

NO. 96-03172-A

RAMON T. CEDILLO, ET AL.

Plaintiffs,

v.

OWENS CORNING FIBERGLAS
CORPORATION, ET AL.

Defendants.

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IN THE DISTRICT COURT OF

NUECES COUNTY, TEXAS

28TH JUDICIAL DISTRICT

**DEFENDANT CELANESE LTD.'S RESPONSE TO
PLAINTIFF RICHARD FUENTES VELA'S FIRST REQUEST FOR
ADMISSIONS AND RESPONSE TO PLAINTIFF'S SECOND
REQUEST FOR PRODUCTION**

Pursuant to the Texas Rules of Civil Procedure (the "Rules"), Defendant Celanese Ltd. (referenced herein as "Defendants" or "Celanese") submits these Responses to Plaintiff's First Request for Admissions and Responses to Plaintiff's Second Set of Requests for Production, as follows:

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

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

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

2. Defendants object to the interrogatories and requests to the extent that they seek to compel the disclosure of information specifically exempted from discovery by the privileges afforded in Rule 166b of the Rules and Article V. of the Texas Rules of Civil Evidence ("Rules of Evidence"),

including the attorney/client privilege, the joint defense privilege, the attorney work product doctrine, or the investigative privilege.

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

4. Defendants object to paragraph two of the DEFINITIONS because the definition of the word “document” and the instructions regarding “possession, custody or control” are overly broad, seeks information specifically exempted from discovery by the privileges afforded in Rule 166b(3) of the Rules and Rule 503 of the Texas Rules of Civil Evidence, including the attorney work product doctrine, and the attorney client privilege because it exceeds the scope of Rules 166b of the Rules. Throughout these responses, Celanese will assume that the word will have its commonly used meaning, as set forth in Rule 166b(2)(b), and will respond accordingly.

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

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

7. Celanese objects to the definitions of “DEFENDANT’S PREMISES” or “Plant” or “Facility” contained in paragraph 18 of the DEFINITIONS because they are vague and ambiguous. Plaintiffs’ Amended Petition references “the CELANESE facility in Corpus Christi, Texas,” without

further elaboration. However, Richard Fuentes Vela testified that he worked at Celanese's facility in Bishop, Texas. Throughout these responses, Celanese will assume that the facility at issue is its Bishop, Texas facility,

8. Celanese further objects to any discovery request seeking to charge it with knowledge or information held by its "predecessors or subsidiaries" or requiring it to provide information regarding plants other than the one in which Plaintiff Richard Fuentes Vela was employed. Celanese operated multiple facilities and employs thousands of workers. Accordingly, it is unduly burdensome, excessively expensive and harassing to require Celanese to answer these interrogatories as to all plants.

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

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

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

SPECIFIC OBJECTIONS

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

RESPONSES

REQUEST FOR ADMISSION NO. 1:

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

RESPONSE:

Admitted.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 2:

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

RESPONSE:

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

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

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; and
4. It is unlimited in time, overly broad and unduly burdensome.

Subject to that objection, see 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE:

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

Subject to that objection, denied as stated

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to that objection, see 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

Celanese admits that Plaintiff has testified that he worked for a brief period of time at the Bishop Plant. Celanese has no information reasonably available to it to confirm Plaintiff's statement.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

Not applicable.

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

Subject to these objections, see the testimony of Richard Fuentes Vela.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, items that may be responsive to this request during the applicable time period, if available, may be produced to Plaintiff. See also 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, items that may be responsive to this request during the applicable time period, if available, may be produced to Plaintiff. See also 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Celanese further states that specifications and blue prints may exist. Investigation is ongoing, and Celanese will make such materials available for inspection if any are located.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

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

Subject to that objection, denied. See the deposition testimony of plaintiff Richard Fuentes Vela, where he testified that all work with potential asbestos-containing products was performed by fellow employees of Brown & Root while he was present at the Bishop Plant.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela.

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE:

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

Subject to that objection, denied. See the deposition testimony of plaintiff Richard Fuentes Vela, where he testified that all work with potential asbestos-containing products was performed by fellow employees of Brown & Root while he was present at the Bishop Plant.

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 that objection, see the deposition testimony of Richard Fuentes Vela.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE:

Celanese admits that Plaintiff Richard Fuentes Vela has testified that he worked around potential asbestos-containing products at the Bishop Plant, and that all work with potential asbestos-containing products was performed by fellow Brown & Root employees while he was there.

REQUEST FOR ADMISSION NO. 8:

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

RESPONSE:

Defendant objects to this request because it is nonsensical and vague.

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

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

On information and belief, Celanese admits that Brown & Root was installing potential asbestos-containing products during the time Plaintiff Richard Fuentes Vela claims to have been present at the Bishop Plant.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Celanese denies that plaintiff Vela was ever its employee. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Celanese to admit or deny this request.

REQUEST FOR PRODUCTION NO.12:

If you deny the foregoing, produce all such warnings.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE:

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

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO.13:

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

RESPONSE:

Celanese 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 this objection, 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO.14:

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

RESPONSE:

Celanese 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 this objection, 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO.15:

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

RESPONSE:

Celanese 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 this objection, 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

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

Subject to this objection, 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

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

Subject to this objection, 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 18

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

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

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

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

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

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

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

Celanese objects to this request because;

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

Subject to these objections, 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to that objection, denied.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Bishop Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant,

and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 25:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 28:

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

RESPONSE:

Celanese admits only that it controlled its own employees' operations at the Bishop Plant, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant,

and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Celanese denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 29:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 30:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al., in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

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

Subject to that objection, and subject to Celanese's understanding of this request, denied.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

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

Subject to that objection, and subject to Celanese's understanding of this request, denied.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

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

Subject to that objection, see the deposition testimony of Richard Fuentes Vela, and 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 48 :

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 49 :

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196.1 of the Texas Rules of Civil Procedure;
2. It is not limited to the time Plaintiff claims to have worked on Celanese's premises;
3. It is vague and ambiguous because the subject of the phrase "such installation" is undefined; and

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

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

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, see 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Celanese objects to this request because:

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

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

Subject to these objections, denied as stated.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied as stated.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, see 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. See also the deposition testimony of Richard Fuentes Vela.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to those objections, denied.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE:

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

Subject to that objection, see documents attached to this response, as well as those previously produced to you in this case and on July 13, 1999, in Cause No. 97-8-50,930-B, *Arthur Dominguez, et al. v. Owens Corning Fiberglas (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. See also the deposition testimony of Richard Fuentes Vela.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE:

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

Subject to these objections, see the deposition testimony of Plaintiff Richard Fuentes Vela, along with 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to those objections, denied

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

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

Subject to these objections, see the deposition testimony of Plaintiff Richard Fuentes Vela, along with 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

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

Subject to these objections, see the deposition testimony of Plaintiff Richard Fuentes Vela, along with 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 (a/k/a Owens Corning Corporation) et al.*, in the 135th Judicial District Court of Nueces County, Texas, bates-labeled 000001-006430. Following a reasonably diligent search, Celanese is aware of no additional documents responsive to this request.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to those objections, Celanese does not contend that Plaintiff is suffering from an asbestos-related disease. Nor does it contend that Celanese employees were working with asbestos-containing materials when Plaintiff Richard Fuentes Vela was working at the Bishop Plant. See the deposition of Richard Fuentes Vela.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

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

Subject to these objections, see Plaintiff's medical records and the documents previously produced to you in this case. Celanese reserves the right to supplement this response if appropriate based on additional discovery.

REQUEST FOR PRODUCTION NO. 59:

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

RESPONSE:

Celanese objects to this request because:

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

Subject to those objections, Celanese does not contend that Celanese employees were working with asbestos-containing materials during the time that Plaintiff Richard Fuentes Vela worked at the Bishop Plant. See the deposition testimony of Plaintiff Richard Fuentes Vela in this case.

REQUEST FOR PRODUCTION NO. 60:

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

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.
- b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, microfiched, imaged, scanned, or stored on tapes, disks, diskettes, CD-rom, databases, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, Celanese does not believe it possesses a copy of the record retention policy applicable to the time Plaintiff Richard Fuentes Vela worked at the Bishop Plant. Investigation is ongoing, and Celanese reserves the right to supplement this response if appropriate.

REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE:

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

REQUEST FOR ADMISSION NO. 59:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE:

Celanese objects to this request because:

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

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

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

Celanese objects to this request because:

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

Subject to these objections, admitted.

REQUEST FOR PRODUCTION NO. 62:

If you contend that you did not own or control the facility(ies) during any time period that Plaintiff worked (or believed he worked) at the facility(ies), please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

Celanese additionally objects to this request because:

1. It fails to describe with reasonable particularity the item or category of items sought to be inspected, as required by Rule 196;
3. It seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence;
4. It is overly broad; and
5. It seeks to impose a duty beyond the scope of the Rules to create documents.

Subject to the foregoing objections, Celanese does not contend that it did not own or control the facility at the time Plaintiff believes he worked there.

Respectfully submitted,



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**ATTORNEYS FOR DEFENDANT
CELANESE LTD.**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served by hand delivery on the attorney listed below on this the 31st day of July, 2000.

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Nona Walker