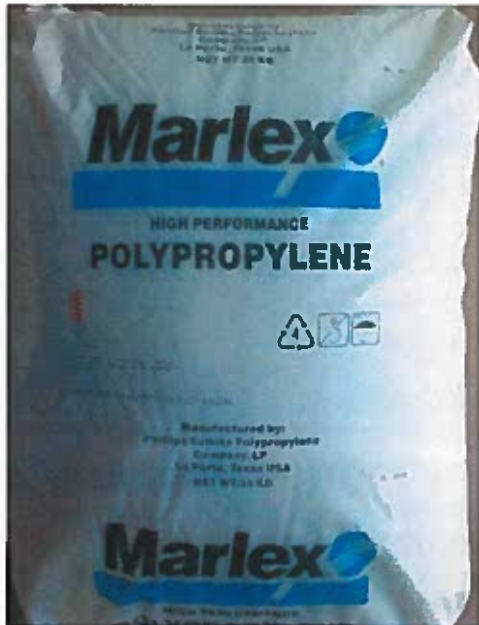


THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

AFFIDAVIT OF FRANK ZAKRZEWSKI

Before me, the undersigned notary, on this day personally appeared Frank Zakrzewski, a person whose identity is known to me. After I administered an oath to him, upon his oath, he stated as follows:

1. My name is Frank Zakrzewski. I am over 18 years of age, of sound mind, and am competent to testify about the matters set forth below. The facts stated herein are based on my personal knowledge and my review of records, and are true and correct.
2. Chevron Phillips Chemical Company LP (hereinafter "CPChem") has never independently manufactured, produced or sold polypropylene.
3. Phillips Sumika Polypropylene Company (hereinafter, "PSPC") was a Texas general partnership jointly owned and operated by CPChem and Sumika Polymers America Corporation. PSPC, headquartered in The Woodlands, Texas, only manufactured polypropylene in Pasadena (near Houston), Texas. In 2011, the partners announced the planned shutdown of the PSPC assets and orderly wind-up of PSPC operations, which has since been completed. Accordingly, PSPC no longer exists. Marlex® is a registered trademark.
4. I am the Strategic Procurement Manager for CPChem, and I have held this position at all times material to the making of this declaration. In addition I served as the Sales Director for PSPC prior to its wind-up. As a result, I am familiar with general appearance and content of PSPC's logo and Marlex® bags.
5. I have been asked to review the following photographs of a bag that indicates it contains "Marlex:"



This bag does not appear to be a bag from PSPC for the following most obvious reasons:

a. The above photo shows a bag with a blue ball design logo and accompanying blue marking. The PSPC ball design logo and accompanying markings were a darker shade of green, and never blue, as the color appears to be in the photo.

b. The above photo shows a bag marked on the side with "HGX-030-01," which was a PSPC resin grade of polypropylene. Next to this designation is the number 6120105. Based on my review of records, this does not appear to appear to be an authentic reference to PSPC product because:

- (1) the numerical sequence "6120105" was never associated with a lot of HGX-030-01 manufactured by PSPC, nor any other grade of PSPC polypropylene; and
- (2) lot numbers consisting of seven numerical digits for lots produced at the facility in Pasadena, Texas, that began with the number six (6) were associated with CPChem's polyethylene, and never corresponded to a PSPC polypropylene lot; and
- (3) based on my review of records, the same numerical sequence of 6120105 corresponds to a lot of polyethylene produced by CPChem at its plant in Pasadena, Texas in 2012; such grade of polyethylene being CPChem's Marlex® K608.

c. The above photo shows a bag with the name "Phillips Sumika Polypropylene Company, LP." The full and correct legal name of PSPC was "Phillips Sumika Polypropylene Company." PSPC was not a limited partnership. I have never known PSPC to be advertised as a LP or limited partnership.

6. PSPC resin was typically sold in bulk (railcars, truckloads, and boxes). Bags were typically only for export, which did not occur as often.

7. The following photo is of a true, correct and genuine PSPC Marlex® Polypropylene bag and is an accurate depiction of what I knew this type of bag to look like:





Frank Zakrzewski

SWORN TO and SUBSCRIBED before me by Frank Zakrzewski on this 6 day of September, 2016.



Notary Public, State of Texas

