

Page 201

1 it is you want me to read the sales
2 reports in the deposition and
3 cross-examine with him and this is his
4 work.

5 MS. ROSENBERG: All I said is
6 you've asked him a very specific
7 question and he'd like to answer it.
8 You should give him the time to do it.

9 MR. GIANARIS: He's got all the
10 time he needs. He'll tell me when we
11 run out of time.

12 A. Here is the contrast. Comment on
13 the story. This is an article called "Asbestos
14 Exposure in Neoplasia", which is JAMA 1964, the
15 famous articles. "Comment on the study that
16 he's done. Carcinoma of the lung, the results
17 with regard to carcinoma of the lung, that is
18 to exposure, are clear.

19 "Industrial exposure. Industrial
20 exposure asbestos by installation workers has
21 studied here results in a marked increase in
22 the instance of cancer of the lung.
23 Approximately six to seven times the expected
24 burden. All together 45 or 17.6 percent of 255
25 men with more than these years have lapsed

Page 203

1 question asked specifically is there a
2 distinction between fiber types causing
3 mesothelioma and nothing I heard in the
4 doctor's answer addresses that
5 particular question. So I move to
6 strike as being not responsive.

7 A. I thought there were two
8 questions. One was the difference in fiber
9 type and the second was uncertainty.

10 MR. GIANARIS: I join in your
11 objection. I agree that I asked two
12 questions where I give you an
13 alternative because you told me that I
14 was misstating, I believe. Anyway, my
15 question was about uncertainty between
16 fiber types.

17 Q. Where did it say in that document
18 that the chrysotile might not cause
19 mesothelioma?

20 A. It doesn't. It just says it's
21 uncertain as to what causes mesothelioma. That
22 is the uncertainty. There is clarity with
23 respect to one lung cancer and there is less
24 clarity with respect to mesothelioma. What I'm
25 saying is I'm not an expert in the causation of

Page 202

1 since the onset of exposure died of cancer of
2 the lung or pleura."
3 That's one side. Then he turns
4 in the latter part to another diffused pleura
5 or peritoneal malignancy in comparison. He
6 says "Mesothelioma. Determining the incidence
7 of diffused pleural mesothelioma is complicated
8 by the insecurity of systological verification,
9 while some pathologists will so categorize a
10 high proportion of diffused pleural tumors in
11 the experience of others, it is a very rare
12 tumor and may be mimicked by anaplastic
13 peripheral carcinoma.

14 To the present time, there has
15 been no information concerning the incidence of
16 diffused pleural mesothelioma in asbestosis
17 since the published cases are without reference
18 to a total population. Nevertheless, the
19 growing number of reports of individual cases
20 suggests that these tumors are perhaps becoming
21 relatively frequent complications of asbestos
22 exposure. I'm contrasting perhaps with clear.

23 MR. KAY: I'm going to object and
24 move to strike the doctor's answer as
25 not being responsive. I believe the

Page 204

1 mesothelioma. I'm not speaking to that.

2 Q. I'm not asking you to
3 interpret --

4 A. If I had a lot of time, I would
5 find the distinction between chrysotile and
6 crocidolite. But I didn't think I needed to
7 make that distinction here. I thought it was
8 clear to everybody that that's an area of
9 distinction.

10 Q. Thus far, you've pointed at two
11 entries out of your 214 that you say perhaps
12 point out that there was a difference
13 between -- that there was an uncertainty
14 regarding the fiber types that caused
15 mesothelioma. Okay. Let me finish my
16 question, please. We've read you reviewed two
17 of those articles, UCCM 51 and UCCM 104. After
18 reviewing them, would you agree with me that
19 there is not a statement in either of them that
20 indicates that in any way that chrysotile might
21 not cause mesothelioma?

22 A. I would put it differently but
23 close to that. I was answering the question as
24 well as uncertainty and causation and you're
25 asking the question of whether there is a