

**KIMBERLY MORGAN BRAACK,
Individually and as Personal
Representative of the Heirs and
Estate of MARY VIRGINIA MORGAN,
Deceased**

VS.

Defendants.

C-68TH JUDICIAL DISTRICT

PAGE 1

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

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

1. Celanese objects to the interrogatories and requests to the extent that they seek to compel the disclosure of information specifically exempted from discovery by the privileges afforded in the Texas Rules of Civil Procedure ("Rules") and Article V. of the Texas Rules of Evidence ("Rules of Evidence"), including the attorney/client privilege, the joint defense privilege, the attorney work product doctrine, or the investigative privilege. Any withholding of documents or information on the basis of privilege will be specifically noted as part of Celanese's objections and responses after the discovery request calling for such privileged information and/or documents, if any.

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

3. Celanese objects to paragraph three of the DEFINITIONS because the definition of the word "document" and the instructions regarding "possession, custody or control" are overly broad, seek information specifically exempted from discovery by the privileges afforded in the Rules and Rule 503 of the Texas Rules of Evidence, including the attorney work product doctrine, and the attorney client privilege because they exceed

the scope of Rule 192.3 of the Rules. Throughout these responses, Celanese will assume that the word will have its commonly used meaning, as set forth in Rule 192.3(b), and will respond accordingly.

4. Celanese objects to the definitions of "identify" contained in paragraphs 20 and 21 of the DEFINITIONS because they are overly broad, unduly burdensome and harassing.

5. Celanese objects to DEFINITION 7 to the extent information is sought concerning asbestos in a non-friable form.

6. Celanese objects to the definition of "Defendant's job sites" contained in paragraph 22 of the DEFINITIONS because it is overly broad, unduly burdensome and harassing.

7. Celanese further objects to any discovery request seeking to charge it with knowledge or information held by its "predecessors or subsidiaries" or requiring it to provide information regarding plants other than the one at which Plaintiff Kimberly Morgan Braack's decedent 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 discovery requests as to all plants, and/or any plant at which plaintiff's decedent was never present.

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

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

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

SPECIFIC OBJECTIONS

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

RESPONSES

INTERROGATORY NO. 1:

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 of each person who has supplied any information used in answering these interrogatories.

RESPONSE:

Celanese additionally objects to this interrogatory for the following reasons:

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 and without waiving the foregoing objections, the information contained in these interrogatory responses is derived from corporate documents, copies of which have previously been produced, and also supplied by former employees of Celanese or other entities, whose identities are disclosed in Celanese'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:

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

Subject to and without waiving the foregoing objection, admitted.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises between the years 1950 and 1978.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to and without waiving the foregoing objections, Celanese admits that, during the time period plaintiff's decedent worked at Celanese, 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, 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 is not limited to the time when Plaintiff's decedent claims to have worked on Celanese's premises;
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 and without waiving the foregoing objections, Celanese refers plaintiff to its responses to Request for Admission No. 2, above. 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. By way of further response, Celanese refers plaintiff to the documents produced to plaintiff's counsel in the *Cummings* case on April 2, 2001, bates-labeled 010364-14616. Given the passage of time, these documents are generally Celanese's best source of information on these topics and the information sought may be derived from them by plaintiff as easily as by Celanese.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to and without waiving the foregoing objections, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE:

Celanese 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 vague, ambiguous and compound.

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR ADMISSION NO. 4:

Admit that Plaintiff's Decedent was exposed to asbestos-containing products and/or machinery requiring or calling for the use of asbestos and/or asbestos-containing products in his [sic] occupation at Defendant's Premises.

RESPONSE:

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

Subject to and without waiving the foregoing objection, denied.

REQUEST FOR PRODUCTION NO. 3:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-1; *Stanley Franklin Cummings, et al. v. Owens Coming, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 5:

Admit that Plaintiff's Decedent was employed by Defendant or by a predecessor-in-interest of Defendant.

RESPONSE:

Celanese admits Plaintiff's Decedent was an employee of Hoechst Celanese Corporation between the last quarter of 1959 through the first quarter of 1963. Hoechst Celanese Corporation is a predecessor in interest to HNA Holdings, Inc., which is a predecessor in interest to CNA Holdings, Inc.

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 Plaintiff's Decedent's employment file.

RESPONSE:

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

INTERROGATORY NO. 3:

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

RESPONSE:

In the absence of any known evidence showing exposure, Celanese has no reason to believe Plaintiff's Decedent had any exposure during her employment at the Pampa plant.

REQUEST FOR ADMISSION NO. 6:

Admit that Plaintiff's Decedent worked at 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 PRODUCTION NO. 6:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 7:

Admit that while Plaintiff's Decedent was working on Defendant's Premises he [sic] was continuously exposed to asbestos and asbestos-containing dust without the provision of appropriate safeguards.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 7:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 8:

Admit that Defendant was negligent in the installation, maintenance, removal and/or abatement of asbestos at Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 8:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

Denied.

INTERROGATORY NO. 4:

Do you contend that Defendant specifically warned Plaintiff's Decedent 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 additionally objects to this discovery request on the following grounds:

1. It assumes facts not in evidence and is predicated upon an improper premise;
and
2. It is unlimited in time, scope, and plant location.

Subject to and without waiving the foregoing objections, on present information and belief, Celanese is unaware of any information about asbestos being conveyed to Plaintiff's Decedent.

INTERROGATORY NO. 5:

Describe all safety precautions taken by you or directed by you to be taken (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiff's Decedent) from the hazards resulting from the use of asbestos-containing products at 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;

2. It is unlimited in time, overly broad and unduly burdensome; and
3. It assumes facts not in evidence and is based upon an improper premise.

Subject to and without waiving the foregoing objections, see the documents previously produced on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. The referenced documents are Celanese's best source of information on the subject, and the information sought may be derived from them by plaintiff as easily as by Celanese. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing 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.

Subject to and without waiving the foregoing objections, see the documents previously produced on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. The referenced documents are Celanese's best source of information on the subject, and the information sought may be derived from them by plaintiff as easily as by Celanese. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 11:

Admit that you did not utilize engineering controls such as isolation or enclosure at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff's Decedent 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 and without waiving the foregoing 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.

Subject to and without waiving the foregoing objections, see the documents previously produced on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. The referenced documents are Celanese's best source of information on the subject, and the information sought may be derived from them by plaintiff as easily as by Celanese. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 11:

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 and without waiving the foregoing objections, see the documents previously produced on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. The referenced documents are Celanese's best source of information on the subject, and the information sought may be derived from them by plaintiff as easily as by Celanese. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 12:

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 and without waiving the foregoing objections, see the documents previously produced on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. The referenced documents are Celanese's best source of information on the subject, and the information sought may be derived from them by plaintiff as easily as by Celanese. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 14:

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 work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff's Decedent was present.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE:

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

Subject to and without waiving the foregoing objections, see the documents previously produced on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. The referenced documents are Celanese's best source of information on the subject, and the information sought may be derived from them by plaintiff as easily as by Celanese. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE:

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

Subject to and without waiving the foregoing objections, see the documents previously produced on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. The referenced documents are Celanese's best source of information on the subject, and the information sought may be derived from them by plaintiff as easily as by Celanese. Discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 15:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 17:

Admit that exposure to asbestos fibers on Defendant's Premises put Plaintiff's Decedent at an extreme risk of injury.

RESPONSE:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 16:

If you fail to unequivocally admit the foregoing request, produce all documents which support your denial.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 18:

Admit that by failing to adequately protect Plaintiff's Decedent from exposure to asbestos fibers, Defendant placed Plaintiff's Decedent at an extreme degree of risk.

RESPONSE:

Celanese objects to this request because it is vague and ambiguous, assumes facts not in evidence, and is predicated upon an improper premise.

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 17:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 19:

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's Decedent was working on Defendant's Premises.

RESPONSE:

Celanese objects to this request because it is vague and ambiguous, assumes facts not in evidence, and is predicated upon an improper premise.

Subject to and without waiving the foregoing objections, admitted. Celanese had no awareness of and no reason to believe that Plaintiff's Decedent would have had any contact with any of those products.

REQUEST FOR PRODUCTION NO. 18:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 20:

Admit that Defendant knew that asbestos fibers when inhaled could cause injury.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, Celanese admits that at some point in time it became aware that exposure to high concentrations of asbestos over a lengthy period of time could potentially cause injury. However, Celanese is unable to state when any of its thousands of employees may first have acquired such information. When the OSHA regulations concerning asbestos were promulgated in the 1970's, Celanese became aware of those regulations.

REQUEST FOR PRODUCTION NO. 19:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 21:

Admit that by knowing of the hazards of exposure to asbestos fibers and failing to protect Plaintiff's Decedent from exposure to asbestos fibers, Defendant exhibited conscious indifference to the rights, safety, and welfare of Plaintiff's Decedent.

RESPONSE:

Celanese objects to this request because it is vague and ambiguous, assumes facts not in evidence, and is predicated upon an improper premise.

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 20:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 22:

Admit that Defendant demonstrated "such an entire want of care as to establish that its acts and omission were the result of actual conscious indifference to the rights, safety and welfare of the Plaintiff's Decedent, and that such acts and omissions were a proximate cause of the Plaintiff's Decedent's death."

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 21:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 23:

Admit that Defendant failed to provide safety equipment for Plaintiff's Decedent to use on Defendant's Premises.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 23:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 25:

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

RESPONSE:

Celanese objects to this request because:

1. It is not limited in time or scope;

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

Subject to the foregoing objections, denied.

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to those objections, denied.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Coming, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 28:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to those objections, denied.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas, and all additional documents to be produced in this case. See also Plaintiff's Answers to Master Discovery and all attachments and supplements

thereto. Discovery is ongoing, and Celanese reserves the right to supplement this response, if appropriate.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, discovery is ongoing, and Celanese reserves the right to supplement this response, if appropriate.

REQUEST FOR PRODUCTION NO. 29:

If you contend that Plaintiff's Decedent was not exposed to asbestos dust on Defendant's Premises, produce all documents supporting your contention.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

INTERROGATORY NO. 6:

State whether Defendant has at any time provided safety equipment at any time for workers' protection against the inhalation of asbestos dust, including but not limited to masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, indicate when such was first provided to your workers, under what circumstances such were provided, and the name, address and telephone number of the person most knowledgeable concerning such provision.

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 and without waiving the foregoing objections, Celanese states that respiratory protection was issued as appropriate to its own employees from the time the plant began operations. 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 PRODUCTION NO. 30:

Produce all documents which support your response to the foregoing interrogatory.

RESPONSE:

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

Subject to and without waiving the foregoing objections, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-i; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

INTERROGATORY NO. 7:

If you ever had a policy requiring employees to use respirators, state when this policy was implemented; describe this policy in detail; state to whom it applied (i.e. Defendant employees and contractor employees); and describe what types and brand names of respirators were required by you.

RESPONSE:

Celanese additionally objects to this discovery request on the following grounds:

1. It is unlimited in time, scope, and plant location;
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 and without waiving the foregoing objections, please see Celanese's response to Interrogatory No. 6, above.

REQUEST FOR PRODUCTION NO. 31:

Produce all documents which support your response to the foregoing interrogatory.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 29:

Admit that Defendant did not provide adequate safety measures and protection against asbestos dust to the Plaintiff's Decedent.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 32:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 30:

Admit the Defendant did not adequately warn the Plaintiff's Decedent of the extreme risk and dangers of asbestos exposure during the installation, maintenance, manufacturing and removal process.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 33:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

INTERROGATORY NO. 8:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiff's Decedent 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;
3. It is unlimited in time, overly broad and unduly burdensome; and
4. It is not limited to the plant at issue.

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

INTERROGATORY NO. 9:

If [sic] Defendant or any of its predecessor or subsidiary companies have at any time published or distributed any printed material containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos? If so, identify each person responsible for having drafted or issued the warning statements and/or written materials, and the dates when each warning was first issued or distributed.

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

Subject to the foregoing objections, on present information and belief and in accordance with Celanese's understanding of this interrogatory, Celanese states that it is unaware of any such materials for the relevant time frame.

REQUEST FOR ADMISSION NO. 31:

Admit that Defendant did not adhere to all industrial, governmental, regulatory and other established measures to protect workers from harm from exposure to asbestos during the relevant time of the Plaintiff's Decedent's employment.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 34:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

INTERROGATORY NO.10:

State in detail what tests, if any, Defendant, Defendant's employees, governmental inspectors or insurance company [sic] ever made 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 at any of Defendant's job sites. State where and when these tests were conducted, and the results of any such test.

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 the foregoing objections, Celanese states that no such tests were conducted during the relevant time frame at the Pampa plant. For information pertaining to tests in later years, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 35:

Produce all documents identified in the foregoing interrogatory.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

INTERROGATORY NO. 11:

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 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 and without waiving these objections, Celanese states that, to its knowledge, no regulatory agencies have inspected the Pampa plant solely to determine compliance with asbestos regulations. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas. Given the passage of time, the referenced documents generally constitute Celanese's best source of information on these topics.

REQUEST FOR PRODUCTION NO. 36:

Produce all documents identified in the foregoing interrogatory.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 32:

Admit that Defendant attempted to install, maintain, manufacture and/or remove asbestos in its workplace without taking adequate precautions for the protection of workers in the vicinity and/or in the plant generally.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 37:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I;

Stanley Franklin Cummings, et al. v. Owens Corning, et al., in the 162nd Judicial District Court of Dallas County, Texas.

INTERROGATORY NO. 12:

State the years during which Defendant or its subsidiaries or predecessors operated a medical department and identify all persons who directed, headed or supervised said department and the years of their service in that capacity.

RESPONSE:

Celanese additionally objects to this discovery request on the following grounds:

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

Subject to and without waiving the foregoing objections, Celanese provides the following information:

As distinct from consultation from outside contractors, Celanese's medical department was created in 1956.

By way of further response, Celanese provides the following:

John Osterritter, M.D.
Deceased
Corporate level physician

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

John Dougherty, M.D.
Corporate level physician

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

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

INTERROGATORY NO. 13:

State the years which Defendant or its predecessor or subsidiaries operated a safety department and identify all persons who directed, headed or supervised said department and the years of their service in that capacity.

RESPONSE:

Celanese additionally objects to this discovery request on the following grounds:

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

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

Celanese had a formal safety department by at least 1948 and perhaps earlier, while the Pampa plant would have had a safety function from at or about the time of start up.

By way of further response, Celanese provides the following:

Glenn Fleming
Deceased
Corporate level safety

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

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

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the time when Plaintiff's Decedent claims to have worked on Defendant's premises;
 2. It is vague and ambiguous;
 3. It is overly broad and unduly burdensome; and
- It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Celanese admits that some amount of asbestos-containing material is still present (although not used) at the Pampa plant.

REQUEST FOR ADMISSION NO. 33 [sic]¹:

Admit that asbestos containing materials are no longer in use on Defendant's Premises.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the time when Plaintiff's Decedent claims to have worked on Defendant's premises;
 2. It is vague and ambiguous;
 3. It is overly broad and unduly burdensome; and
- It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, admitted.

¹There are two Requests for Admission numbered 33.

INTERROGATORY NO. 14:

State the date when Defendant ceased to use asbestos-containing products, indicating the first year each type of product was no longer purchased and/or installed.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue or the time when Plaintiff's Decedent claims to have worked on Defendant's premises;
2. It is vague and ambiguous;
3. It is overly broad and unduly burdensome; and
4. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Celanese states that purchase and/or usage of asbestos-containing thermal surface insulation products was discontinued in 1972-1973 and that purchase and/or usage of other asbestos-containing materials was discontinued at various times thereafter.

INTERROGATORY NO. 15:

State whether written warnings were placed at any locations adjacent or near asbestos in place at Defendant's job sites. If so, describe with specificity such signs, including size, color, wording, etc. Additionally, state the number of such signs that were installed and indicate the specific location of each such sign and the dates and length of time such sign was placed at that location.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue or the time when Plaintiff claims to have worked on Defendant's premises;
2. It is vague and ambiguous;
3. It is overly broad, unduly burdensome and harassing; and

It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, on present information and belief, Celanese states that it is unaware of signage specific to asbestos during the relevant time period. Signage regarding asbestos would have, however, been provided in the plant during the later periods of time, to include signs required by OSHA regulations.

INTERROGATORY NO. 16:

State whether any asbestos products in place or in use have been removed or abated from Defendant's Premises. If so, list each and every abatement company or other contractor involved with the removal of asbestos, including address and telephone number, dates and particular locations of such removal.

RESPONSE:

Celanese objects to this request because:

1. It is not limited to the plant at issue and the time when Plaintiff claims to have worked on Defendant's premises;
 2. It is vague and ambiguous;
 3. It is overly broad and unduly burdensome; and
- It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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.

INTERROGATORY NO. 17:

If you contend that you have not been negligent towards Plaintiff, as Plaintiff has alleged in Plaintiff's Original Petition and any amendments thereto, please state in full the basis for this contention and describe all regulations, laws, statutes, or other authority including internal procedures relating to asbestos that you have relied upon in making this contention.

RESPONSE:

Celanese additionally objects to this request on the following grounds:

1. It seeks matters that are protected from discovery by the work product doctrine and the attorney client privilege; and
2. It calls for a legal conclusion.

See Celanese's Answer on file in this case, as well as Celanese's Rule 194 Disclosures.

INTERROGATORY NO. 18:

If Defendant has ever been a member of any trade organization that published or disseminated any documents or information relating to asbestos, state the names of such organizations and list the dates of membership.

RESPONSE:

Celanese additionally objects to this request because:

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

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

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

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

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

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

Industrial Hygiene Foundation – 1952 to 1976.

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

INTERROGATORY NO. 19:

Identify every individual ever employed at Defendant's facilities who has made or presented a Worker's Compensation or other claim for personal injury or death resulting from inhalation of asbestos. Include in your response the date of any such claims and a description of the injury alleged.

RESPONSE:

Celanese additionally objects to this request because:

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

INTERROGATORY NO. 20:

State whether a medical monitoring program, medical examination program or other medical surveillance was provided to your employees and specifically to Plaintiff's Decedent. If so, indicate what records of such program, examination or surveillance concerning Plaintiff's Decedent exist at this time, including but not limited to reports, x-rays, medical notes and/or descriptions of any kind.

RESPONSE:

Celanese additionally objects to this discovery request on the following grounds:

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

Subject to and without waiving the foregoing objections, Celanese states that while it operated a medical monitoring program, that program had no involvement with the Pontiac facility at issue in this case. See also the Response to Request for Admission No. 2, above.

INTERROGATORY NO. 21:

State the year you first learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards. Further, identify any documents that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Celanese additionally objects to this discovery request on the following grounds:

1. It is overly broad, unduly burdensome, and harassing;
2. It assumes that any exposure is capable of causing disease; and
3. It is vague and ambiguous by use of expressions such as "physical injury" and "asbestos fibers," and "asbestos hazards"; and
4. It exceeds the number of interrogatories permissible under the Texas Rules of Civil Procedure.

Subject to and without waiving the foregoing objections, discovery is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR PRODUCTION NO. 38:

Produce any and all documents, memoranda and/or other writings 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 and without waiving the foregoing objections, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 39:

Produce any and all documents, memoranda and/or other writings, including but not limited to books, pamphlets, or other written materials of any kind or character in your possession that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Celanese additionally objects to this request because:

1. It 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 and without waiving the foregoing objections, see the documents previously produced on July 13, 1999 in Cause No. 97-8-50930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 40:

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

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 and without waiving the foregoing objections, see the documents previously produced on July 13, 1999 in Cause No. 97-8-50930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 41:

Produce any and all documents memoranda and/or other writings that indicate and/or reflect or refer 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 job sites, including but not limited to written reports produced by such agency. This request specifically seeks any and all such documentation referring to dust hazards.

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 and without waiving the foregoing objections, Celanese is unaware of any such documents or visits by any regulatory agencies during the relevant time period. Documents pertaining to this topic for the later years have already been produced to plaintiff's counsel in the *Cummings* case.

REQUEST FOR PRODUCTION NO. 42:

Produce all safety meeting minutes or other documents, memoranda and/or writings that refer to the dangers of asbestos and/or safety measures 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;
2. It is unlimited in time, overly broad and 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 assumes facts not in evidence and is based upon an improper premise

Subject to and without waiving these objections, see the documents previously produced to you on July 13, 1999, in Cause No. 97-8-50930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County,

Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 43:

Produce all contracts, memoranda, and/or other writings that in any way reflect arrangements made for the removal of asbestos and/or the installation of asbestos products at any of Defendant's facilities.

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 and without waiving the foregoing objections, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 44:

Produce any and all documents, memoranda, and/or other writings that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at any of Defendant's facilities.

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 and without waiving the foregoing objections, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 45:

Produce any and all safety manuals and/or safety handbooks provided to Defendant's employees at any time.

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 and without waiving the foregoing objections, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 46:

Produce all documents related to the medical condition of Plaintiff's Decedent at any time during his [sic] employment by Defendant and/or Defendant's subsidiary. This request specifically includes all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms.

RESPONSE:

Celanese additionally objects to this request because:

1. It seeks matters that are not relevant to the subject matter of this lawsuit or are reasonably calculated to lead to the discovery of admissible evidence;
2. It is vague and ambiguous;
3. It fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196;
4. It is unlimited in time, and overly broad; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to and without waiving the foregoing objections, discovery is ongoing, and Celanese reserves the right to supplement this response.

REQUEST FOR PRODUCTION NO. 47:

Produce the entire personnel file for Mary Virginia Morgan.

RESPONSE:

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

Subject to and without waiving the foregoing objection, Celanese reserves the right to supplement this response.

REQUEST FOR PRODUCTION NO. 48:

Produce all documents that relate to an inquiry made by you to any contractor working at Defendant's Premises at the same time as Defendant's employees which refer, relate or mention the hazards of asbestos, the existence or location of asbestos-containing materials and/or procedures to follow in the event that work is to be performed by your employees, including Plaintiff's Decedent, in the vicinity of asbestos-containing materials.

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, ambiguous and confusing;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise.

REQUEST FOR PRODUCTION NO.49:

Produce all documents that relate to an inquiry made by any of your employees to you or to any other entity or individual which refer, relate or mention the hazards of asbestos, the existence or location of asbestos-containing materials and/or procedures to follow in the event that work is to be or has been performed by your employees, including Plaintiff's Decedent, in the vicinity of asbestos-containing materials.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to and without waiving the foregoing objection, Celanese possesses no such documents for the time period at issue.

REQUEST FOR PRODUCTION NO. 50:

Produce any and all safety guidelines, specifications and/or other documents provided to Defendant and/or its employees by any other contractors working at Defendant's job sites at the same time as Defendant's employees, including Plaintiff's Decedent, which refer, relate or mention the hazards of asbestos, the existence or location of asbestos-containing materials and/or procedures to follow in the event that work is to be performed in the vicinity of asbestos-containing materials.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to and without waiving the foregoing objection, Celanese possesses no such documents for the relevant time frame.

REQUEST FOR PRODUCTION NO. 51:

Produce any and all safety guidelines, specifications and/or other documents from any source that were provided to Defendant's employees, including Plaintiff's Decedent, which refer or relate or mention the hazards of asbestos, the existence or location of asbestos-containing materials and/or procedures to follow in the event that work is to be performed by Defendant's employees in the vicinity of asbestos-containing materials.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to and without waiving the foregoing objection, Celanese possesses no such documents for the relevant time frame.

REQUEST FOR PRODUCTION NO. 52:

Produce any brochures, pamphlets, catalogs, packaging, or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos that have been published, distributed, or disseminated by you.

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 and without waiving the foregoing objections, Celanese possesses no such documents for the relevant time frame.

REQUEST FOR PRODUCTION NO. 53:

Produce any photographs, videotape, film, slides or other tangible thing graphically depicting images of asbestos products in place or asbestos products being mixed, applied, fabricated, installed, repaired, maintained, utilized, removed, replaced, or abated at any of Defendant's facilities.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to and without waiving the foregoing objections, Celanese is unaware of any materials responsive to this request.

REQUEST FOR PRODUCTION NO. 54:

Produce any photographs, videotape, film slides, or other tangible thing graphically depicting images of warning signs or other cautionary statements or statements restricting access to areas in the vicinity of asbestos-containing products or asbestos in place being mixed, applied, fabricated, installed, repaired, maintained, utilized, removed, replaced, or abated at any time at any of Defendant's facilities.

RESPONSE:

Celanese additionally objects to this request because:

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

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

Subject to and without waiving the foregoing objections, Celanese is unaware of any materials responsive to this request.

REQUEST FOR PRODUCTION NO. 55:

Produce any photographs, videotape, film, slides or other tangible thing graphically depicting images of containment areas or other restricted access areas in the vicinity of asbestos-containing products or asbestos in place being mixed, applied, fabricated, installed, repaired, maintained, utilized, removed, replaced, or abated at any time at any of Defendant's facilities.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to and without waiving the foregoing objections, Celanese is unaware of any materials responsive to this request.

REQUEST FOR PRODUCTION NO. 56:

Produce any documents, including but not limited to workers compensation claims, indicating that any individuals claimed injury as a result of exposure to asbestos products while employed by you.

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's decedent allegedly worked at the Pampa Plant.

REQUEST FOR PRODUCTION NO. 57:

Produce any memoranda, writings, or other documents, including but not limited to, corporate minutes, which in any way contain a discussion of 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 seeks matters that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, see the documents previously produced on July 13, 1999 in Cause No. 97-8-50930-B, *Arthur Dominguez, et*

al. v. Owens-Corning Fiberglas, et al., in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 58:

Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the purchase of asbestos-containing products for use by Defendant's employees.

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 and without waiving the foregoing objections, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 59:

Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the purchase or respirators, protective clothing, containment materials, or other protective devices for use by Defendant's employees who were to be working in the vicinity of asbestos-containing products during the course and scope of their employment duties.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 60:

Produce any and all documents, memoranda or other writings reflecting in any way any 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" at any of Defendant's facilities or at any of the Defendant's job sites.

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 and without waiving the foregoing objections, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 61:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its job sites 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 and without waiving these objections, Celanese is unaware of any responsive documents for the relevant time frame.

REQUEST FOR PRODUCTION NO. 62:

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. 63:

Produce any and all documents provided to any expert or fact witnesses as a result of the filing of this case.

RESPONSE:

Celanese has not yet determined who, if anyone, it may call as an expert to testify at trial. If Celanese decides to call an expert to testify and give expert testimony at the time of trial, then this response will be supplemented and non-privileged, responsive documents, if any, will be produced, in accordance with the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 64:

Produce any and all curriculum vitae and/or resumes of any of the experts and/or persons with knowledge of relevant fact [sic] that you have listed in your Answers to Interrogatories.

RESPONSE:

Celanese additionally objects to this request because it is overly broad, unduly burdensome and duplicative of plaintiff's request for Rule 194 disclosures.

REQUEST FOR PRODUCTION NO. 65:

Produce any and 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. 66:

Produce 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.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe the item or category of items with reasonable particularity as required by Rule 196 of the Texas Rules of Civil Procedure;
2. It seeks documents that are not relevant to any issue in this case nor are reasonably calculated to the discovery of admissible evidence; and
3. It is overly broad, harassing and unduly burdensome in that it requires Celanese to request documents and information from dozens of facilities located nationwide that have no bearing on this case. Indeed, as drafted, the request seeks documents located anywhere in the world.

Subject to and without waiving the foregoing objections, see the documents previously produced to you on July 13, 1999 in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR PRODUCTION NO. 67:

Produce all documents which reflect an agreement between Defendant and any of Defendant's customers to indemnify and hold harmless any individual or entity for injuries sustained by Defendant's employees, including Plaintiff's Decedent, at any of Defendant's Premises between 1950 and 1978.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to and without waiving the foregoing objections, Celanese is unaware of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 68:

Produce all documents which reflect any discussion concerning the exercise of control over Defendant's employees, including Plaintiff's Decedent, over the work of Defendant's employees, or over the safety practices of Defendant's employees while such employees were performing their duties within the course and scope of their employment with Defendant at any Defendant's Premises between 1950 and 1978.

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, ambiguous and completely unintelligible;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Because this request is poorly phrased and unintelligible, Celanese is unable to respond. Upon clarification, Celanese will endeavor to provide an appropriate response.

REQUEST FOR PRODUCTION NO. 69:

Produce all documents which reflect any discussion concerning the exercise of control over or monitoring of the use of respirators, protective clothing or other protective equipment by Defendant's employees, including Plaintiff's Decedent, while such employees were performing their duties within the course and scope of their employment with Defendant at Defendant's Premises between 1950 and 1978.

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, ambiguous and unintelligible;
4. It is unlimited in time, overly broad and unduly burdensome; and
5. It assumes facts not in evidence and is based upon an improper premise

Subject to these objections, and based on Celanese's understanding of this poorly phrased request, Celanese states that no such documents exist for the period of time relevant to this case.

REQUEST FOR PRODUCTION NO. 70:

Produce all documents used, referred to or relied upon in answering any Interrogatories or Request for Disclosure.

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 and without waiving the foregoing objections, see the documents previously produced on July 13, 1999 in Cause No. 97-8-50930-B, *Arthur Dominguez, et al. v. Owens-Corning Fiberglas, et al.*, in the 135th Judicial District Court of Victoria County, Texas, bates-labeled 000001-006430. See also the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 34:

Admit that Plaintiff filed suit against Defendant within two (2) years of the date of Plaintiff's Decedent's death.

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. 35:

Admit that the 3-hour time-weighted average airborne concentrations of asbestos fibers to which Plaintiff's Decedent was exposed exceeded five fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, Celanese is unaware of any documents or evidence to suggest that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR ADMISSION NO. 36:

Admit that you did not measure the 3-hour time-weighted average airborne concentrations of asbestos fibers to which Plaintiff's Decedent [sic] was exposed while in your employ.

RESPONSE:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, on present information and belief, Celanese is unaware of any asbestos monitoring data for the time period relevant in this case.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, Celanese is unaware of any documents or evidence to suggest that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR ADMISSION NO. 37:

Admit that the 8-hour-time-weighted average airborne concentrations of asbestos fibers to which Plaintiff was exposed exceeded two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, Celanese is unaware of any documents or evidence to suggest that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR ADMISSION NO. 38:

Admit that you did not measure the 8-hour time-weighted average airborne concentrations of asbestos fibers to which Plaintiff's Decedent was exposed while in your employ.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, on present information and belief, Celanese is unaware of any asbestos monitoring data for the time period relevant in this case.

REQUEST FOR PRODUCTION NO. 74:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, Celanese is unaware of any documents or evidence to suggest that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR ADMISSION NO. 39:

Admit that while in your employ, Plaintiff's Decedent was exposed to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 75:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, Celanese is unaware of any documents or evidence to suggest that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR ADMISSION NO. 40:

Admit that you did not measure airborne concentrations of asbestos fibers in Plaintiff's Decedent's work area to determine whether Plaintiff's Decedent was exposed to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air while in your employ.

RESPONSE:

Celanese objects to this request because:

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

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

Subject to and without waiving the foregoing objections, on present information and belief, Celanese is unaware of any asbestos monitoring data for the time period relevant in this case.

REQUEST FOR PRODUCTION NO. 76:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, Celanese is unaware of any documents or evidence to suggest that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR ADMISSION NO. 41:

Admit that you did not employ the following engineering control in Plaintiff's Decedent's place of employment: isolation.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated.

REQUEST FOR PRODUCTION NO. 77:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 42:

Admit that you did not employ the following engineering control in Plaintiff's Decedent's place of employment: enclosure.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated.

REQUEST FOR PRODUCTION NO. 78:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 43:

Admit that you did not employ the following engineering control in Plaintiff's Decedent's place of employment: exhaust ventilation.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated.

REQUEST FOR PRODUCTION NO. 79:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I;

Stanley Franklin Cummings, et al. v. Owens Corning, et al., in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 44:

Admit that you did not provide and require the use of the following special clothing by Plaintiff's Decedent: coveralls or similar whole body clothing.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, on present information and belief, Celanese is without sufficient information to admit or deny this request.

REQUEST FOR PRODUCTION NO. 80:

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 you did not provide and require the use of the following special clothing by Plaintiff's Decedent: head coverings.

RESPONSE:

Celanese objects to this request because:

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

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

Subject to and without waiving the foregoing objections, on present information and belief, Celanese is without sufficient information to admit or deny this request.

REQUEST FOR PRODUCTION NO. 81:

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 you did not provide and require the use of the following special clothing by Plaintiff's Decedent: gloves.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, on present information and belief, Celanese is without sufficient information to admit or deny this request. —

REQUEST FOR PRODUCTION NO. 82:

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 you did not provide and require the use of the following special clothing by Plaintiff's Decedent: foot coverings.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, on present information and belief, Celanese is without sufficient information to admit or deny this request.

REQUEST FOR PRODUCTION NO. 83:

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 you did not undertake the laundering of Plaintiff's Decedent's work clothing worn during your employ.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, on present information and belief, Celanese is without sufficient information to admit or deny this request.

REQUEST FOR PRODUCTION NO. 84:

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 you did not make determinations of airborne concentrations of asbestos fibers in Plaintiff's Decedent's place of employment by the membrane filter method at 400-450X (magnification) (4 millimeter objective) with phase illumination.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, on present information and belief, Celanese is without sufficient information to admit or deny this request.

REQUEST FOR PRODUCTION NO. 85:

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 you did not monitor every place of employment of Plaintiff's Decedent where asbestos fibers were released in such a way as to determine whether Plaintiff's Decedent's exposure to asbestos fibers was below two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 86:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, for information relating to later years, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Coming, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 51:

Admit that you did not collect samples from within the breathing zone of the Plaintiff's Decedent on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder.

RESPONSE:

Celanese objects to this request because:

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

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

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 87:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, for information relating to later years, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 52:

Admit that you did not collect samples (from within the breathing zone of the Plaintiff's Decedent on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder) of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees, including Plaintiff's Decedent.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese

has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 88:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, for information relating to later years, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-l; *Stanley Franklin Cummings, et al. v. Owens Coming, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 53:

Admit that you did not collect samples (from within the breathing zone of the Plaintiff's Decedent on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder) at intervals of 6 months or less.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 89:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, for information relating to later years, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 54:

Admit that you did not collect samples from areas of a work environment which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff's Decedent during his employ.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 90:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, for information relating to later years, see the documents bates-labeled 010364-14616, produced by Celanese on

April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 55:

Admit that you did not collect samples (from areas of a work environment which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff during his employ) of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the Plaintiff's Decedent.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 91:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, for information relating to later years, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 56:

Admit that you did not collect samples (from areas of work environment which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff's Decedent during his employ) at intervals equal to or less than 6 months.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 92:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, for information relating to later years, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 57:

Admit that you did not provide and display caution signs at each location where Plaintiff's Decedent worked in which airborne concentrations of asbestos fibers may have exceeded of [sic] two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, for information relating to later years, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 58:

Admit that you did not provide and display cautions signs at each location where Plaintiff's Decedent worked in which airborne concentrations of asbestos fibers may have exceeded two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It assumes facts not in evidence and is based upon an incorrect premise;
2. It is vague and ambiguous; and
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, for information relating to later years, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Coming, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 59:

Admit that you did not post caution signs at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs.

RESPONSE:

Celanese objects to this request because:

1. It is unlimited in time and plant location;
2. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence;
3. It assumes facts not in evidence and is based upon an incorrect premise; and
4. It is vague and ambiguous.

- Subject to and without waiving the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 60:

Admit that you did not post caution signs at all approaches to areas containing concentrations of airborne asbestos fibers in excess of two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It is unlimited in time and plant location;
2. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence;
3. It assumes facts not in evidence and is based upon an incorrect premise;
and
4. It is vague and ambiguous.

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 96:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, for information relating to later years, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 61:

Admit that you did not maintain records of any personal monitoring of the breathing zone of Plaintiff's Decedent.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 97:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to the records pertaining to such monitoring.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 62:

Admit that you did not maintain records of any decision you made to forego personal monitoring of the breathing zone of Plaintiff's Decedent.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, Celanese admits that no decision was ever made to forego monitoring of Plaintiff's Decedent or any other employee at the Pampa plant.

REQUEST FOR PRODUCTION NO. 98:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 63:

Admit that you did not maintain records of any monitoring of every place of employment of Plaintiff's Decedent where asbestos fibers are released in such a way as to determine whether every employee's exposure to asbestos fibers is below two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It is unlimited in time and plant location;

2. It is overly broad, unduly burdensome and harassing;
3. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence;
4. It assumes facts not in evidence and is based upon an incorrect premise; and
5. It is vague and ambiguous.

Subject to and without waiving the foregoing objections, denied as stated. Celanese is not aware of any asbestos monitoring data for the time period relevant in this case, although Celanese cannot say for certain that no monitoring occurred. However, Celanese has seen no evidence to suggest and had no reason to believe that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 99:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to the records pertaining to such monitoring.

RESPONSE:

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

Subject to and without waiving the foregoing objection, for information relating to later years, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 64:

Admit that you did not maintain records of any decision to forego monitoring of every place of employment of Plaintiff's Decedent where asbestos fibers are released in such a way as to determine whether every employee's exposure to asbestos fibers is below two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

Celanese objects to this request because:

1. It is unlimited in time and plant location;

2. It is overly broad, unduly burdensome and harassing;
3. It seeks matters that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence;
4. It assumes facts not in evidence and is based upon an incorrect premise; and
5. It is vague and ambiguous.

Subject to and without waiving the foregoing objections, Celanese admits that no decision was ever made to forego monitoring of Plaintiff's Decedent or any other employee at the Pampa plant.

REQUEST FOR PRODUCTION NO. 100:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 65:

Admit that you did not notify Plaintiff's Decedent in writing that he had been exposed to airborne concentrations of asbestos fibers in excess of two fibers, longer than 5 micrometers, per cubic centimeter of air as soon as was practicable but not later than 5 days of the finding.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, denied as stated.

REQUEST FOR PRODUCTION NO. 101:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to such written notifications.

RESPONSE:

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

Subject to and without waiving the foregoing objection, see the documents bates-labeled 010364-14616, produced by Celanese on April 2, 2001, in Cause No. 00-03573-I; *Stanley Franklin Cummings, et al. v. Owens Corning, et al.*, in the 162nd Judicial District Court of Dallas County, Texas.

REQUEST FOR ADMISSION NO. 66:

Admit that you did not provide to Plaintiff's Decedent or make available to him at your cost, medical examinations relative to exposure to asbestos.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, on present information and belief, admitted. Although, Celanese states that it has seen no evidence to suggest that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 102:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 67:

Admit that you did not provide or make available to Plaintiff's Decedent, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit

symptomatology of respiratory disease and pulmonary function tests to include force vital capacity (FVC) and forced expiratory volume at 1 second.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, on present information and belief, admitted. Although, Celanese states that it has seen no evidence to suggest that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 103:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 68:

Admit that you did not provide, or make available to Plaintiff's Decedent, comprehensive medical examinations on at least an annual basis that included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit etiology of respiratory disease and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second.

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, on present information and belief, admitted. Although, Celanese states that it has seen no evidence to suggest that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 104:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 69:

Admit that you did not provide, or make available, within 30 calendar days before or after the termination of Plaintiff's Decedent's employment, a comprehensive medical examination which included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology or respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, on present information and belief, admitted. Although, Celanese states that it has seen no evidence to suggest that Plaintiff's Decedent had any exposure to asbestos at the Pampa plant.

REQUEST FOR PRODUCTION NO. 105:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 70:

Admit that you did not maintain and retain for at least 20 years complete and accurate records of all comprehensive medical examinations of Plaintiff's Decedent which included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a

history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, admitted. Celanese further states that it has seen no evidence to suggest and no reason to believe that Plaintiff's Decedent had any asbestos exposure at the Pampa plant. Moreover, the cited requirements of the OSHA regulations did not exist during the relevant time frame.

REQUEST FOR PRODUCTION NO. 106:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to the records of the examinations.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 71:

Admit that you did not maintain and retain for at least 20 years complete and accurate records of your decision to forego providing or making available to Plaintiff's Decedent comprehensive medical examinations of Plaintiff which included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

RESPONSE:

Celanese objects to this request because:

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

Subject to and without waiving the foregoing objections, Celanese admits that it has never maintained or retained any sort of records on Plaintiff Kimberly Morgan Braack. As for Plaintiff's Decedent, Celanese denies that it made a decision to forego providing medical examinations to her. Further, please see Celanese's response to Request for Admission No. 70 above.

REQUEST FOR PRODUCTION NO. 108:

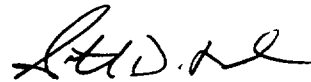
If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served via facsimile and/or hand delivery and/or by United States mail, postage prepaid, to plaintiff's counsel of record on this 24TH day of July, 2001.



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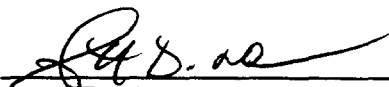
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I certify that a true and correct copy of the foregoing has been served via certified mail, return receipt requested, upon counsel for plaintiffs, and by regular U. S. mail, postage prepaid, upon counsel for defendants, on this 24th day of July, 2001.



Scott D. Nelson