subject to these objections, see the response to Request for Admission No. 44, above.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

See the documents produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

Celanese objects to this request because it is not limited in time. Subject to these objections, see the response to Request for Admission No. 44, above.

REQUEST FOR PRODUCTION NO. 48 :

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

RESPONSE:

See the documents produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

Celanese objects to this request because it is not limited in time. Subject to these objections, see the response to Request for Admission No. 44, above.

REQUEST FOR PRODUCTION NO. 49 :

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

RESPONSE:

See the documents produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Celanese objects to this request because:

1. It is not limited in time;
2. It is vague and ambiguous because the subject of the phrase "such installation" is undefined; and

3. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is not limited in time;
3. It is vague and ambiguous because the subject of the phrase "such installation" is undefined; and
4. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR PRODUCTION NO. 51:

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 to require Celanese to produce documents not in its 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. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility. As a mere stockholder of Pontiac Refinery Corp. for the period of June 1967 to August 1969, Celanese had no involvement in or control over the Pontiac facility, and Celanese had no involvement or interactions with plaintiff's decedent.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

Celanese objects to this request because:

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

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, Celanese states that as a mere stockholder of the Pontiac Refining Corporation for the period of June 1967 to August 1969, it did not control daily operations of the Pontiac facility and no opportunity to provide such protection to decedent.

REQUEST FOR PRODUCTION NO. 52:

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 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 based upon an improper premise.

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. In any event, Celanese has no information regarding or documents pertaining to these issues for the Pontiac facility. As a mere stockholder of Pontiac Refinery Corp. for the period of June 1967 to August 1969, Celanese had no involvement in or control over the Pontiac facility, and Celanese had no involvement or interactions with plaintiff's decedent.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to those objections, denied.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE:

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

Subject to these objections, Celanese contends that plaintiff's decedent Jose J. Cano, Sr., was never present at any of its premises and therefore was never exposed to any asbestos at Celanese's premises. Celanese further contends that plaintiff does not suffer from an asbestos-related injury. See the deposition testimony of Jose J. Cano, Jr. and the medical reports regarding plaintiff's decedent produced or to be produced by all parties in this action.

REQUEST FOR ADMISSION NO. 55:

Admit that Defendant did not exercise reasonable care to reduce or eliminate the risk of asbestos-related injury.

RESPONSE:

Celanese objects to this request because:

1. It is not limited in time and scope;

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

Subject to these objections, denied.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to those objections, denied

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

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

Subject to these objections, see the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, see the deposition testimony of Jose J. Cano, Jr. and the documents previously produced to you on April 4, 2000, in this case. See also the medical reports regarding plaintiff's decedent produced or to be produced by all parties in this action.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to those objections, Celanese does not contend that Plaintiff is suffering from an asbestos-related disease. Nor does it contend that Celanese employees were working with asbestos-containing materials when Jose J. Cano, Sr. was allegedly working at the Pontiac facility. See the deposition of Jose J. Cano, Jr. and the documents previously produced to you on April 4, 2000, in this case.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

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

Subject to these objections, see Jose J. Cano, Sr.'s medical records along with all reports regarding Jose J. Cano, Sr. produced by all parties in this action. Celanese reserves the right to supplement this response if appropriate based upon additional discovery.

REQUEST FOR PRODUCTION NO. 59:

If you contend that Plaintiff was not exposed to asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE:

Celanese objects to this request because:

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

Subject to those objections, Celanese does not contend that Celanese employees were working with asbestos-containing materials during the time that Jose J. Cano, Sr. was allegedly working at the Pontiac facility. See the deposition testimony of Jose J. Cano, Jr.

REQUEST FOR PRODUCTION NO. 60:

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 and ambiguous; 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, none.

REQUEST FOR PRODUCTION NO. 61:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs 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) described in the preceding paragraphs.

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

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE:

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

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiff's asbestos related illness.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE:

Celanese objects to this request because:

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

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

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

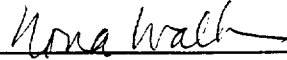
RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, see response to Request for Admission No. 60, above.

Respectfully submitted,



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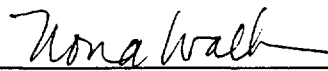
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ATTORNEYS FOR DEFENDANTS
CNA HOLDINGS, INC. (F/K/A
HOECHST CELANESE CORPORATION,
F/K/A CELANESE CORPORATION) AND
CELANESE LTD.

CERTIFICATE OF SERVICE

In accordance with Rule 21 of the Texas Rules of Civil Procedure, the foregoing Responses to Plaintiff's First Set of Interrogatories, First Request for Production and First Request for Admissions has been served upon the following counsel for Plaintiff by hand delivery on this 19th day of May, 2000.

Russell Budd
Melissa Hutts
Holly Huart
Stephanie Finch
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May 19, 2000

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Mr. Oscar Soliz, District Clerk
Nueces County Courthouse
901 Leopard Street
Corpus Christi, Texas 78401

Re: Cause No. 97-0844-E; *Jose J. Cano, et al. v. Owens-Corning Fiberglas Corporation, et al.*; In the 28th Judicial District Court of Nueces County, Texas

Dear Mr. Soliz:

Enclosed for filing are an original and one copy of Defendants CNA Holdings, Inc. and Celanese Ltd.'s Response to Plaintiff Jose J. Cano, Jr.'s First Requests for Admissions and Third Requests for Production.

Please file the original among the papers in this cause and return a file-marked copy to me in the enclosed, self-addressed envelope. By copy of this letter to co-defense counsel, I request that each notify me if they desire a copy of this documents.

Thank you for your assistance in connection with this matter.

Very truly yours,

A handwritten signature in cursive script that reads 'Nona Walker'.

Nona Walker

NW/dde

Encls.

I:\CELANESE\HC - Cano\Letters\District Clerk 5-19-00.wpd

cc: Plaintiff's counsel (via CMRRR No. Z 259 636 029)
All other known counsel of record (via facsimile transfer, w/o encls.)