

1 We are very fortunate because we hear the
2 words of Mr. Grewe and Mr. Grossblat.

3 Remember, if it goes in when they make it,
4 it comes out.

5 You may even hear some evidence at some
6 point in time, and this would be kind of hard to pin
7 down, but at some point in time probably in the mid
8 '70s because of what was going on and what I am going
9 to tell you about what Ford knew, Mr. Grewe started
10 wearing a dust mask, a dust mask, something to just
11 cover up a little bit. You might hear a little bit of
12 evidence about that.

13 When you hear our doctors talk -- when you
14 hear our doctors talk in this case, you ask yourself,
15 did that dust mask really do what needed to be done,
16 and shouldn't someone have told him to do more?

17 Ladies and gentlemen, that is how we get
18 here. Mesothelioma kills, asbestos causes
19 mesothelioma. These men are exposed to asbestos from
20 the products of Ford, Owens-Illinois, and Owens-
21 Corning.

1 You must be looking at me saying why, Mr.
2 Shellenberger, why are we going to hold these people
3 responsible? Why should they be held responsible for
4 something that happened 30, 40 years ago, 20 years
5 ago? Why?

6 The why comes down to one word,
7 "knowledge." Isn't that why we hold people
8 responsible for things that they know?

9 Ladies and gentlemen of the jury, the
10 evidence will show that what these companies knew,
11 should have known, could have known if they had just
12 walked across to the library and looked, what they did
13 know and what they didn't do about it is what this
14 case is all about.

15 It is what this case is, knowledge, and that
16 is what the judge will tell you is what this case is
17 all about and when he gives you the instructions at
18 the end of the case, because when you have knowledge,
19 you have a duty, a duty to those people down the line
20 who are going to touch your product, and it is a
21 nondelegable duty.

1 You can't push it off on somebody else, and
2 it doesn't matter if you didn't make it, if you are
3 putting your name on it, you are responsible. That
4 makes sense to all of us.

5 Knowledge gives you a duty, and that is what
6 this case is all about, ladies and gentlemen.

7 Now, in order to know about knowledge, we
8 have to go back in history. What people knew and when
9 they knew about it. We have got to go back in
10 history.

11 When we go back in history, we are going to
12 talk about something called state of the art. State
13 of the art.

14 All that is is what was known out there in
15 the literature, what was known or could have been
16 known or should have been known by companies that were
17 fooling with this stuff.

18 Ladies and gentlemen of the jury, the
19 evidence will show that by the 1930s it was known that
20 asbestos causes asbestosis.

21 You may say to yourself, okay, that is

1 asbestosis. What does that got to do with
2 mesothelioma?

3 The Judge will talk to you about that in
4 closing. He will talk to you about that in closing,
5 but the evidence will show that you don't have to know
6 the specific harm that you are causing. You just have
7 to know that you could cause a harm. That creates a
8 duty.

9 Asbestosis by the 1930s is a known link to
10 asbestos and is a potentially fatal disease.

11 In 1930 a man named Merewether, over in
12 England, it is over in England, but it was known and
13 published here in the U.S. or available -- a
14 researcher over in England had studied asbestos
15 workers and found asbestosis in one out of four.

16 1930, ladies and gentlemen. We are 27 years
17 before Mr. Grewe steps foot in Foreign Motors. We are
18 20 years before Mr. Vandergucht breaths the first dust
19 of Kaylo. 1930.

20 The term asbestosis was first coined by a
21 researcher named Cooke in 1927, and it was published