

to demonstrate an association between exposure to asbestos as an automotive mechanic and the development of mesothelioma. See *Exhibit 00*, Defendant's Opening Statement, p. 29, l. 19-24, . 30, l. 8-24 & p. 31, l. 1-4, in *Earleen Ryan, Individually and as Special Administrator of the Estate of Billy Ryan, Deceased, v. Pneumo Abex Corporation and John Crane, Inc.*, File No. 04-L-676, In the Circuit Court, Third Judicial Circuit, Madison County, Illinois. The Court should not be persuaded by this line of argument. Assuming *arguendo*, that Dr. Roggli's views have some validity, which Plaintiffs expressly deny, Dr. Roggli has testified as follows:

Q. So prior to the late 1980s, was -- in your mind, was it a settled question that it was more likely than not that exposure to friction products could not cause asbestos-related disease?

A. Prior to when?

Q. Late 1980s.

A. No, I don't think so. Not -- there wasn't set -- I mean, the question had come up in those -- in that time period, had only come up in a couple or handful of cases that I'd seen.

(See p. 31, l. 21-25 & p. 32, l. 1-5, of excerpts from the Videotaped Deposition of Victor L. Roggli, M.D., taken on August 24, 2006, attached hereto as Exhibit PP). For purposes of granting leave to seek punitive damages, Defendant Abex's actions and decisions should not be weighed in light of the alleged state of knowledge in 2004.

19. This Court, with the Honorable Ralph Mendelson and Honorable Judge Stack presiding, has previously granted leave to a different set of Plaintiffs to amend their complaints to seek punitive damages against Defendant Abex. See Exhibit QQ.

20. Abex knew of the hazards of asbestos by the late 1930's or early 1940's. It knew that asbestos could cause cancer by the late 1940's. It had information specifically regarding mesothelioma and that fact that even low dose exposures were harmful no later than the 1960's. It knew of technology to produce non-asbestos products for many years without implementing it.