

CAUSE NO. 90G2055

WELDON R. MOAKE AND JANICE I. MOAKE; KEVIN R. MOAKE; DANA R. ASHLEY; AND MACK K. MOAKE,

Plaintiffs,

VS.

OWENS-CORNING FIBERGLAS
CORPORATION (A/K/A OWENS
CORNING CORPORATION), et al.,

Defendants.

IN THE DISTRICT COURT OF

BRAZORIA COUNTY, TEXAS

239TH JUDICIAL DISTRICT

**DEFENDANT CELANESE LTD.'S FIRST SUPPLEMENTAL
RESPONSE TO PLAINTIFF WELDON RUSSELL MOAKE'S FIRST SET OF
INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION**

TO: Plaintiff Weldon Russell Moake, by and through his attorney, Stephanie Finch,
BARON & BUDD, The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas
75219

Pursuant to the Texas Rules of Civil Procedure (the “Rules”), Defendant Celanese Ltd. (referenced herein as “Defendant” or “Celanese”) submits these Supplemental Responses to Plaintiff Weldon Russell Moake’s First Set of Interrogatories and First Request for Production Propounded to Premises Defendant Celanese Ltd. as follows:

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

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

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

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

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

4. Defendant objects to paragraph two of the DEFINITIONS because the definition of the word "document" and the instructions regarding "possession, custody or control" are overly broad, 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 it exceeds the scope of Rule 192.3 of the Rules. Throughout these responses, Celanese will assume that the word will have its commonly used meaning, as set forth in Rule 192.3(b), and will respond accordingly.

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

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

7. Defendant objects to any discovery request seeking information and/or documents outside of the relevant time frame of 1964 to 1988, which is the time frame identified by plaintiff in his deposition testimony during which he allegedly conducted independent contractor work at Defendant's Premises (i.e., "Defendant's plant(s) located at Corpus Christi, Texas" per Definition 18 herein). Accordingly, it is unduly burdensome, excessively expensive, and harassing to require Celanese to respond to any discovery request seeking information or documents outside of that relevant time frame.

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 identified by plaintiff in Definition 18 as "Defendant's plant(s) located at Corpus Christi, Texas" and at which Plaintiff Weldon Russell Moake allegedly conducted independent contractor work. Celanese shall refer to that facility throughout these responses as "the Clarkwood facility." Celanese operated multiple facilities and employs thousands of workers. Accordingly, it is unduly burdensome, excessively expensive and harassing to require Celanese to respond to these discovery requests as to all plants.

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

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

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

SPECIFIC OBJECTIONS

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

INTERROGATORY NO. 2:

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

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000. These documents are Celanese's best source of information on this subject, and the burden of deriving information responsive to this request is substantially the same for plaintiff as for defendant.

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:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1952 and 1989, 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:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1952 and 1989, 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:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies [referenced in Interrogatory No. 8].

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 16:

If you deny the foregoing request [Request for Admission No. 13], in whole or in part, produce all documents supporting your denial.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 17:

If you deny the foregoing request [Request for Admission No. 14], in whole or in part, produce all documents supporting your denial.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 18:

If you deny the foregoing request [Request for Admission No. 15], in whole or in part, produce all documents supporting your denial.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 19:

If you deny the foregoing request [Request for Admission No. 16], in whole or in part, produce all documents supporting your denial.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 20:

If you deny the foregoing request [Request for Admission No. 17], in whole or in part, produce all documents supporting your denial.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 21:

If you deny the foregoing request [Request for Admission No. 18], in whole or in part, produce all documents supporting your denial.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 22:

If you deny the foregoing request [Request for Admission No. 19], in whole or in part, produce all documents supporting your denial.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 23:

If you deny the foregoing request [Request for Admission No. 20], in whole or in part, produce all documents supporting your denial.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please

see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors between the years 1952 and 1989, 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:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 56:

If you deny the foregoing request [Request for Admission No. 54], in whole or in part, produce all documents supporting your denial.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel

on September 19, 2000. See also the reports prepared by Drs. Mark Wick & Peter Barrett, which were produced to plaintiffs' counsel on September 29, 2000.

REQUEST FOR PRODUCTION NO. 57:

If you deny the foregoing request [Request for Admission No. 56], in whole or in part, produce all documents supporting your denial.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 58:

If you deny the foregoing request [Request for Admission No. 57], in whole or in part, produce all documents supporting your denial.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 59:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000. See also the reports prepared by Drs. Mark Wick & Peter Barret, which were produced to plaintiffs' counsel on September 29, 2000.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000. See also the reports prepared by Drs. Mark Wick & Peter Barret, which were produced to plaintiffs' counsel on September 29, 2000.

REQUEST FOR PRODUCTION NO. 64:

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

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

INTERROGATORY NO. 20:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 67:

Produce all documents that reflect, indicate or in any way relate to communications between you and any manufacturer of asbestos-containing products concerning or related to the asbestos contained in such products.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 68:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 69:

Produce all documents that relate to any inspections by any regulatory agency for the purpose of ascertaining whether health or safety regulations were being followed or adhered to at any of your plants. This request specifically seeks any and all such documentation referring to dust hazards, including but not limited to asbestos in your plants.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Weldon Russell Moake at any time during his employment at Defendant's Premises. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and employment records relating to Plaintiff's health.

RESPONSE:

Please see Defendant Celanese Ltd.'s response to Plaintiffs' Request for Rule 194 Disclosures, part (k), which was served on plaintiffs' counsel on September 29, 2000.

REQUEST FOR PRODUCTION NO. 76:

Produce all documents that reflect the layout of Defendant's Premises, including the location and dimensions of all buildings and the location and placement of asbestos-containing products.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 77:

Produce all documents containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products or exposure to asbestos.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 81:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 82:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 88:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 91:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 96:

Please produce any printed material produced or published by Defendant containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos?

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000.

REQUEST FOR PRODUCTION NO. 97:

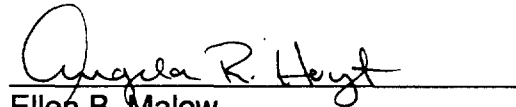
Produce all documents and other tangible things relating to the Plaintiff.

RESPONSE:

Subject to and without waiving the objections and responses already asserted to this request in Celanese Ltd.'s Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions, please see the documents labeled 006537 - 009188, which were produced to plaintiffs' counsel on September 19, 2000. Please see also Defendant Celanese Ltd.'s response to Plaintiffs' Request for Rule 194 Disclosures, part (k), which was served on plaintiffs' counsel on September 29, 2000.

Respectfully submitted,

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP



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

HAWKINS & PARNELL, LLP

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

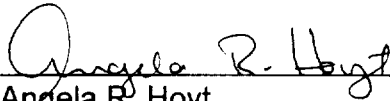
ATTORNEYS FOR DEFENDANT
CELANESE LTD.

OF COUNSEL:

Marc E. Kasowitz
Hector Torres
KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP
1633 Broadway
New York, New York 10019
(212) 506-1700
(212) 506-1800 (Facsimile)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served via facsimile and/or hand delivery and/or by United States mail, postage prepaid, to plaintiff's counsel of record on this 29th day of September, 2000.



Angela R. Hoyt