

NO. 96-04855-A

MANUEL RUIZ, ET AL.,	§	IN THE DISTRICT COURT OF
	§	
Plaintiffs,	§	
	§	
V.	§	NUECES COUNTY, T E X A S
	§	
OWENS CORNING FIBERGLAS	§	
CORPORATION, ET AL.,	§	
	§	
Defendants.	§	28TH JUDICIAL DISTRICT

**DEFENDANTS CNA HOLDINGS, INC.
AND CELANESE LTD.'S DESIGNATION OF EXPERT
WITNESSES, FACT WITNESSES, AND TRIAL EXHIBITS**

I. Designation of Expert Witnesses

Defendants CNA Holdings, Inc. (f/k/a HNA Holdings, Inc. f/k/a Hoechst Celanese Corporation) and Celanese Ltd. ("Defendants") serve the following designation of expert witnesses pursuant to the Court's Asbestos Standing Order #1 and as a supplement to Defendants' Response to Plaintiffs' Request for Rule 194 Disclosures subpart (f).

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

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

Dr. Balzer worked as a certified industrial hygienist from 1973 until 1987 when he became an Assistant Vice Chancellor at the University of California at San

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

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

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

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

Mr. Birkner is a certified industrial hygienist and certified safety professional. He received a Bachelor of Science degree from Portland State University in 1973 and a Masters Degree in Occupational Safety and Health at New York University in

1975. Between 1974 - 1976, Mr. Birkner worked closely with Dr. Irvin Selikoff and others at Mount Sinai while employed as a safety and health research specialist at Environmental Sciences Laboratory in New York. From 1976 through 1996, Mr. Birkner worked extensively as a practicing industrial hygienist in American industry; in the course of that employment, Mr. Birkner worked as a corporate industrial hygienist for Celanese Corporation between 1977 - 1981. Mr. Birkner is a fellow of the AIHA and a member of the other professional industrial hygiene organizations reflected on Mr. Birkner's curriculum vitae which was produced to Baron & Budd in connection with the May and Dolezal cases.

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

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

Mr. Birkner may testify about the development of literature and information about asbestos-related diseases as they relate to the gradual development of knowledge within industry and within the field of industrial hygiene about asbestos exposure and appropriate control measures. He will address the evolution of workplace practices available to control exposures, to include the historical development of the use of respiratory protection in association with the handling of asbestos-containing products. Mr. Birkner will testify regarding the development over time of

governmental standards and regulations pertaining to asbestos, to include the historical evolution of permissible exposure levels to asbestos developed by professional organizations and government agencies. He will discuss his own research into asbestos-related diseases as they relate to industrial hygiene, the carcinogenicity of various fiber types as they relate to industrial hygiene, and the relationship, if any, between asbestos and various diseases. Mr. Birkner will provide testimony regarding the epidemiology of asbestos-related diseases, latency, state-of-the-art, and other related matters as they impact industrial hygiene. Based on the evidence developed in this case, Mr. Birkner will testify that the plaintiff at issue had little or no opportunity for any harmful exposure to asbestos while working at the facility in question because of the nature of plaintiff's occupation and particular working environment. He may also testify as to any matter raised by experts called by plaintiff or any co-defendants in this action.

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

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

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

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

related illnesses. Dr. Crapo may provide testimony regarding the reasonableness of Celanese's usage and control of asbestos at its premises from a medical standpoint based on the developing state of medical knowledge concerning asbestos over time.

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

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

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

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

Dr. Smith will testify about the pathology of asbestos-related diseases, his research into asbestos-related diseases, the carcinogenicity of various asbestos fiber types, the potential for asbestos-related disease as a result of exposures to the different types of fibers and the relationship, if any, between asbestos and various illnesses. Dr. Smith will also testify regarding the general pulmonary aspects of asbestos exposure, including matters such as dose response, latency and the required fiber

burden associated with asbestos-related illnesses. Dr. Smith is expected to testify about alleged occupational exposure – as described by plaintiff and plaintiff's witnesses – and whether, based on his own experience and his review of the medical, scientific and/or technical literature and the opinions and conclusions contained in that literature, whether any exposure at a facility owned or operated by Celanese could be considered a substantial contributing factor to plaintiff's alleged disease.

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

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

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

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

Dr. Dixon received his medical degree from the University of Virginia in 1948 and a doctorate in occupational health from the University of Cincinnati in 1957. Dr. Dixon has held various occupational health positions in industry and served as Celanese's corporate medical director from 1966 - 1981. A curriculum vitae is

available upon request. Dr. Dixon may testify at trial in this case live or by deposition.

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

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

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

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

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

considered to be at risk of incurring any asbestos-related illness based on the information reasonably available to the occupational health community during his period of responsibility. Mr. Laubly will also testify that Celanese had no involvement in the operations, safety, and/or occupational health programs of the Pontiac/Champlin facility where Plaintiff Ruiz allegedly worked as an independent contractor.

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

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

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

8. Patrick McMillan Conoley, M.D., D.A.B.R., M.B.A., 4527 Nenana Drive, Houston, Texas 77035-3627; 713-729-7863

Dr. Conoley will testify concerning examination and diagnosis of the physical condition of the plaintiff and/or his medical records. He may testify concerning the overall condition and the relationship of plaintiff's condition, if any, to plaintiff's

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

9. Subject to the right to object to and contest qualifications and admissibility as provided in the Texas Rules of Evidence 702 through 705 and the law of this state, Defendants cross-designate plaintiffs' expert witnesses as follows:
 - a) All experts identified in Plaintiffs' Supplemental Answers to All Defendants' Interrogatories (Wellington Defendants), (The Center for Claims Resolution Defendants) and (Master Discovery Requests)/(Expert and Fact Witnesses) filed on January 5, 2000, In re: All Asbestos-Related Personal Injury Or Death Cases, Filed By Baron & Budd, P.C. Or To Be Filed By Baron & Budd, P.C. In Nueces County, Texas (28th Judicial District) and in Plaintiffs' Rule 194 Disclosures. (For a listing, please see Defendants' Persons with Knowledge Lists, attached hereto and incorporated herein as Exhibit A)
 - b) Paul H. Harford, M.D.
Pulmonary & Critical Care Consultants of
Austin, LLP
1305 West 34th Street, Suite 400
Austin, Texas 78705
(512) 459-6599
Plaintiffs' diagnosing physician

- c) Dr. Frank Mazza
Pulmonary & Critical Care Consultants of
Austin, LLP
1305 West 34th Street, Suite 400
Austin, Texas 78705
(512) 459-6599

10. Subject to the right to object to and contest qualifications and admissibility as provided in the Texas Rules of Evidence 702 through 705 and the law of this state, Defendants designate the following treating physicians of plaintiff:

- a) Dr. Frank G. Mazza
Pulmonary & Critical Care Consultants of
Austin, LLP
1305 West 34th Street, Suite 400
Austin, Texas 78705
(512) 459-6599
- b) Dr. Paul H. Harford
Pulmonary & Critical Care Consultants of
Austin, LLP
1305 West 34th Street, Suite 400
Austin, Texas 78705
(512) 459-6599

The above-listed treating physicians are anticipated to testify regarding plaintiff's medical history, treatment, diagnosis and prognosis based upon their treatment of him, and they may testify live at trial or by deposition.

11. Defendants further cross-designate any and all experts designated by other defendants in this action.

Defendants reserve the right to amend or supplement this disclosure pursuant to Rule 193.5 of the Texas Rules of Civil Procedure. Defendants further specifically reserve the right to amend or supplement this disclosure with additional information, designations, IME reports, and/or medical records review reports after Plaintiff Ruiz' defense IME has been completed. Defendants further reserve the right to call undesignated expert witnesses in rebuttal, whose identities and testimony cannot reasonably be foreseen until

plaintiff's named experts provide written reports in this case and/or have presented testimony and evidence at trial.

II. Designation of Fact Witnesses

Pursuant to the Court's Asbestos Standing Order #1 and as a supplement to Defendants' Response to Plaintiffs' Request for Disclosure part 194(e), Defendants provide the following supplemental information in relation to plaintiff Ruiz.

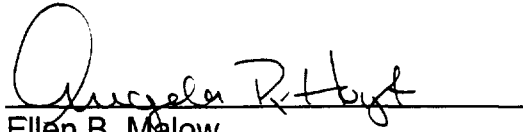
- a) Please see attached Exhibit A, which is a listing of persons who may have knowledge of relevant facts pertaining to plaintiff Ruiz and who may be called to testify at trial.
- b) In addition to those listed on Exhibit A, Defendants further designate all fact witnesses identified by all other parties to this action and reserve the right to call and/or examine any such witness at time of trial.

III. Designation of Trial Exhibits

Pursuant to the Court's Asbestos Standing Order #1, Defendants provide the following attached Trial Exhibit List, Exhibit B. To the extent possible, the attached Exhibit List includes anticipated rebuttal exhibits. Defendants, however, reserve the right to supplement and/or amend this Exhibit List with additional exhibits that are necessary for unanticipated rebuttal and/or impeachment purposes. Defendants reserve the right to use at time of trial any and all exhibits designated and/or introduced by any other party to this action.

Respectfully submitted,

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP

A handwritten signature in black ink, appearing to read "Ellen B. Malow", is written over a horizontal line.

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

HAWKINS & PARNELL, LLP

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(404) 614-7500 (Facsimile)

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(212) 506-1800 (Facsimile)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served via facsimile and/or hand delivery and/or by United States mail, postage prepaid, to all counsel of record on this 12th day of May, 2000.

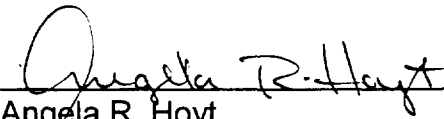

Angela R. Hoyt

EXHIBIT A

RUIZ et al. v. Owens-Corning Fiberglas Corp., et al.,
In the 28th Judicial District of Nueces County, Texas;
Cause No. 96-04855-A

PERSONS WITH KNOWLEDGE
Rene Rolando Ruiz

PLAINTIFF AND PLAINTIFF'S
RELATIVES:

Rene Rolando Ruiz
640 East Avenue H
Robstown, Texas 78380
(512) 387-6304
Plaintiff

Esperanza Ruiz
640 East Avenue H
Robstown, Texas 78380
(512) 387-6304
Plaintiff's spouse

Esther De Los Santos
640 East Avenue H
Robstown, Texas 78380
Plaintiff's daughter
Telephone number unknown

Esmeralda Suarez
511 East Avenue G
Robstown, Texas 78380
Plaintiff's daughter
Telephone number unknown

Manuel Ruiz
109 Rachal Lane
Robstown, Texas 78380
(361) 767-2206
Plaintiff's brother

PLAINTIFF'S CO-WORKERS:

Ruben Ruiz (brother)
913 Ohio Street
Robstown, Texas 78380
(512) 767-7405

Thomas H. Morales
2706 Sabinas
Corpus Christi, Texas 78405
(361) 888-4106

Roy Garcia
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Corpus Christi, Texas 78416
(361) 884-9808

Albert R. Valdez
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Corpus Christi, Texas 78413
(361) 808-7821

Scott Ruston
Telephone number and address unknown

Mike Garcia
Telephone number and address unknown

Paul Coker
Telephone number and address unknown

Rafael Vela
Telephone number and address unknown

Jim Cherry
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(361) 241-2043

Bob Miller
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(361) 883-3137

OR
4917 Chatfield Drive
Corpus Christi, Texas 78413-2412
(361) 980-8110

Johnny Pope
Telephone number and address unknown

"Blackie"
Telephone number and address unknown

"Rooster"
Telephone number and address unknown

Bob Coy
Telephone number and address unknown

Danny Casera
Telephone number and address unknown

Nurse Catherine
Telephone number and address unknown

Larry C. Kirk
Telephone number and address unknown

Ed Aleman
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Corpus Christi, Texas 78411-5007
(361) 853-0037

OR
122 Bridge Street
Cuero, Texas 77954-4504
(361) 275-6479

C. W. King
Telephone number and address unknown

Anderson "A.C." King
Big Sandy, Texas 75755
(903) 734-5165

Scott Storey
Telephone number and address unknown

Ramiro Garcia
Telephone number and address unknown

Frank Martinez
Telephone number and address unknown

PLAINTIFF'S MEDICAL PROVIDERS:

Dr. Frank G. Mazza
Pulmonary & Critical Care Consultants of
Austin, LLP
and/or Custodian of Records
and/or Designated Representatives
1305 West 34th Street, Suite 400
Austin, Texas 78705
(512) 459-6599

Dr. Paul H. Harford
Pulmonary & Critical Care Consultants of
Austin, LLP
and/or Custodian of Records
and/or Designated Representatives
1305 West 34th Street, Suite 400
Austin, Texas 78705
(512) 459-6599

Spohn Hospital
and/or Custodian of Records
and/or Designated Representatives
600 Elizabeth Street
Corpus Christi, Texas
(361) 881-3000

PLAINTIFF'S FORMER EMPLOYERS:

John N. Hunt
and/or Custodian of Records
and/or Designated Representatives
Star Route
Palacios, Texas 77465
Telephone number unknown

Alford Refrigerated Warehouses
of Corpus Christi, Inc.
and/or Custodian of Records
and/or Designated Representatives
260 McBride
Corpus Christi, Texas 78403
Telephone number unknown

C H & B E Bigler
Bigler & Bigler
and/or Custodian of Records
and/or Designated Representatives
Box 3173 330 Westchester Dr.
Corpus Christi, Texas 78404
Telephone number unknown

Braselton Construction Company
and/or Custodian of Records
and/or Designated Representatives
1524 N. Port Avenue
Corpus Christi, Texas 78401-1788
(361) 882-1788

J.M. Counts
Counts Concrete Company
and/or Custodian of Records
and/or Designated Representatives
Box 5404
Corpus Christi, Texas 78400
Telephone number unknown

J.L. Harrison Const. Co., Inc.
and/or Custodian of Records
and/or Designated Representatives
Box 6098
Corpus Christi, Texas 78411
Telephone number unknown

Gerald Degough
G & G Construction
and/or Custodian of Records
and/or Designated Representatives
4634 Dody
Corpus Christi, Texas 78411
Telephone number unknown

Mercury Construction Co., Inc.
and/or Custodian of Records
and/or Designated Representatives
P.O. Box 47
Corpus Christi, Texas 78403
Telephone number unknown

Bur Tex Constructors, Inc.
and/or Custodian of Records
and/or Designated Representatives
7501 Up River Rd.
P.O. Box 4765
Corpus Christi, Texas 78469
Telephone number unknown

W.W. Dominy
Service Industries
and/or Custodian of Records
and/or Designated Representatives
5604 Old Brownsville Rd.
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James H. Greer Interests Inc.
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and/or Designated Representatives
P.O. Box 7327
Houston, Texas 77248
Telephone number unknown

Horace V. Wells
CESCO Company
and/or Custodian of Records
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AND CELANESE LTD.'S DESIGNATED
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**DEFENDANTS CNA HOLDINGS, INC.
AND CELANESE LTD.'S FACT
WITNESSES:**

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Cecil Munn
801 Cherry Street
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Dr. Dixon and Mr. Laubly were employed in various capacities by Celanese in the field of industrial medicine, industrial hygiene, or environmental safety and health. Each will provide testimony regarding workplace conditions at Celanese plants, evolving principles and methodologies in their fields and their application to Celanese, and the historical development of information and knowledge on the part of Celanese regarding the particular hazards associated with asbestos exposure. Among the above, Dr. Dixon and Mr. Laubly will provide testimony regarding Celanese's corporate awareness of and approach to asbestos health issues. Mr. Munn was former in-house counsel for Champlin Petroleum Co. Mr. Munn has knowledge regarding Celanese's stock ownership interests in Champlin Petroleum Co. and Pontiac Refining Corp. and Celanese's lack of any other involvement with those companies.

EXHIBIT B

NO. 96-04855-A

MANUEL RUIZ, et al.

Plaintiffs,

vs.

OWENS CORNING (a/k/a OWENS
CORNING CORPORATION), et al.

Defendants.

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§
§
§
§
§
§
§

IN THE DISTRICT COURT

NUECES COUNTY, TEXAS

28TH JUDICIAL DISTRICT

**DEFENDANTS CNA HOLDINGS, INC. AND CELANESE LTD.'S
TRIAL EXHIBIT LIST**

<u>Ex. #</u>	<u>Date</u>	<u>Description</u>
1.	03/23/00	Medical Records from Pulmonary & Critical Care Consultants of Austin (Drs. Frank Mazza and Paul Harford)
2.	03/23/00	Negative Deposition for Radiology Records from Spohn Shoreline Hospital
3.	03/28/00	Negative Deposition for Personnel and Payroll Records from Braselton Construction Co.
4.	03/21/00	Negative Deposition for Personnel and Payroll Records from Fairbairn Electric, Inc.
5.	03/21/00	Personnel and Payroll Records from Mundy Industrial Maintenance Inc.
6.	01/17/00	Deposition and Exhibits of Rene Rolando Ruiz taken on 1/17/00
7.	00/00/00	Chest x-rays produced by Plaintiff
8.	04/11/97	Plaintiff's Answers to Master Discovery Requests to All Plaintiffs in all Asbestos-Related, Personal Injury and Death Cases Filed in Nueces County and attachments and verification

9. 11/10/98 Answers to Defendant Union Pacific Resources Company's First Set of Interrogatories and Request for Production of Documents and verification
10. 01/13/99 Plaintiff's Answers to Defendant Reynold Metals Company's First Set of Interrogatories and Request for Production and verification
11. 03/19/99 Plaintiff's Disclosures Pursuant to TRCP 194
12. 04/08/99 Plaintiff's Supplemental Answers to Master Discovery and attachments and verification
13. 06/03/99 Plaintiff's First Amended Disclosures Pursuant to TRCP 194
14. 03/29/00 Plaintiff's Supplemental Answers to All Defendants' Interrogatories (Wellington Defendants), (The Center for Claims Resolution Defendants) and (Master Discovery Requests) / (Expert and Fact Witnesses) and Supplemental Disclosures Pursuant to Texas Rule of Civil Procedure 194 (D), (E), (F) and (H) and verification

CELANESE-RELATED AND OTHER EXHIBITS

15. 08/28/69 Agreement between Union Pacific Petroleum Corporation and Celanese Corporation Providing for the Acquisition by Union Pacific Petroleum Corporation of all of the Issued and Outstanding Capital Stock of Champlin Petroleum Company and Pontiac Refining Corp.
16. 06/01/67 Contract between First City National Bank of Houston, as Trustee of the Gulf Oil Foundation and Celanese Corporation
17. 09/01/64 Plan and Agreement of Merger Between Celanese Corporation of America and Champlin Oil & Refining Co.
18. 00/00/00 Curriculum Vitae of Patrick McMillan Conoley, M.D., D.A.B.R., M.B.A.
19. 00/00/00 Curriculum Vitae of J. LeRoy Balzer, Ph.D.
20. 00/00/00 Curriculum Vitae of James D. Crapo, M.D.
21. 00/00/00 Curriculum Vitae of Lawrence R. Birkner, CIH, CSP
22. 00/00/00 Curriculum Vitae of Dorsett D. Smith, M.D., F.A.C.P., F.C.C.P., F.A.C.O.E.M.
23. 00/00/00 Curriculum Vitae of John R. Holcomb, M.D.

Celanese specifically adopts by reference and reserves the right to use each and every document or exhibit identified by any other party in this case. Celanese also reserves the right to utilize blowups or enlargements of any document or exhibit listed herein, or if any document or exhibit identified by any other party in this case. Celanese also specifically reserves the right to utilize medical/scientific/industrial hygiene articles, text books, reports and letters, all of which are in the public domain, for purposes of expert examination and cross-examination.

MAY 16 00*-10400

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STEPHANIE

May 12, 2000

Via Certified Mail –
Return Receipt Requested

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Stephanie Finch, Esq.
Holly Huat
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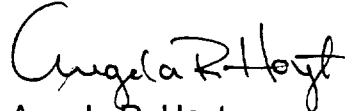
RE: *Manuel Ruiz, et al. v. Owens Corning Fiberglas Corporation), et al.;*
Cause No. 97-03977-F; In the 28th Judicial District Court of Nueces
County, Texas

Dear Counsel:

Enclosed please find the following documents:

- 1) Defendants CNA Holdings, Inc. and Celanese Ltd.'s Designation of Expert Witnesses, Fact Witnesses and Trial Exhibits;
- 2) Defendants CNA Holdings, Inc. and Celanese Ltd.'s First Supplemental Rule 194 Disclosures; and
- 3) Certificate of Discovery.

Sincerely,


Angela R. Hoyt

ARH:lle
Enclosures

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May 12, 2000

**VIA CERTIFIED MAIL –
RETURN RECEIPT REQUESTED**

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

Re: No. 97-03977-F; *Manuel Ruiz, et al. v. Owens Corning Fiberglas Corporation*), *et al.*; In the 28th Judicial District Court of Nueces County, Texas

Dear Mr. Soliz:

Enclosed for filing in the above-referenced matter are an original and one copy of the following documents:

- 1) **Defendants CNA Holdings, Inc. and Celanese Ltd.'s Motion for Summary Judgment as to Plaintiff Rene R. Ruiz;** and
- 2) **Certificate of Discovery** regarding CNA Holdings, Inc. and Celanese Ltd.'s Designation of Expert Witnesses, Fact Witnesses and Trial Exhibits, and Supplemental Rule 194 Disclosures.

Please acknowledge filing of same by placing your file stamp on the copies provided and returning them to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance.

Very truly yours,



Angela R. Hoyt

ARH/llc
Enclosures

cc: Counsel of Record