

CAUSE NO. 00-03144-E

BILLY RAY CULWELL, et al.,	§	IN THE DISTRICT COURT OF
	§	
Plaintiffs,	§	
	§	
vs.	§	DALLAS COUNTY, TEXAS
	§	
GAF CORPORATION (successor to	§	
RUBEROID CORPORATION), et al.,	§	
	§	
Defendants.	§	101ST JUDICIAL DISTRICT

**DEFENDANT CELANESE LTD.'S RESPONSES TO PLAINTIFF
BILLY RAY CULWELL'S FIRST SET OF INTERROGATORIES, FIRST
REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS**

TO: Plaintiff Billy Ray Culwell, by and through his attorney, Holly J. W. Huart, 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 Billy Ray Culwell's First Set of Interrogatories, First Request for Production and First Request for Admissions Propounded on Premises Defendant Celanese Ltd. as follows:

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

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

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

2. Defendant objects to the interrogatories and requests to the extent that they seek to compel the disclosure of information specifically exempted from discovery by the privileges afforded in the Texas Rules of Civil Procedure and Article V. of the Texas Rules

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

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

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

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

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

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

8. Celanese further objects to any discovery request seeking to charge it with knowledge or information held by its "predecessors or subsidiaries" or requiring it to provide information regarding plants other than the one at which Plaintiff Billy Ray Culwell allegedly worked. Celanese operated multiple facilities and employs thousands of workers. Accordingly, it is unduly burdensome, excessively expensive and harassing to require Celanese to answer these interrogatories as to all plants, and/or any plant at which plaintiff was never present.

9. Defendant objects to Plaintiff's discovery requests because they are unlimited in time.

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

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

SPECIFIC OBJECTIONS

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

RESPONSES

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, state the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant.

RESPONSE:

Celanese additionally objects to this request because:

1. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence; and
2. The words "supplied any information" are vague and ambiguous.

Subject to these objections, the information contained in these responses is derived from corporate documents, copies of which have previously been produced, and also supplied by former employees of Celanese, whose identities are disclosed in Defendant's Rule 194.2(e) Disclosures.

REQUEST FOR ADMISSION NO. 1:

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

RESPONSE:

Admitted.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 2:

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

RESPONSE:

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

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

INTERROGATORY NO. 2:

If you admit the foregoing request, please list all asbestos-containing products used at Defendant's Premises and for each product state the following:

- a. What these products were used for
- b. From whom these products were purchased
- c. Where these products were installed
- d. Specific persons or contractors who install these products
- e. The first year each product was no longer purchased and installed on Defendant's Premises.

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE:

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

Subject to these objections, denied as stated.

INTERROGATORY NO. 3:

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

- a. If so, list each person or company that performed such abatement services (including address and telephone number)

- b. State the dates and locations of each abatement procedure;
- c. State which asbestos-containing products were abated.

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

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

Subject to these objections, see Plaintiffs' Original Petition.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

INTERROGATORY NO. 4:

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

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

RESPONSE:

Celanese additionally objects to this request because:

1. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
2. It is vague and ambiguous; and
3. It is not limited to the time or place at issue in this case; and
4. It is overly broad and unduly burdensome.

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

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

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

INTERROGATORY NO. 5:

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

RESPONSE:

Celanese additionally objects to this request because:

1. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
2. It is vague and ambiguous; and
3. It is overly broad and unduly burdensome.

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

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

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

Subject to those objections, denied.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

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

INTERROGATORY NO. 6:

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

RESPONSE:

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

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE:

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

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

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

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1965 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

INTERROGATORY NO. 7:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiffs [sic] regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE:

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

INTERROGATORY NO. 8:

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

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, Celanese believes that its employees were instructed or otherwise knowledgeable about using suitable care when working around high concentrations of dust, to include the use of respiratory protection and other dust control measures as they or their supervisors deemed appropriate. When information about potential asbestos health risks became generally available, additional personal protective equipment and asbestos handling/disposal policies were implemented. From at least some time in the 1970s, personnel were instructed to approach all insulation products and certain types of other materials as though they contained asbestos barring positive evidence to the contrary. Celanese believes that contractor companies working at the plant followed parallel practices. The manufacturer's names of respiratory equipment used at the plant during the time plaintiff claims to have worked there are currently unknown. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

Denied.

INTERROGATORY NO. 9:

Do you contend that Defendant specifically warned Plaintiff about the hazards of asbestos and asbestos-containing products? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE:

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

INTERROGATORY NO. 10:

Describe all safety precautions taken by you or your employees (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiffs) from the hazards resulting from the use of asbestos-containing products by your employees at any locations.

RESPONSE:

Celanese additionally objects to this request because:

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

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

INTERROGATORY NO. 11:

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

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE:

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

INTERROGATORY NO. 12:

State in detail what tests have been conducted with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products in any of your facilities. Please state where and when these tests were conducted, by whom these tests were conducted, and the results of any such test.

RESPONSE:

Celanese additionally objects to this request because:

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

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

INTERROGATORY NO. 13:

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

RESPONSE:

Celanese additionally objects to this request because:

1. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence; and

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

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

INTERROGATORY NO. 14:

Please state each time any regulatory agency or other governing body has inspected the Defendant's premises to determine if health and safety regulations governing exposure to asbestos were being followed. Include in your response the date and results of each inspection, and state whether a written report was generated.

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO.18:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

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

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

INTERROGATORY NO. 15:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

INTERROGATORY NO. 16:

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

- a. state when this policy was implemented;
- b. describe this policy in detail;
- c. state to whom it applied (i.e. Defendant employees and contractor employees);

- d. and describe what types and brand names of respirators were required by you.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, Celanese refers plaintiff to its response to Interrogatory No. 8 above.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

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

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

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

Celanese additionally objects to this request because;

1. It is not limited to the plant at issue;
2. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
3. It is overly broad, unduly burdensome and harassing.
4. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

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

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 25:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 28:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 29:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 30:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

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

Denied.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

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

INTERROGATORY NO. 17:

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

RESPONSE:

Celanese additionally objects to this request because:

1. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence; and
2. It is not limited to the plant at issue, and it is overly broad and unduly burdensome.

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

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

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

Denied.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

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

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

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

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

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

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

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

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

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

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

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

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

INTERROGATORY NO. 18:

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

RESPONSE:

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

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

REQUEST FOR PRODUCTION NO. 54:

Produce all documents that indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the time Plaintiff claims to have worked on Celanese's premises;
2. It is vague and ambiguous;
3. It seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
4. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, denied as stated.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

INTERROGATORY NO. 19:

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

RESPONSE:

Celanese additionally objects to this request because it is argumentative, assumes facts not in evidence and is based upon an incorrect premise. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, Celanese contends that plaintiff Culwell had no exposure to asbestos while working on its premises and further contends that plaintiff does not suffer from an asbestos-related injury. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to those objections, denied.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

Subject to these objections, denied.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

Celanese additionally objects to this request because:

1. It is not limited to the time when Plaintiff claims to have worked on Celanese's premises or to the plant at issue;
2. It is vague and ambiguous;
3. It assumes facts not in evidence and is based upon an incorrect premise; and
4. It is argumentative and conclusory.

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to those objections, denied

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

Celanese additionally objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR PRODUCTION NO. 59:

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

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

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

REQUEST FOR PRODUCTION NO. 60:

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

RESPONSE:

Celanese 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 predicated upon an incorrect premise;

3. It assumes facts not in evidence; and
4. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

Subject to those objections, Celanese does not contend that Plaintiff is suffering from an asbestos-related disease. Nor does it contend that Celanese employees were working with asbestos-containing materials when Plaintiff Billy Ray Culwell was allegedly working at the Pampa Plant. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR PRODUCTION NO. 61:

If you contend that Plaintiff does not suffer from the asbestos-related disease(s) complained of, produce all 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. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

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

REQUEST FOR PRODUCTION NO. 62:

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

RESPONSE:

Celanese 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 predicated upon an incorrect premise; and

3. It assumes facts not in evidence.

Subject to those objections, Celanese does not contend that Celanese employees were working with asbestos-containing materials during the time that Plaintiff Billy Ray Culwell allegedly worked at the Pampa Plant. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant if any.

REQUEST FOR PRODUCTION NO. 63:

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, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate, with documents relevant to the Pampa plant, if any.

REQUEST FOR PRODUCTION NO. 64:

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

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.
- b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, microfiched, imaged, scanned, or stored

on tapes, disks, diskettes, CD-rom, databases, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, Celanese does not believe it possesses a copy of the record retention policy applicable to the time Plaintiff Billy Ray Culwell may have worked at the Pampa Plant. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR PRODUCTION NO. 65:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) described in the preceding paragraphs.

RESPONSE:

Celanese additionally objects to this request because:

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

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

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

INTERROGATORY NO. 20:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, it is believed that the corporate medical department may have received materials of this nature from time to time, and the company was certainly aware of the OSHA regulations. The individuals in the medical department during the relevant time would have been Ernest M. Dixon, M.D. and Charles S. Laubly. Mr. Laubly disseminated copies of the OSHA regulations and related materials to the company's plants. At the plant level, various individuals would have disseminated information and material regarding asbestos issues. See the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

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, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430.

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE:

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

REQUEST FOR ADMISSION NO. 59:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE:

Celanese additionally objects to this request because:

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

2. It is vague and ambiguous.

Subject to these objections, Celanese admits that a small amount of asbestos-containing material is still present (although not used) at the Pampa Plant.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, admitted.

REQUEST FOR PRODUCTION NO. 67:

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

Subject to these objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR PRODUCTION NO. 68:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR PRODUCTION NO. 69:

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 and ambiguous; and

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

Subject to these objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR PRODUCTION NO. 70:

Produce all safety meeting minutes or other documents, that refer to the dangers of asbestos safety measures [sic] to be used in the vicinity of asbestos at Defendant's Premises.

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 nonsensical; 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 documents that refer to the dangers of asbestos safety measures.

REQUEST FOR PRODUCTION NO. 71:

Produce all contracts, or other documents that relate to abatement of asbestos at Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 72:

Produce all contracts, or other documents that relate to the installation of asbestos products at Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 73:

Produce all documents that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Plaintiff at any time during his employment at Defendant's Premises. 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 employment 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;
2. It is vague and ambiguous; and
3. Celanese further objects because this request is premature in that plaintiff has failed to provide discovery responses or information indicating the history, timing, or nature of his alleged work and asbestos exposure at any Celanese facility.

Subject to these objections, Celanese possesses no such documents.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiff's entire personnel file from Defendant's Premises.

RESPONSE:

Celanese has no "personnel file" concerning Plaintiff Billy Ray Culwell.

REQUEST FOR PRODUCTION NO. 76:

Produce all documents that reflect the layout of the Defendant's Premises, including the location and dimensions of all buildings and the location and placement of 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 seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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

REQUEST FOR PRODUCTION NO. 77:

Produce all documents containing any warnings concerning the possibility of injury resulting from the use of the 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 is vague and ambiguous; and
3. It is unlimited in time and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR PRODUCTION NO. 78:

Produce all photographs of asbestos products in place or asbestos-containing products being fabricated or utilized at Defendant's Premises.

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR PRODUCTION NO. 79:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR PRODUCTION NO. 80:

Produce all documents relating to any individuals [sic] claimed injury as a result of exposure to asbestos at Defendant's Premises, including, but not limited to, workers compensation claims.

RESPONSE:

Celanese additionally objects to this request because:

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

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

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

REQUEST FOR PRODUCTION NO. 81:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas.

REQUEST FOR PRODUCTION NO. 82:

Produce all documents, including invoices, shipping receipts, bills of lading and purchase orders, related to the purchase of asbestos-containing products for use at Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 83:

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

REQUEST FOR PRODUCTION NO. 84:

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

REQUEST FOR PRODUCTION NO. 85:

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

RESPONSE:

Celanese additionally objects to this request because:

1. It is vague and ambiguous and overly broad;
2. It exceeds the scope of permissible discovery referenced in Rule 192.3 of the Rules; and
3. It seeks production of documents not in Celanese's custody or control.

Celanese will comply with the Rules and will produce documents, if any, prepared by its experts in anticipation of a testifying expert's testimony.

REQUEST FOR PRODUCTION NO. 86:

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. 87:

Produce documents between Defendant and any of its worker's compensation 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. 88:

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

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

REQUEST FOR PRODUCTION NO. 89:

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

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

REQUEST FOR PRODUCTION NO. 90:

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

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

REQUEST FOR PRODUCTION NO. 91:

Produce all documents, organization charts or rosters which identify the members of the management at the Defendant's Premises and their areas of responsibility during the time period of Plaintiff's work at Defendant's Premises.

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 92:

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. 93:

Produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 94:

Produce all indemnity agreements, assignments of liability, subrogation agreements and other similar documents relating to Defendant's Premises 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's predecessor in interest purchased the land and built the plant at issue in this case. Celanese has continuously owned this facility to this day. Thus, Celanese does not believe there are documents reflecting assignments of liability or subrogation agreements.

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR PRODUCTION NO. 96:

Please produce any printed material produced or published by Defendant 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 is vague and ambiguous; and
3. It is unlimited in time and plant location and seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. Investigation and discovery are ongoing, and Celanese reserves the right to supplement this response as discovery progresses, if appropriate.

REQUEST FOR PRODUCTION NO. 97:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR PRODUCTION NO. 98:

If you contend that you did not own or control the facility(ies) during any time period that Plaintiff worked (or believes he worked) at that facility(ies), 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.

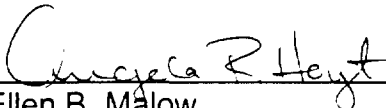
RESPONSE:

Celanese additionally objects to this request because it seeks matters that are not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Not applicable.

Respectfully submitted,

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP


Ellen B. Malow
State Bar No. 12888280
Angela R. Hoyt
State Bar No. 00796783
700 Louisiana Street, Suite 2200
Houston, Texas 77002-2730
(713) 220-8800
(713) 222-0843 (Facsimile)

HAWKINS & PARNELL, LLP

Michael E. Hutchins
4000 SunTrust Plaza
303 Peachtree Street, N.E.
Atlanta, Georgia 30308
(404) 614-7400
(404) 614-7500 (Facsimile)

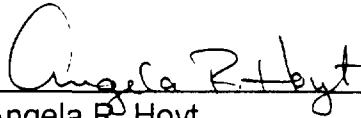
ATTORNEYS FOR DEFENDANT
CELANESE LTD.

OF COUNSEL:

Marc E. Kasowitz
Hector Torres
KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP
1301 Avenue of the Americas
New York, New York 10019
(212) 506-1700
(212) 506-1800 (Facsimile)

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 21st day of August, 2000.



Angela R. Hoyt