This guy named Wagner and calls himself Wagner, an English guy, I call him Wagner, he said you know what, these people who work and live, they were living on top of the mines and working on top of the mines, got this strange tumor called mesothelioma and he started to write about it.

What was also interesting to know in 1960, in South Africa there are different regions. One region had the blue asbestos, one had this thing called amosite which is brown, and its stands for asbestos mines of South Africa and that is why they call it amosite.

You know what? In 1960 these people weren't getting mesothelioma. The only association in the '60s had to do with the blue asbestos, and this stuff started filtering in the early '60s.

Stay away from that blue asbestos, but this stuff is all right. The white stuff is called chrysotile. The association between mesothelioma and these type of things came in 1972. The first association.

People thought we are all right. It is a rare disease, even among people who work with asbestos. These men were the unfortunate ones. No doubt about it. But most people who do never get diseases. The association took place.

This association came later, and to this day there are some people who still dispute whether it can or can't.

The reason I say this is because Kaylo, as they admit it, contained this, and not that.

Pardon me one second.

I am running short for time. Just a few closing comments before I sit down because I won't get to talk to you until the end of the trial.

That is basically what we know.

What is important to know is 1972 Owens-Corning stopped making Kaylo that contained asbestos.

What happened after this guy got sick in the late '60s, we started an effort to replace asbestos in Kaylo; and in 1972, we were granted a patent by the Patent Office in D.C. for this new asbestos-free

Kaylo.

While we were out of business in '72, I think some stuff may have still been in the stream of commerce in '73. I think that may have happened.

Let me get back to the case before I sit down.

There is no question what happened to Mr. Vandergucht is sad. Any time anyone dies for whatever reason, it is sad and it causes a lot of heartache. We all know that. We are human beings, and we have all experienced it.

You are going to hear, I am sure, a lot of very compelling emotional testimony. Judge Angeletti at the end is going to instruct you and try to keep sympathy aside.

THE COURT: Two minutes.

MR. McGOWAN: He tells you to do that. I am going to tell you sometimes it is hard for me to hear the stuff. It is going to be hard for you.

I just ask you to try your best. What is going to happen ultimately in the case, Mr. Ignatowski

is going to get up here and ask you for an awful lot of money and he is going to ask you to make us solely responsible, when that is not the case.

He is going to talk to you about a lot of pain and suffering and let me warn to you now and let me apologize to you up front to you and all of the lawyers, I am also going to talk about it too, because he is going to ask you for a lot of money, and if he doesn't cover areas, I am going to talk about it, no disrespect to Mr. Vandergucht's memory or to Mrs. Vandergucht, none at all.

Finally, they have the burden of proof, they get to go first. Like most things in life, first impressions are lasting. We hear something and make up our minds and say to heck with this rest of this stuff, my mind is made up.

Because they get to go first, that happens. What I am asking you to do is please keep an open mind. Wait until you hear all of the evidence before you make up your mind. If you really do that, then you will be fair to me and that is all I ask you for.