

CAUSE NO. 2015-20603

**JOSE ARMANDO SALAZAR
and ROSE SALAZAR**

v.

**FAIRWAY METHANOL, L.L.C.
POWELL INDUSTRIES, INC.,
WORLEY PARSONS CORPORATION,
ISC CONSTRUCTORS, LLC and
TURNER CONSTRUCTION
COMPANY**

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IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

133RD JUDICIAL DISTRICT

AFFIDAVIT OF GARY ROWEN

1. My name is Gary Rowen. I am over the age of twenty-one (21) years and am fully competent to execute this Affidavit. All the facts stated herein are within my personal knowledge and they are all true and correct. If called upon to testify in this case, I would testify competently and under oath consistent with this Affidavit.

2. I am Vice President of Product Stewardship at Celanese Corporation. At the time of the accident in question in this litigation, I was serving as an in-house attorney for Celanese Corporation; my title was Vice President of Environmental, Health and Safety Law and Assistant Corporate Secretary.

3. On November 19, 2014, Jose Armando Salazar was severely injured while working at Celanese Ltd.'s Clear Lake facility in Pasadena, Texas. Mr. Salazar was an employee of Celanese Ltd. at the time of the accident.

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4. Normally the Celanese legal department does not oversee incident investigations; however, given the circumstances and severity of Mr. Salazar's injuries, as soon as the Celanese legal department was notified of the accident, we believed that there was a substantial chance that litigation would result from the accident. In particular, based on our prior experience, we believed that there was a substantial chance that Mr. Salazar would bring worker's compensation and personal injury claims and/or that Celanese would be brought into adversarial regulatory proceedings with OSHA.

5. After learning about the accident, on November 20, 2014, I requested that an investigative team provide the Celanese Law Department with the information needed to assess potential liability in potential litigation and to begin strategizing legal theories and defenses to any claims raised in anticipated legal or regulatory proceedings.

6. The primary purpose for the investigation and creation of documents and communications therefrom was to aid Celanese in preparing to defend itself in anticipated litigation, including the very claims brought by Mr. Salazar in this litigation. As a secondary concern, the information communicated from the investigative team to the legal department was necessary for the legal department to provide Celanese with business and legal advice with respect to the potential termination of employees involved in the accident.

7. The investigative team was made up of Celanese employees, including: Brian Connelly, Paresh Bhakta, Doug Wallace, Gregorio Aguilar, Duard Franklin, Thomas Mattix, Linda Blais and Stuart Hightower. The investigative team was at all times supervised and directed by attorneys in the Celanese legal department with guidance from outside legal counsel.

8. At all times during the investigation, the investigative team acted on instructions from Celanese attorneys and obtained information that was requested by Celanese attorneys.

9. The employees conducting the investigation were informed on November 20, 2014 that the investigation was for the purpose of assisting counsel and that all communications and documents generated during the investigation must be marked and kept "Privileged and Confidential." All documents and communications were similarly considered and marked as "Attorney-client Privilege—Attorney Work Product."

10. The investigative team conducted interviews and site inspections and communicated their findings to the Celanese legal department. This included a root cause analysis which was necessary for the Celanese legal department to evaluate liability and begin developing a strategy for defending itself in likely impending civil and regulatory litigation.

11. After the lawsuit was filed, Mr. Salazar and his attorneys requested documents and communications generated during the investigation led by the Celanese legal department. These documents were withheld from production by Celanese which asserted both the attorney-client and work-product privileges.

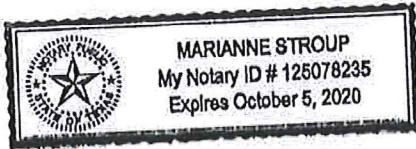
12. All of the communications withheld by Celanese were communications between Celanese in-house and outside counsel and their representatives made for the purposes of providing and communicating legal advice or otherwise facilitating or providing professional legal services. All of these communications were also between Celanese, its attorneys and agents in anticipation of litigation. All of the documents withheld by Celanese were prepared by Celanese, its counsel and their representative's in anticipation of litigation arising from and involving the accident. Many of these documents contain Celanese's counsel's mental impressions, opinions, conclusions and legal theories.

“Further affiant sayeth not.”

Gary Rowen

GARY ROWEN

Sworn to and subscribed at *Dallas TX*, this *9th* day of *August*, 2016.



Marianne Stroup
NOTARY PUBLIC