

NO. 00-04-978-F

ALBERT JOSEPH BOBB, et al.	§	IN THE DISTRICT COURT
	§	
Plaintiffs,	§	
vs.	§	DALLAS COUNTY, TEXAS
	§	
GAF CORPORATION, et al.	§	
	§	
Defendants.	§	116TH JUDICIAL DISTRICT

**DEFENDANT CELANESE LTD.'S RESPONSES
TO PLAINTIFF IVORY STAFFORD'S FIRST
SET OF INTERROGATORIES, REQUESTS FOR
PRODUCTION AND REQUESTS FOR ADMISSIONS**

TO: Plaintiff Ivory Stafford, 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 Ivory Stafford's First Set of Interrogatories, Requests for Production and Requests for Admissions propounded on Premises Defendant Celanese Ltd. as follows:

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

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

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

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

3. Celanese 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. Celanese also objects to paragraphs one and three because they include Celanese's attorneys; information and things protected by the attorney client privilege and work product doctrine are not discoverable.

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

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

7. Celanese objects to DEFINITIONS 18 and 21 to the extent they would require Celanese to provide information regarding a premises Celanese did not own and a time period during which Celanese was not the owner of the premises at which Plaintiff claims to have worked. Notwithstanding Plaintiff's claims to the contrary in his work history sheets, Celanese did not own a facility in Deer Park, Texas after November 19, 1974; therefore, Celanese's responses will be limited to the time Plaintiff alleges that he began working at the Celanese Deer Park premises until November 19, 1974.

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 Celanese plants other than the one at which Plaintiff Ivory Stafford allegedly worked, to wit, the Celanese Deer Park, 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 interrogatories as to all plants, and/or any plant at which plaintiff never worked. Celanese objects to each and every one of these interrogatories, requests for admission and requests for production of documents in that, according to plaintiff Ivory Stafford's discovery responses and deposition testimony, he never worked at the Celanese Deer Park facility during the time period that Celanese owned and operated that facility. The Deer Park plant was owned by Celanese Corporation, a predecessor corporation of CNA Holdings, Inc., f/k/a HNA Holdings, Inc. from April 1956 until November 19, 1974. On November 19, 1974, the Deer Park facility was sold to Soltex Polymer Corporation, which

assumed all liabilities. Celanese, therefore, has no information or documents pertaining to the Deer Park facility for any point after November of 1974.

9. Celanese objects to Plaintiff's discovery requests to the extent they are unlimited in time.

10. Celanese 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.

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:

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 J. Kolodner, Ph.D., P.E.
Corporate level safety

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. 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 and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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. As for the Deer Park plant, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, and subject to Celanese's understanding of this request (i.e., that this interrogatory seeks information about the possible usage of asbestos in Celanese's own manufacturing processes), 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 Deer Park facility was owned and operated by a Celanese-related entity from April 1956 until November 19, 1974. Asbestos-containing products would have been utilized at various times and in varying amounts at the Deer Park facility. 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. Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 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. 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, the Deer Park facility was named Deer Park Plastics Plant. It was owned by Celanese Corporation, a predecessor corporation of CNA Holdings, Inc., f/k/a HNA Holdings, Inc. from April 1956 until November 19, 1974. On November 19, 1974, the Deer Park facility was sold to Soltex Polymer Corporation, which assumed all liabilities. As for the remainder of this interrogatory, see Celanese's Rule 194.2(e) disclosures. Further, 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. 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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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.

Subject to these objections, relevant and responsive documents, if any, for the time period at issue through November 19, 1974, will be produced at a mutually convenient time and place.

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.

Subject to these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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; and
2. It is vague and ambiguous.

Subject to these objections, responsive and relevant documents concerning the sale of the Deer Park facility on November 19, 1974 to Soltex will be produced at a mutually convenient time and place.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 on September 29, 2000, 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 9189-10363. As for the Deer Park plant, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 on September 29, 2000, 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 9189-10363.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 Ivory Stafford. 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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 the time period after which Celanese owned the Deer Park 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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, ambiguous and overbroad; 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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, ambiguous and overbroad; 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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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; and
4. It constitutes an impermissible fishing expedition.

Subject to these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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.

Subject to and without waiving these objections, responsive and relevant documents concerning the sale of the Deer Park facility on November 19, 1974 to Soltex will be produced at a mutually convenient time and place.

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:

Celanese additionally objects to this request because 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, relevant and responsive documents pertaining to Celanese's sale of the Deer Park facility will be produced at a mutually convenient time and place.

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:

Celanese additionally objects to this request because 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, relevant and responsive documents pertaining to Celanese's sale of the Deer Park facility will be produced at a mutually convenient time and place.

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 further objects to this request because 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, relevant and responsive documents pertaining to Celanese's sale of the Deer Park facility will be produced at a mutually convenient time and place.

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:

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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:

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, not applicable.

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, not applicable.

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, not applicable.

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, not applicable.

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 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.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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; and
4. It constitutes an impermissible fishing expedition.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974.

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 and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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:

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 and without waiving these objections, responsive and relevant documents concerning the sale of the Deer Park facility on November 19, 1974 to Soltex will be produced at a mutually convenient time and place.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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:

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

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 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 and without waiving these objections, responsive and relevant documents concerning the sale of the Deer Park facility on November 19, 1974 to Soltex will be produced at a mutually convenient time and place.

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:

Denied.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 Deer Park 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 Deer Park 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 Deer Park 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:

Celanese additionally objects to this request because the phrase "in use" is vague, ambiguous, and undefined.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

REQUEST FOR ADMISSION NO. 15:

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

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 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 and without waiving these objections, responsive and relevant documents concerning the sale of the Deer Park facility on November 19, 1974 to Soltex will be produced at a mutually convenient time and place.

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 the phrase "in use" is vague, ambiguous, and undefined.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 the phrase "in use" is vague, ambiguous, and undefined.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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:

Denied.

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE:

Denied.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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:

Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 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 and without waiving these objections, responsive and relevant documents concerning the sale of the Deer Park facility on November 19, 1974 to Soltex will be produced at a mutually convenient time and place.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 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 and without waiving these objections, responsive and relevant documents concerning the sale of the Deer Park facility on November 19, 1974 to Soltex will be produced at a mutually convenient time and place.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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 has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

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.

Subject to and without waiving these objections, Celanese has no information on this topic for the relevant time frame as it sold the Deer Park facility to Soltex in November of 1974. Celanese therefore cannot admit or deny.

Respectfully submitted,

KASOWITZ, BENSON, TORRES
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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 18th day of June, 2001.

A handwritten signature in cursive script, appearing to read "Scott D. Nelson", is written above a horizontal line.

Scott D. Nelson