

NO. 98-748-A

GEORGE JOSEPH DOLEZAL, et al.	§	IN THE DISTRICT COURT OF
	§	
	§	
VS.	§	NUECES COUNTY, T E X A S
	§	
OWENS CORNING (a/k/a OWENS	§	
CORNING CORPORATION), et al.	§	28 TH JUDICIAL DISTRICT

**DEFENDANTS CNA HOLDINGS, INC. AND
 CELANESE LTD.'S SECOND SUPPLEMENTAL OBJECTIONS
 AND RESPONSES TO PLAINTIFF RAMIREZ'S FIRST SET OF
 INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION**

TO: Plaintiff Baudelio Salazar Ramirez and his attorney of record, Stephanie Finch of Baron & Budd, The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas 75219

Pursuant to the Texas Rules of Civil Procedure (the "Rules"), Defendants CNA Holdings (f/k/a HNA Holdings, Inc. f/k/a Hoechst Celanese Corporation) and Celanese Ltd. (referenced herein as "Defendants" or "Celanese") submit these Second Supplemental Objections and Responses to Plaintiff Baudelio Salazar Ramirez's First Set of Interrogatories and First Request for Production Propounded on Premises Defendant [sic] Hoechst Celanese Corporation and Celanese Ltd. as follows:

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

Defendants make the following general objections to each and every request and interrogatory directed to them:

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 the Texas Rules of Civil Procedure and Article V. of the Texas Rules of Civil Evidence ("Rules of Evidence"), including the attorney/client privilege, the joint defense privilege, the attorney work product doctrine, or the investigative privilege.

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. Defendants 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 the Rules and Rule 503 of the Texas Rules of Civil Evidence, including the attorney work product doctrine, and the attorney client privilege because it exceeds the scope of Rule 192.3 of the Rules. Throughout these responses, Celanese will assume that the word will have its commonly used meaning, as set forth in Rule 192.3(b), and will respond accordingly.

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

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

7. Celanese further objects to any discovery request seeking to charge it with knowledge or information held by its "predecessors or subsidiaries" or requiring it to provide information regarding plants other than the one at which Plaintiff Baudelio Salazar Ramirez allegedly worked. Celanese operated multiple facilities and employs thousands of workers. Accordingly, it is unduly burdensome, excessively expensive and harassing to require Celanese to answer these interrogatories as to all plants.

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

9. 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.

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

SPECIFIC OBJECTIONS

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

SUPPLEMENTAL RESPONSES

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1969 and 1980, 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, and in supplementation, see the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1969 and 1980, 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, and in supplementation, see the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

INTERROGATORY NO. 10:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. Given the passage of time, the referenced documents generally constitute Celanese's best source of information on these topics, and the information sought may be derived from them by plaintiff as easily as by Celanese.

INTERROGATORY NO. 12:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. Given the passage of time, the referenced documents generally constitute Celanese's best source of information on these topics, and the information sought may be derived from them by plaintiff as easily as by Celanese.

REQUEST FOR PRODUCTION NO. 16:

If you deny the foregoing request [Request for Admission No. 13], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

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:

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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

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:

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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

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:

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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

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:

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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

INTERROGATORY NO. 15:

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

RESPONSE:

Celanese additionally objects to this request because:

1. It is unlimited in time and scope;
2. It is overly broad , unduly burdensome, and harassing; and

3. It seeks matters that are nether relevant, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. Given the passage of time, the referenced documents generally constitute Celanese's best source of information on these topics, and the information sought may be derived from them by plaintiff as easily as by Celanese.

REQUEST FOR PRODUCTION NO. 22:

If you deny the foregoing request [Request for Admission No.19], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

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:

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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors between the years 1969 and 1980, 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 25:

If you deny the foregoing request [Request for Admission No.22], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 26:

If you deny the foregoing request [Request for Admission No.23], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 27:

If you deny the foregoing request [Request for Admission No.24], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 28:

If you deny the foregoing request [Request for Admission No.25], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 29:

If you deny the foregoing request [Request for Admission No.26], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 30:

If you deny the foregoing request [Request for Admission No.27], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 31:

If you deny the foregoing request [Request for Admission No.28], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 32:

If you deny the foregoing request [Request for Admission No.29], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 33:

If you deny the foregoing request [Request for Admission No.30], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 34:

If you deny the foregoing request [Request for Admission No.31], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 35:

If you deny the foregoing request [Request for Admission No.32], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 36:

If you deny the foregoing request [Request for Admission No.33], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 37:

If you deny the foregoing request [Request for Admission No.34], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 38:

If you deny the foregoing request [Request for Admission No.35], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 39:

If you deny the foregoing request [Request for Admission No.36], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 40:

If you deny the foregoing request [Request for Admission No.37], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case. See also the deposition testimony of Baudelio Salazar Ramirez.

REQUEST FOR PRODUCTION NO. 41:

If you deny the foregoing request [Request for Admission No.38], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 42:

If you deny the foregoing request [Request for Admission No.39], 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. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case. See also the deposition testimony of Baudelio Salazar Ramirez.

REQUEST FOR PRODUCTION NO. 43:

If you deny the foregoing request [Request for Admission No.40], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 44:

If you deny the foregoing request [Request for Admission No.41], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 45:

If you deny the foregoing request [[Request for Admission No.42], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 46:

If you deny the foregoing request [Request for Admission No.43], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 53:

If you deny the foregoing request [Request for Admission No.50], 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R.*

Moake, et al. v. Owens Corning Fiberglas, et al., in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

Celanese 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

INTERROGATORY NO. 19:

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

RESPONSE:

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

Subject to these objections, and in further supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

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:

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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

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:

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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

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:

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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 59:

If you contend that while the premises on which you or your employees were working with asbestos-containing materials, Plaintiff was not exposed to sufficient quantities of asbestos dust to 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, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 64:

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

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-9219.

INTERROGATORY NO. 20:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in further supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 68:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in further supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 69:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 76:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 77:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 81:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in further supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 82:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 83:

Produce all documents relating to inspections by labor inspectors, insurance company inspectors or anyone from your company or hired by your company, that included the taking or measuring of "dust counts".

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 84:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its plants or industrial facilities with respect to asbestos dust, produce any documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE:

Celanese additionally objects to this request because:

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

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 88:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE:

Celanese additionally objects to this request because:

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

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

Subject to these objections, and in further supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363. See also the Arthur Brothers' contracts produced on April 14, 2000 in the *Dolezal* case.

REQUEST FOR PRODUCTION NO. 96:

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

RESPONSE:

Celanese additionally objects to this request because:

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

Subject to these objections, and in supplementation, see documents previously produced to Baron & Budd on September 29, 2000 in Cause No. 90-G-2055, *Weldon R. Moake, et al. v. Owens Corning Fiberglas, et al.*, in the 239th Judicial District Court of Brazoria County, Texas, bates labeled 9189-10363.

REQUEST FOR PRODUCTION NO. 97:

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

RESPONSE:

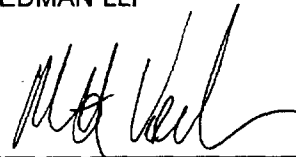
Celanese additionally objects to this request because:

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

Subject to these objections, and in further supplementation, see Defendants CNA Holdings, Inc. and Celanese Ltd.'s Second Supplemental Rule 194 Disclosures, subpart (k) (which is incorporated herein as if fully set forth at length and which was served on plaintiffs on September 21, 2001) for a list of medical and/or employment records relating to plaintiff Ramirez obtained by Celanese. See also the IME reports prepared by Drs. Burgin and Crapo as to plaintiff Ramirez, attached as exhibits to Defendants' Amended Designation of Expert Witnesses, Fact Witnesses, and Trial Exhibits (a copy of which was served on plaintiffs on September 21, 2001).

Respectfully submitted,

KASOWITZ, BENSON, TORRES &
FRIEDMAN LLP



Angela R. Hoyt
State Bar No. 00796783
Matthew S. Veech
State Bar No. 24000372
700 Louisiana Street, Suite 2200
Houston, Texas 77002-2730
(713) 220-8800
Fax: (713) 222-0843

Michael E. Hutchins
One Midtown Plaza, Suite 1150
1360 Peachtree Street, N.E.
Atlanta, Georgia 30309
(404) 260-6080
Fax: (404) 260-6081

ATTORNEYS FOR DEFENDANTS
CNA HOLDINGS, INC. and
CELANESE LTD.

OF COUNSEL:

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all known counsel of record pursuant to the Texas Rules of Civil Procedure on this the 21st day of September, 2001.



Matthew S. Veech

NO. 98-748-A

GEORGE JOSEPH DOLEZAL, et al.

vs.

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

§
§
§
§
§
§

IN THE DISTRICT COURT OF

NUECES COUNTY, TEXAS

28TH JUDICIAL DISTRICT

VERIFICATION

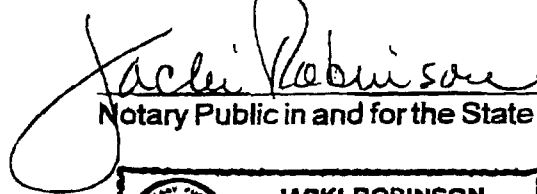
COMES NOW Frank G. Israel, being of sound mind and lawful age, and, personally appearing before the undersigned notary public in and for the State of Texas, declares as follows:

"I am Associate General Counsel for Celanese Ltd. and a duly authorized agent for Celanese Ltd. Based upon reasonable investigation conducted to date, Celanese Ltd.'s Second Supplemental Responses to Plaintiff Baudelio Ramirez's First Set of Interrogatories are true and correct to my knowledge and/or that of Celanese, Ltd., except as to those matters which are therein stated to be based on information and belief and, as to those matters, I and/or Celanese Ltd. believe them to be true."

Further affiant sayeth not.


Frank G. Israel

SUBSCRIBED AND SWORN TO BEFORE ME by Frank G. Israel this 21 day of September, 2001, to certify which witness my hand and seal of office.


Notary Public in and for the State of Texas

