

1 Sayers
 2 mesothelioma had been resolved?
 3 A. No, it was indeterminate.
 4 Q. And at the time you wrote this, did you
 5 have an opinion on whether scientifically it had
 6 been established one way or the other whether
 7 Calidria chrysotile caused mesothelioma?
 8 MR. BROWNSON: Objection, leading.
 9 Secondly, the witness has already
 10 disqualified himself on that question. It's
 11 been asked and answered. I object on all
 12 those grounds.
 13 Q. Go ahead.
 14 A. I had no information to make my opinion
 15 move one way or the other.
 16 Q. My question is a little bit different,
 17 which is in 1967 when you wrote this did you feel
 18 from the scientific evidence that you reviewed that
 19 the issue of whether Calidria chrysotile could
 20 cause mesothelioma had been definitely established
 21 scientifically one way or the other?
 22 MR. BROWNSON: Objection, leading, asked
 23 and answered, and he's already disqualified
 24 himself. It's without foundation.
 25 A. No, it had not been established, to my

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 2 mind.
 3 Q. That was in your view?
 4 MR. BROWNSON: Objection, leading.
 5 A. That was in my view.
 6 MR. POLK: I'm calling for the
 7 adjournment of the deposition. We can
 8 resume tomorrow morning.
 9 MR. WILL: We're going to continue.
 10 Is that all right with you,
 11 Mr. Sayers?
 12 MR. POLK: No, sir, we're not going to
 13 continue. It's 5:20. I have a medical
 14 condition. Do you want to talk about that
 15 out in the hallway? I have further recross.
 16 Q. Mr. Sayers, let me ask you this
 17 question: You were shown Exhibit 13 which had to
 18 do with --
 19 MR. POLK: Counsel, I want an answer to
 20 my question. Are we adjourning or not?
 21 MR. WILL: No. We're proceeding for a
 22 while.
 23 MR. POLK: I think we better talk
 24 about that. We can do it on the record or
 25 off the record. If you want to be

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 2 responsible for my health, then that's fine.
 3 We'll let the judge decide. It's 5:20 p.m.
 4 We started at 9:00 this morning, sir,
 5 without a lunch break. I have not eaten all
 6 day. You ate, and you didn't tell us you
 7 were going to eat either.
 8 MR. WILL: Tell you what, let's go off
 9 the video record while the witness looks at
 10 the document for a second.
 11 THE VIDEOGRAPHER: The time is 5:28
 12 p.m. We're going off the record.
 13 MR. POLK: The attorneys for Conwed
 14 haven't eaten today either.
 15 MR. WILL: Are we still on the written
 16 record?
 17 MR. BROWNSON: What is our schedule
 18 here?
 19 MR. WILL: Let's go through this one
 20 at a time. We did take a break following
 21 the cross-examination by Mr. Lanier. The
 22 court reporter asked for a quick 15- or
 23 20-minute break. What people elected to do
 24 during that 15- or 20-minute time period I
 25 don't know.

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 2 Number two --
 3 MR. BROWNSON: We sat here waiting to
 4 come back while you were sitting over there
 5 eating a lunch unbeknownst to us.
 6 MR. POLK: You had lunch brought in.
 7 You didn't offer lunch to us, even at our
 8 cost. You were in the conference room
 9 adjoining this room enjoying a lunch you
 10 brought in. We did not eat. You said 15
 11 minutes. You don't go into New York City
 12 and have lunch in 15 minutes.
 13 MR. WILL: Counsel, nobody raised that
 14 at that time.
 15 MR. GOLDMAN: There was no suggestion
 16 that there was a lunch break.
 17 MR. POLK: If you think it is
 18 unreasonable for me to ask for a resumption,
 19 you go on the record and tell me that.
 20 We've been at this for ten hours.
 21 MR. WILL: Well, we haven't been at it
 22 for ten hours. We started at 9:30. There
 23 were numerous interruptions.
 24 MR. POLK: I was here actually at 8:30
 25 this morning. That's how my ten hours is