

1 I am not persuaded that I ought not submit
2 that to the trier of fact.

3 As both of these cases have been presented,
4 they have been presented under two possible theories.

5 One of negligence and one of strict
6 liability. The jury can find either and/or both
7 negligence and strict liability.

8 There really is not, as this Court views it,
9 possibility of inconsistent verdicts because there can
10 only be one recovery, no matter what theory, if the
11 trier of fact is persuaded that either theory applies,
12 the recovery would be listed under.

13 I am not at all persuaded that strict
14 liability ought not be given to the trier of fact and
15 accordingly, I am going to overrule the plaintiff's
16 objection, and I am going to submit that to the trier
17 of fact.

18 Mr. Williams, do you have any objection to,
19 first of all, the question whether Mr. Grewe and Mr.
20 Wood both had mesothelioma?

21 MR. WILLIAMS: Certainly not, Your Honor.