

1 materials, we are not going to request that a strict
2 liability count be submitted to the jury.

3 In reviewing the law, it appears to us that
4 the strict liability count only works if we can
5 establish that Ford had some possession, control over
6 ability to test, component control over, et cetera,
7 the brake linings.

8 The testimony in the case is that the trucks
9 were all from the 1930s and '40s, none of them would
10 have had the original brakes on them when they --
11 well, not that they wouldn't have had, but it is up in
12 the air as to whether they would have had any of the
13 original brakes on them, so we are not requesting that
14 a strict liability instruction be submitted to the
15 jury on the issue of the brake lining materials.

16 The theories and the principles of law we
17 are going forward on relate to Ford being negligent in
18 failing to provide warnings about the hazards
19 encountered when you change and install brakes
20 regardless of whose they were, whether they be Ford's
21 or any of the other substitute brake lining