

374 1 Sayers 2 materials before writing your report, did you see 3 anything else in any of the publications you looked 4 at that suggested putting a warning on bags of 5 asbestos? 6 A. If I had of done, it would have been 7 included in the report. 8 Q. So if it's not in the report, we can 9 assume -- 10 A. I never saw it. 11 Q. You never saw it. 12 So as far as you know from your 13 examination of the literature, that June 17th 14 Lancet article, if it says as Mr. Brownson 15 represents, would have been the first publication 16 of that information, as far as you know? 17 A. As far as I know, yes. 18 Q. And you said if you had seen that 19 information in The Lancet you would have included 20 it in your report? 21 MR. BROWNSON: Objection, leading. 22 A. Yes, I would have done. 23 Q. If you had seen that, what would you 24 have done with that information? 25 A. I would have included it in some	376 1 Sayers 2 I won't get into here, I think has waived 3 any right to object to what went on after he 4 left. 5 Particularly his refusal to even wait 6 three minutes and discuss with us the 7 options of what we might do I think is 8 unjustified under the circumstances. 9 MR. BROWNSON: Do you want to have him 10 read and sign? 11 MR. WILL: Let me confer with my 12 counsel. 13 (Discussion off the record.) 14 MR. WILL: Yes, we'll reserve reading 15 and signing. 16 MR. SHIPLEY: Can we just attach The 17 Lancet article as a copy? 18 MR. BROWNSON: You know, I don't mind. 19 I just didn't have it. But I guess we're 20 going to get it. 21 (Pause.) 22 MR. WILL: The parties and the lawyers 23 have been unable to find the copy of Exhibit 24 12 that was marked at the deposition. The 25 exhibit was a copy of Mr. Sayers' report
375 1 Sayers 2 appropriate place in the report. 3 MR. WILL: Thank you. That's all I 4 have. 5 MR. BROWNSON: I have no further 6 questions. We can go off the video. 7 MR. WILL: And that concludes the 8 video. 9 THE VIDEOGRAPHER: The time is 6:29 10 p.m., August 2nd, 2002. This completes the 11 videotaped deposition of Ian Sayers. 12 MR. BROWNSON: I would state for the 13 record I have no more questions to ask 14 Mr. Sayers in the case of Conwed versus 15 Union Carbide. By saying that, I do not 16 wish to prejudice the position that Mr. Polk 17 expressed before he left today, that the 18 deposition has not been concluded in the In 19 Re: Personal Injury Asbestos Cases. 20 MR. WILL: Just from my perspective, 21 Mr. Polk, by walking out, by refusing to 22 even talk about what we were going to do, by 23 not at that point giving me a way to 24 communicate with him, has, I think, 25 waived -- as well as some other grounds that	377 1 Sayers 2 that had a stamp on it from a Canadian 3 asbestos group in Montreal. Other than 4 that, it's a copy of Exhibit 1. 5 The parties agree that if that 6 document becomes relevant another copy of 7 the version of the report with the Canadian 8 asbestos group stamp on it can be 9 substituted for the version lost today. 10 Is that correct? 11 MR. BROWNSON: Yes. 12 (Pause.) 13 MR. SHIPLEY: Dr. Egilman was kind 14 enough to print out what you were reading. 15 (Sayers Exhibit 27, article from The 16 Lancet dated 6/17/67, marked for 17 identification, as of this date.) 18 19 (Continued on the following page to include 20 jurat.) 21 22 23 24 25