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not those statements were true or untrue at that time?

A. I hadn't got the competence to make any judgment.

Q. In 1967 or 1968 were you out telling customers what you had written there in paragraph 4.4.1?

A. No, I wasn't.

Q. Why not?

A. Simply because of my inability to make a professional judgment.

(Sayers Exhibit 6, Calidria asbestos toxicology report dated 5/8/69, Bates stamped 00006308 through 09, marked for identification, as of this date.)

Q. Let me show you what we've marked as Exhibit 5 -- excuse me, 6 I believe we're up to. Sorry, Exhibit 6. Is that a copy of a Calidria asbestos toxicology report dated May 8th, 1969?

A. Yes, it is.

Q. I want to direct your attention to the bottom of the first page.

MR. POLK: Can I get a copy, please?

MS. JACOBS: I'll get one.

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Q. Where it states, "A type of cancer named mesothelioma has been noted to be associated with asbestos exposure in recent years. These tumors, while rather few in number to date, may occur in individuals with histories of only slight exposures, and that as much as twenty to forty years earlier."

Did I read that correctly?

A. You did.

Q. Mr. Sayers, in your view is there any difference between what I read out of the 1969 toxicology report and what you wrote in your paper at paragraph 4.4.1?

MR. BROWNSON: I object. The documents speak for themselves.

A. The two comments seem to be identical.

Q. Do you perceive there to be any material difference?

MR. BROWNSON: Objection.

A. No, I don't.

Q. In your report at paragraph 4.4.1, you also mention that "there is a very long time lag between the original exposure and the clinical appearance of the cancer. Thirty years is

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estimated to be an average time."

A. Yes.

Q. Did I read that correctly?

A. You did.

Q. How does that relate, if at all, to what is stated in the 1969 toxicology report?

A. That mentions 20 to 40 years, so 30 years divided neatly between the two.

Q. As you understood it, what was the function of these toxicology reports? How were they used?

A. To be handed out to customers and to enact a discussion with them.

Q. Earlier I showed you Exhibit 2, which is the article from the Sunday Times.

A. Yes.

MR. WILL: Let's go off the record just a second so we can get that document.

THE VIDEOGRAPHER: The time is 10:26 a.m. We're going off the record.

(Recess taken from 10:26 to 10:40.)

(Sayers Exhibit C, notice for Allphin v. Acands, marked for identification, as of this date.)

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MR. WILL: Before we go back on the video, during the break Mr. Lanier marked as Exhibit C the deposition notice for the Texas state court case that he had previously mentioned.

Is that correct?

MR. LANIER: Yes, thank you.

MR. WILL: Let's go back on the video.

THE VIDEOGRAPHER: The time is 10:40 a.m. We're back on the record.

Q. Mr. Sayers, do you have Exhibit 2 in front of you, which is the Sunday Times article?

A. Yes, I do.

Q. And that article talks, among other things, about a study done by Muriel Newhouse and Hilda Thompson; is that correct?

A. That is correct.

Q. Where they found mesothelioma in some patients?

A. Yes.

Q. Were any of those people talked about in that article Calidria-exposed people?

MR. BROWNSON: Objection, lack of foundation.