SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 56 HON. JANE L. JOHNSON, JUDGE

DENNIS H. WOODARD, ET AL.,)
)
PLAINTIFFS,)
)
VS.) NO. BC 387774
)
ALFA LAVAL, INC., ET AL.,)
)
DEFENDANTS.)
)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TUESDAY, JANUARY 13, 2009

(APPEARANCES ON NEXT PAGE.)

VOLUME 1 DANA L. SHELLEY, RPR, CSR #10177
PAGES 1 THROUGH 168 OFFICIAL REPORTER

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CASE NUMBER: BC 387774
CASE NAME: WOODARD VS. ALFA LAVAL
DEPARTMENT: 56 HON. JANE L. JOHNSON
REPORTER: DANA SHELLEY, RPR, CSR #10177
LOS ANGELES, CALIFORNIA FRIDAY, JANUARY 2, 2009
TIME: 9:43 A.M.
APPEARANCES: (AS HERETOFORE NOTED.)

(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT, IN THE PRESENCE OF THE JURY:)

THE COURT: A COUPLE OF THINGS. WE'RE GOING TO MOVE ON TO THE NEXT PORTION OF OUR TRIAL, BUT THERE'S A COUPLE OF THINGS.

FIRST, I DO WANT TO REMIND YOU AGAIN: PLEASE, PLEASE, PLEASE BE ON TIME.

SECONDLY, ELLIOTT COMPANY IS NO LONGER A PARTY TO THIS CASE. DO NOT SPECULATE AS TO WHY ELLIOTT IS NO LONGER INVOLVED IN THE CASE, AND YOU SHOULD NOT CONSIDER THIS DURING YOUR DELIBERATIONS.

ALL RIGHT. SO AS I SAID, WE'RE GOING TO MOVE ON TO OUR OPENING STATEMENTS.

MR. PAUL.

MR. PAUL: THANK YOU VERY MUCH, YOUR HONOR.

WITH THE COURT'S PERMISSION, MAY I?

THE COURT: YES.

MR. PAUL: THANK YOU.

(TO JUROR NO. 7:) SIR, I'M GOING TO MOVE THIS (REFERRING TO HEARING DEVICE). IF IT CAUSES A

CASE NUMBER: BC 3874
CASE NAME: WOODARD VS. ALFA LAVAL
DEPARTMENT: 56 HON. JANE L. JOHNSON
REPORTER: DANA SHELLEY, RPR, CSR #10177
LOS ANGELES, CALIFORNIA TUESDAY, JANUARY 13, 2009
TIME: 9:15 A.M.
APPEARANCES: (AS HERETOFORE NOTED.)

PROBLEM, LET ME KNOW.

CAN YOU STILL HEAR ME? YOU DON'T HAVE YOUR HEADPHONES ON.

THE COURT: YOU HAVE TO HAVE THEM ON. SERIOUSLY, YOU MUST HAVE THEM ON DURING --

JUROR NO. 7: I MUST?

THE COURT: YES, YOU MUST.

JUROR NO. 7: IS THAT THE LAW?

THE COURT: BECAUSE IF YOU CAN'T HEAR THE EVIDENCE, YOU WON'T BE ABLE TO DELIBERATE.

JUROR NO. 7: WHEN I CAN'T HEAR, I PUT IT ON. OR IF SOMEBODY IS GOING TO SAY SOMETHING, I'LL PUT IT ON.

THE COURT: HOW DO YOU KNOW WHEN YOU CAN'T HEAR?

JUROR NO. 7: I CAN SEE YOU SPOKE.

THE COURT: RIGHT; BUT I'M LOOKING DIRECTLY AT YOU. HOW DO YOU KNOW WHEN YOU CAN'T HEAR?

WELL, YOU KNOW BETTER THAN ANYONE.

JUROR NO. 7: IF I CAN'T HEAR, I CAN'T HEAR.

THE COURT: ALL RIGHT. WE TRUST YOU.

JUROR NO. 7: ALL RIGHT.

JUROR NO. 12: ARE WE ALLOWED TO TAKE NOTES DURING OPENING STATEMENTS?

THE COURT: YOU'RE GOING TO BE GIVEN NOTEBOOKS AT THE CONCLUSION OF THE OPENING STATEMENTS.

JUROR NO. 12: OKAY.

THE COURT: REMEMBER, THE OPENING STATEMENTS ARE NOT EVIDENCE. AND THAT IS KIND OF LIKE -- IT'S A SYMBOL FOR YOU TO REALLY CLEARLY GET THAT IT'S NOT EVIDENCE.

THANK YOU.
PLEASE, MR. PAUL.
MR. PAUL: THANK YOU.
GOOD MORNING, EVERYONE. I WANT TO THANK THE COURT AND MY CLIENTS, MR. AND MRS. WOODARD, WHO ARE WITH US TODAY. AND I WANT TO THANK YOU.
I KNOW THAT THIS IS AN IMPOSITION ON MANY OF YOU TO SERVE AS JURORS AND TO GIVE UP THE TIME THAT YOU HAVE TO GIVE UP FOR HEARING THE TESTIMONY AND THE EVIDENCE IN THIS CASE. AND MY CLIENTS AND I AND MY CO-COUNSEL, MR. LOEW AND MS. RICE, GREATLY APPRECIATE IT, AS I'M SURE THE DEFENSE DOES, AS WELL.
OKAY. THIS IS AN OPENING STATEMENT. THIS IS WHAT I BELIEVE THE EVIDENCE IS GOING TO DEMONSTRATE IN THIS CASE, WHEN YOU HAVE A CHANCE TO HEAR FROM ALL THE WITNESSES WHO ARE GOING TO BE TESTIFYING LIVE TO YOU IN COURT; AND THE WITNESSES, ACTUALLY, YOU'RE GOING TO BE HEARING BY VIDEOTAPE; AND THE DOCUMENTS THAT YOU'RE EVENTUALLY GOING TO REACH IN THIS CASE -- OR READ IN THIS CASE.
SO WHAT IS THIS CASE ABOUT? YOU HAVEN'T HEARD ANY OF THE EVIDENCE YET, BUT HERE'S WHAT I BELIEVE THE EVIDENCE IS GOING TO DEMONSTRATE TO YOU.
THIS CASE IS ABOUT THE WORD "ASBESTOS." YOU ARE GOING TO LEARN MORE ABOUT THAT WORD THAN YOU EVER WANTED TO LEARN IN YOUR LIFE. WE'RE GOING TO SPEND A LOT OF TIME TEACHING YOU, SCIENTIFICALLY, WHAT IT IS AND THE IMPACT THAT IT HAS ON THE HUMAN BODY. AND WHAT

WE'RE GOING TO TALK ABOUT IS THE EFFECT OF ASBESTOS AS IT AFFECTS SOMEONE WHO IS A CONSUMER OR SOMEONE WHO COMES IN CONTACT WITH IT.
WE WILL INDICATE IN THIS CASE THAT WHAT HAPPENED IS THAT MR. WOODARD. IN THE WORK THAT HE DID IN THE NAVY, WAS A PERSON WHO HAD TO WORK AROUND THIS PRODUCT CALLED ASBESTOS. AND THE RESULT OF WORKING AROUND IT RESULTED IN SOMETHING THAT WE WILL TALK ABOUT CAUSED THE RISK, WHAT RISK DID IT CAUSE TO BE AROUND ASBESTOS. AND WHAT WE'RE GOING TO DEMONSTRATE TO YOU IS THAT THE RISK IS DEATH.
THAT IS THE PROBLEM WITH ASBESTOS: WHEN YOU WORK WITH IT AND AROUND IT, THE POTENTIAL RISK IS THAT IT'S GOING TO TAKE YOUR LIFE.
WE'RE GOING TO DEMONSTRATE IN THIS CASE THAT THERE WAS A FAILURE ON THE PART OF THESE DEFENDANTS TO WARN MR. WOODARD OF THE DANGER OF THE ASBESTOS THAT WAS IN THEIR PRODUCT AND THAT THAT FAILURE TO WARN TOOK AWAY HIS ABILITY TO PROTECT HIMSELF.
WE WILL DEMONSTRATE THROUGH THE EVIDENCE THAT PEOPLE CAN PROTECT THEMSELVES WHEN THEY KNOW WHAT THE DANGER IS AND WHAT THE PROBLEM IS. IF YOU DON'T KNOW THE DANGER AND YOU DON'T KNOW THE STEPS THAT CAN BE TAKEN TO PROTECT YOURSELF, YOU CAN'T PROTECT YOURSELF.
AND YOU'RE GOING TO HEAR IN THIS CASE THAT MR. WOODARD NEVER HAD ANY RESPIRATORY EQUIPMENT TO PROTECT HIMSELF. HE HAD NO ABILITY TO KNOW THAT HIS WORK WITH THEIR PRODUCTS THAT CONTAINED ASBESTOS WAS

GOING TO RESULT IN A RISK OF DEATH TO HIM, AND HE NEVER HAD THE OPPORTUNITY TO PROTECT HIMSELF FROM THAT POTENTIAL RISK OF DEATH.
NOW, THIS CASE IS GOING TO BREAK DOWN, FROM OUR STANDPOINT AND WHAT WE'RE GOING TO TALK TO YOU ABOUT, INTO THREE PARTS. WE'RE GOING TO TALK TO YOU, AS JURORS, ABOUT TWO AREAS AT THE BEGINNING: KNOWLEDGE AND SILENCE.
I'LL TALK TO YOU A LITTLE BIT MORE IN DETAIL, BUT THE EVIDENCE IS GOING TO DEMONSTRATE IN THIS CASE THAT THE KNOWLEDGE OF THE DANGER OF ASBESTOS WAS WELL KNOWN BY THE TIME THAT MY CLIENT, MR. WOODARD, WAS WORKING WITH IT IN THE NAVY, BUT THAT THERE WAS TOTAL SILENCE FROM THESE DEFENDANTS TO THE PEOPLE WHO WORKED WITH THEIR PRODUCTS AS TO THAT POTENTIAL OF DANGER.
THE SECOND AREA THAT WE'RE GOING TO TALK TO YOU ABOUT IS WHY THIS PRODUCT IS DANGEROUS. WHAT IS IT THAT CAUSES ASBESTOS -- IN ALL OF ITS FORMS, WE'LL DEMONSTRATE TO YOU -- TO BE SOMETHING THAT POTENTIALLY CAN HARM A HUMAN BEING?
THE THIRD AREA THAT WE'RE GOING TO TALK TO YOU ABOUT IS THE TOLL THAT ASBESTOS TOOK ON MR. WOODARD; THAT IS, THE EFFECT ON HIS LIFE MEDICALLY, FINANCIALLY, AND THE WAY THAT IT HAS AFFECTED HIM AND HIS WIFE IN THEIR LIVES.
SO THOSE ARE THE THREE AREAS WE'RE GOING TO BREAK THE CASE DOWN INTO, AND YOU'RE GOING TO BE HEARING SOME TESTIMONY ABOUT IT.

SO WHAT DO I MEAN BY "KNOWLEDGE AND SILENCE"? ONE OF THE THINGS THAT WE'RE GOING TO DEMONSTRATE IN THIS CASE: SILENCE. ONE OF THE THINGS WE'RE GOING TO DEMONSTRATE IN THIS CASE IS, THESE DEFENDANTS KNEW OR SHOULD HAVE KNOWN AT THE TIME THAT MY CLIENT WAS USING THESE PRODUCTS THAT IT WAS A DANGER TO HIM TO BE WORKING WITH THEIR PRODUCTS.
WE'RE GOING TO DEMONSTRATE TO YOU THAT THESE DEFENDANTS NOT ONLY KNEW OR SHOULD HAVE KNOWN, BUT THAT THEY NEVER TESTED THEIR PRODUCTS TO FIND OUT IF THEY WERE SAFE FOR HUMAN BEINGS TO BE AROUND THEM AND THAT THE KNOWLEDGE THAT THEY HAD OR SHOULD HAVE KNOWN WAS NEVER GIVEN TO THE PEOPLE WHO HAD TO WORK WITH THEIR PRODUCTS.
LET'S TALK ABOUT MR. WOODARD JUST FOR A SECOND. DENNIS WOODARD WAS BORN ON SEPTEMBER 9, 1942. SO HE'S NOW 66 YEARS OF AGE. HE'S A COLLEGE GRADUATE. HE HAS A BACHELOR OF ARTS IN PUBLIC ADMINISTRATION.
HE'S MARRIED TO MYRA WOODARD. THAT'S PROBABLY THE LAST TIME I'LL SAY "MYRA" BECAUSE SHE DOESN'T LIKE THAT NAME. SHE LIKES TO GO BY THE NAME "JEANNIE," SO I WILL REFER TO HER AS "JEANNIE WOODARD."
HE'S A FATHER. HE'S A GRANDFATHER.
IN THE NAVY, HE WAS WHAT WAS CALLED A FIREMAN APPRENTICE -- AND I'LL EXPLAIN WHAT THAT TERM MEANS IN A LITTLE BIT -- AND HE WAS AN ELECTRICIAN'S MATE.
AND ONCE HE GOT OUT OF THE NAVY, HE DID A

COUPLE SMALL JOBS. HE THEN WENT INTO CITY GOVERNMENT. AND FOR OVER 40 YEARS, HE SERVED AS CITY MANAGER OF TOWNS IN TEXAS. AND IN FACT, HIS LAST JOB THAT HE LEFT AS A RESULT OF HIS ILLNESS, HE HAD BEEN CITY MANAGER OF THAT CITY FOR OVER 20 YEARS.

AND YOU'RE GOING TO HEAR THAT HE WAS DIAGNOSED WITH MESOTHELIOMA ON JANUARY 16 -- I'M SORRY, 2008. I WAS JUST THINKING, GOSH, THAT'S ALMOST EXACTLY ONE YEAR AGO. I GUESS TODAY IS THE 13TH OF JANUARY.

NOW, HOW WAS HE EXPOSED TO THIS ASBESTOS IN THE NAVY? WHAT THE EVIDENCE IS GOING TO INDICATE TO YOU IS THAT HE WAS IN THE NAVY FROM 1961 TO 1965. YOU'LL HEAR HIM TESTIFY ABOUT IT. HE SAID, "I JUST VOLUNTEERED. I THOUGHT IT WOULD BE A GOOD THING TO DO TO GO INTO THE NAVY." HE VOLUNTEERED AND HE WENT INTO THE NAVY.

ONCE HE GOT INTO THE NAVY, THEY ALWAYS TRY TO TEACH YOU TO DO SOMETHING. SO WHEN HE GOT INTO THE NAVY, THEY TAUGHT HIM FIRST TO BE WHAT'S CALLED A FIREMAN APPRENTICE.

LET ME EXPLAIN WHAT THAT TERM MEANS. "FIREMAN" DOESN'T MEAN FIREFIGHTER. IT BASICALLY MEANS SOMEBODY WHO WORKS IN THE BOILER AREA OR THE MACHINERY SPACES OF A SHIP.

THOSE OF YOU WHO SAW "TITANIC," YOU REMEMBER THEY WERE SHOVELING COAL IN. THOSE WERE PEOPLE STOKING THE FIRE. THAT'S HOW THEY MAKE THESE SHIPS OPERATE. BASICALLY, THEY'RE STEAM-DRIVEN SHIPS.

SO THE PEOPLE WHO END UP WORKING IN THOSE MACHINERY SPACES -- THE FIRST PLACE THEY START, WHERE THEY LEARN THE MACHINERY, THEY LEARN WHAT'S IN THOSE MACHINERY SPACES ON A SHIPS -- ARE CALLED FIREMEN. AND THEY'RE -- THE LOWEST POSITION IS APPRENTICE. YOU BASICALLY GO ONTO A SHIP TO LEARN YOUR JOB, YOUR TASK, AFTER SOME BASIC TRAINING.

BUT HE ALSO WAS BEING TRAINED IN ANOTHER POSITION, AND THAT IS TO BECOME AN ELECTRICIAN. YOU'LL FIND OUT THERE'S A GREAT DEAL OF ELECTRICAL SUPPLY REQUIREMENTS ON BOARD SHIPS. AND AGAIN, IT'S ALL DRIVEN BY THIS EQUIPMENT THAT EXISTS IN THE MACHINERY SPACES. THAT'S WHAT HELPS POWER THE SHIP, THROUGH GENERATORS, ET CETERA. AND ONE OF THE THINGS HE WAS REQUIRED TO DO WAS TO WORK WITH THE ELECTRICAL EQUIPMENT ON THE SHIP.

NOW, IN DOING THIS JOB, YOU'RE GOING TO HEAR HE HAD TO WORK AROUND THE EQUIPMENT OF THESE DEFENDANTS. AND BEING AN APPRENTICE, BEING SOMEONE THAT'S IN THE MACHINERY SPACES, IF SOMEBODY NEEDED A HAND ON WORKING -- IF THEY WERE WORKING ON A PUMP OR THEY WERE WORKING ON SOME PIECE OF EQUIPMENT, THEY'D SAY, "YOU, WOODARD, COME HERE. I NEED YOUR HELP. HELP ME HOLD THIS WRENCH. HELP ME TAKE THIS PART OFF. HELP WORK WITH ME," AS THEY'RE REPAIRING THIS EQUIPMENT.

AND IN DOING THAT, YOU'LL HEAR THAT HE WAS EXPOSED TO ASBESTOS, AS I'LL TALK ABOUT IN A FEW MORE MINUTES. YOU'LL HEAR THAT HE WAS ALSO EXPOSED TO ASBESTOS BECAUSE THE EQUIPMENT, THE ELECTRICAL EQUIPMENT

THAT HE -- LET ME GO BACK A STEP.

YOU ARE GOING TO HEAR THAT ON NAVY SHIPS IN THIS PERIOD OF TIME -- THESE SHIPS WERE BUILT IN THE '40S, DURING WORLD WAR II. THERE WAS A GREAT DEAL OF SHIP-BUILDING, AS YOU CAN IMAGINE, DURING WORLD WAR II. THEY HAD TO COME UP WITH HUGE FLEETS OF SHIPS TO FIGHT THE WAR BOTH IN EUROPE AND IN JAPAN. AND SO THEY BUILT THOUSANDS OF SHIPS DURING THAT PERIOD OF TIME.

ONE OF THE THINGS THAT THEY KNEW WAS, THEY HAD TO INSULATE OR KEEP THESE AREAS SAFE FOR THESE WORKERS, THESE SEAMEN WHO WERE DOWN THERE WORKING ON THIS EQUIPMENT.

AND IN THESE AREAS WHERE THEY HAVE BOILERS AND STEAM POWER, TWO THINGS HAVE TO BE REQUIRED. NUMBER ONE, YOU'VE GOT TO PROTECT THE WORKERS FROM COMING IN CONTACT WITH THESE PIPES, WHICH ARE CARRYING VERY HOT OILS AND STEAM, AND TEMPERATURES OF 800 DEGREES IN SOME OF THESE PIPES.

SO ONE OF THE THINGS THEY WOULD DO IS PUT INSULATION, OF COURSE, AROUND THIS EQUIPMENT AND AROUND THESE PIPES SO, IF THE SAILOR CAME IN CONTACT WITH THEM, HE WOULDN'T BE BURNED.

THE OTHER REASON YOU WOULD INSULATE THEM IS, YOU'D INSULATE THEM SO YOU COULD KEEP THE HEAT IN. IT MAKES A MORE EFFICIENT SYSTEM; YOU DON'T WANT THE HEAT ESCAPING. SO THEY WOULD PUT THIS INSULATION AROUND IT.

ONE OF THE THINGS THAT THEY USED A GREAT DEAL OF IN THE NAVY WAS ASBESTOS, FOR INSULATION.

FIREPROOF; DIDN'T HAVE TO WORRY ABOUT SHIPS CATCHING ON FIRE BECAUSE ASBESTOS IS FIREPROOF. IT'S LIGHTWEIGHT, GENERALLY. AND SO THE NAVY DID USE A GREAT DEAL OF ASBESTOS ON ITS SHIPS FOR INSULATION.

AND YOU WILL HEAR THESE PRODUCTS MADE BY THESE DEFENDANTS, AS WELL, USED ASBESTOS.

MR. LOEW: LET ME GIVE YOU THIS.

(HANDS NOTE TO MR. PAUL.)

MR. PAUL: OKAY. THANK YOU.

THINGS CHANGE WHILE YOU'RE GIVING YOUR OPENING STATEMENT, YOUR HONOR.

WHERE WAS I BEFORE I WAS SO RUDELY INTERRUPTED.

NO, I'M KIDDING. THAT WAS A FACETIOUS COMMENT.

(LAUGHTER.)

MR. PAUL: "JURY LAUGHS."

SO --

CAN I HAVE THE LAST THING I SAID BEFORE? I'M SORRY, YOUR HONOR.

(RECORD READ BY THE REPORTER AS FOLLOWS:

"...ASBESTOS IS FIREPROOF. IT'S LIGHTWEIGHT, GENERALLY. AND SO THE NAVY DID USE A GREAT DEAL OF ASBESTOS ON ITS SHIPS FOR INSULATION.

"AND YOU WILL HEAR THESE PRODUCTS MADE BY THESE DEFENDANTS, AS WELL, USED ASBESTOS."

MR. PAUL: OKAY.

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AND SO YOU'LL HEAR DISCUSSION IN THIS CASE ABOUT WHY THEY USED ASBESTOS. DID THE NAVY REQUIRE IT, OR DID THEY KNOW IT WAS GOING TO BE ON THEIR EQUIPMENT?

WE BELIEVE THE EVIDENCE IS GOING TO INDICATE, YES, THE NAVY DID INDICATE THAT ASBESTOS COULD BE USED OR SHOULD BE USED; BUT WE ALSO WILL INDICATE THAT THESE DEFENDANTS KNEW THEY WERE USING ASBESTOS AND THAT THEY KNEW OR SHOULD HAVE KNOWN WHAT THE RISKS WERE FROM USING THAT ASBESTOS.

WE'LL INDICATE TO YOU IN THE EVIDENCE THAT NOT ONLY DID THESE PRODUCTS CONTAIN ASBESTOS, BUT THAT IT WAS WELL KNOWN AT THAT POINT IN TIME, IN THE MEDICAL LITERATURE AND THE SCIENTIFIC LITERATURE, THAT IT CAUSED CANCER AND DEATH.

NOW, WHY DID THE COMPANIES END UP USING ASBESTOS IN THEIR EQUIPMENT? WHY WOULD THEY DO THAT?

WELL, YOU'RE GOING TO HEAR THAT ONE OF THE LARGEST CUSTOMERS THAT YOU CAN HAVE AS A COMPANY IS THE U.S. NAVY. AS I TOLD YOU, THEY WERE BUILDING THOUSANDS OF SHIPS, AND IT WAS A CONTINUING PROCESS. SHIPS WOULD BE LOST IN THE WAR -- IN WORLD WAR II, IN KOREA -- OR SHIPS GOT OLD, AND THEY'D HAVE TO BUILD NEW SHIPS.

SO THE EVIDENCE IS GOING TO DEMONSTRATE TO YOU THAT THESE COMPANIES WERE SUPPLIERS TO THE NAVY. THEY WANTED THAT BUSINESS. IT WAS GOOD FOR THEIR BOTTOM LINE. WE'RE GOING TO INDICATE TO YOU THAT THAT WAS SOMETHING THEY WERE AWARE OF AND KNEW, AND THEY WANTED TO KEEP THAT BUSINESS, IN SPITE OF THE FACT THAT THEY

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WERE USING ASBESTOS AND THEY KNEW OR SHOULD HAVE KNOWN --

MR. GILL: OBJECTION, YOUR HONOR. THAT'S ARGUMENTATIVE.

THE COURT: SUSTAINED.

MR. PAUL: THE EVIDENCE WILL INDICATE THAT THEY DID AGREE AND CONTINUED TO USE ASBESTOS, EVEN THOUGH THEY KNEW OR SHOULD HAVE KNOWN THAT THIS ASBESTOS WAS HARMFUL TO HUMAN HEALTH.

SO LET'S TALK ABOUT THE COMPANIES THAT WE'LL BE DISCUSSING WITH YOU IN THIS CASE.

WE'RE GOING TO BE TALKING TO YOU ABOUT A COMPANY CALLED SQUARE D, WHO MADE ELECTRONIC -- ELECTRICAL COMPONENTS. THEY MADE BOARDS THAT WENT IN CONTROLLERS. THEY ENDED UP MAKING WHAT ARE CALLED ARC SHIELDS. YOU'RE GOING TO LEARN A LOT ABOUT ELECTRICAL EQUIPMENT IN THIS CASE, AS WELL.

AND THE EVIDENCE, WE BELIEVE, IS GOING TO DEMONSTRATE TO YOU THAT SQUARE D PUT INTO THESE BOARDS AND INTO THESE PRODUCTS THAT THEY MADE FOR THE U.S. NAVY A SIGNIFICANT AMOUNT OF ASBESTOS, POTENTIAL EXPOSURE TO THE PEOPLE USING THEIR PRODUCT.

WE'RE GOING TO BE TALKING TO YOU ABOUT A COMPANY CALLED CRANE, CRANE CO. THIS IS A COMPANY THAT MADE VALVES, HUNDREDS AND THOUSANDS OF VALVES, FOR THE U.S. NAVY. YOU WILL HEAR THAT THESE SHIPS WERE PACKED WITH VALVES. BECAUSE IN THESE ENGINE ROOMS, THEY HAD TO CONTROL THE STEAM, THE OIL, THE WATER THAT WOULD BE USED

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IN POWERING THESE SHIPS, THE VALVES THAT THEY USED WERE HUGE VALVES.

SOMEBODY TALKED ABOUT IT IN ONE OF THEIR -- I THINK, IN ONE OF THEIR MINI OPENINGS. IT'S NOT LIKE YOUR FAUCET. IT WORKS THE SAME KIND OF WAY. BUT WE'RE TALKING ABOUT VALVES THAT ARE HUGE, HUNDREDS OF POUNDS.

AND THESE VALVES, YOU'RE GOING TO HEAR, CONTAINED ASBESTOS INTERNALLY IN THE FORM OF GASKETS AND PACKING.

AND THE EVIDENCE WILL DEMONSTRATE THAT THEY KNEW THAT ON THE OUTSIDE OF THEIR VALVES -- BECAUSE THEY HAD TO MOVE THESE HOT LIQUIDS, AND THEY KNEW THEY WERE GOING TO BE AROUND SAILORS, THAT THEY KNEW IT WAS GOING TO BE COVERED WITH ASBESTOS MATERIAL, TO INSULATE THEM FROM THE SAILORS WHO MIGHT BE AROUND THEM.

CUTLER-HAMMER, OR EATON -- EATON IS THE ESSENTIALLY THE NEW NAME OF CUTLER-HAMMER. YOU WILL HEAR, THE SAME AS FOR SQUARE D, THAT CUTLER-HAMMER MADE ELECTRICAL EQUIPMENT; SAME KIND OF THINGS THAT SQUARE D DID: THESE BOARDS AND THIS ELECTRICAL EQUIPMENT. AND THAT JUST LIKE SQUARE D, IT CONTAINED SIGNIFICANT AMOUNTS OF ASBESTOS THAT MY CLIENT ENDED UP WORKING AROUND.

YOU WILL HEAR ABOUT A COMPANY CALLED SEPCO. SEPCO MADE GASKETS AND PACKING, THE KIND OF THINGS THAT WOULD GO IN THESE VALVES. AND WHAT YOU WILL HEAR IN THIS CASE IS THAT THESE PARTS WOULD WEAR DOWN, THESE GASKETS THAT WOULD CONNECT THESE --

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LET ME GIVE YOU AN EXAMPLE. YOU HAVE A VALVE, AND IT CONNECTS TO A PIPE. WHAT THEY HAVE TO DO IS, THEY HAVE TO CONNECT THEM TOGETHER, SORT OF LIKE YOUR GARDEN HOSE. AND YOU KNOW HOW, IN YOUR GARDEN HOSE, YOU HAVE THAT LITTLE THING INSIDE, THAT RUBBER THING, SO THAT IT DOESN'T LEAK? IN THE SAME FASHION, THEY USE GASKETS BETWEEN THE PIPE AND THE VALVE TO KEEP IT FROM LEAKING.

THESE GASKETS WERE MADE ESSENTIALLY OUT OF 80 TO 90 PERCENT ASBESTOS.

SO WHEN YOU SEE A CONNECTION WITH A VALVE OR YOU SEE A CONNECTION WITH A PUMP -- YOU'LL HEAR THAT THE GASKETS THAT MR. WOODARD RECALLS WORKING WITH ON THAT SHIP WERE MADE BY SEPCO, AND THOSE GASKETS CONTAIN ASBESTOS.

NOW, LET'S GO TO THE DANGER, JUST FOR A SECOND. WHAT IS THE DANGER THAT WE'RE TALKING ABOUT? THE EVIDENCE IN THIS CASE WILL BE, AS EARLY AS THE 1930S IN THE UNITED STATES -- AND ACTUALLY, WORLDWIDE, IN THE MEDICAL LITERATURE; AND I'LL TALK TO YOU A LITTLE MORE ABOUT SOME OF THE DETAIL -- THAT IT WAS KNOWN BY THAT TIME THAT ASBESTOS WAS A KILLER, THAT IT WOULD KILL HUMAN BEINGS, IN SUFFICIENT DOSES.

YOU'LL HEAR BY THE 1940S THAT STUDIES CONFIRMED THAT ASBESTOS CAUSED CANCER, LUNG CANCER. AND YOU'LL HEAR AN EXPERT COME IN AND TESTIFY THAT THERE WERE ALREADY ARTICLES APPEARING IN THE 1940S, TALKING ABOUT THIS STRANGE DISEASE, CANCER, THAT WAS ATTACKING

THE LINING OF THE LUNG -- NOT THE INSIDE OF THE LUNG, BUT THE LINING OF THE LUNG -- WHICH TURNS OUT TO BE MESOTHELIOMA. THIS IS IN THE 1940S.

YOU'LL HEAR BY THE 1960S THERE WERE LITERALLY THOUSANDS OF ARTICLES TALKING ABOUT THE DANGERS OF ASBESTOS AND THE FACT THAT ASBESTOS CAUSED CANCER AND MESOTHELIOMA.

LET ME TALK TO YOU A LITTLE BIT ABOUT THE TIME LINE OF THE EVENTS THAT WE'RE TALKING ABOUT. LET ME JUST GIVE YOU A COUPLE DATES THAT YOU'LL HEAR AGAIN LATER IN THIS CASE.

1927. A DOCTOR NAMED COOKE, IN ENGLAND, DOES AN AUTOPSY ON ONE OF HIS PATIENTS, WRITES A MEDICAL PAPER, AND IS THE PERSON WHO INVENTED THE WORD ASBESTOSIS. IN 1927, HE SAID ASBESTOS AND THIS DISEASE, ASBESTOSIS -- WHICH IS BASICALLY A SCARRING OF THE LUNGS -- KILLED HIS PATIENT.

1930. THERE'S A FAMOUS REPORT DONE BY TWO PEOPLE IN ENGLAND CALLED MEREWETHER AND PRICE. MEREWETHER WAS BASICALLY LIKE THE HEALTH SERVICES MINISTER FOR THE ENTIRE COUNTRY OF ENGLAND. AND THEY'RE GETTING ALL THESE REPORTS OUT OF THEIR ASBESTOS-WEAVING FACTORIES --

THEY USED ASBESTOS TO WEAVE PRODUCTS, LIKE -- YOU KNOW, THE CURTAINS THAT THEY'D HAVE AT THEATERS, THOSE WOULD BE MADE OUT OF ASBESTOS. YOU LOOK AT OLD MOVIES, YOU'LL SEE THEY'LL SAY "ASBESTOS" ON THE CURTAIN. THEY USED IT BECAUSE OF THE FIRE, POTENTIAL

FIRE DANGER.

THEY USED IT TO MAKE GLOVES. THEY USED IT TO MAKE POTHOLDERS. I MEAN, FOR THOSE OF US WHO -- WELL, IF YOU'RE OLD ENOUGH, YOU'LL KNOW BACK IN THE '40S AND '50S, POTHOLDERS WERE MADE OUT OF ASBESTOS.

THESE PRODUCTS WERE WEAVED. WELL, ONE OF THE THINGS THEY FOUND OUT IN THESE FACTORIES IS THAT A HUGE NUMBER OF THE PEOPLE -- USUALLY WOMEN -- WHO WERE WORKING WITH THESE PRODUCTS WERE COMING DOWN WITH THESE ASBESTOS DISEASES.

AND THEY BECAME VERY CONCERNED ABOUT IT, AND DID THIS HUGE STUDY -- MEREWETHER AND PRICE -- TO FIND OUT WHAT'S GOING ON.

THEY WENT INTO THE FACTORIES. THEY DETERMINED THAT THIS WAS A MAJOR PROBLEM. AND THE MOST IMPORTANT THING, OR ONE OF THE MOST IMPORTANT THINGS, THAT CAME OUT OF THIS REPORT IN 1930 IS HOW TO PROTECT PEOPLE FROM GETTING ASBESTOS DISEASE.

IN 1930, THEY WROTE YOU HAD TO DO THE FOLLOWING THINGS: WET DOWN THE AREA, BECAUSE IT KEEPS THE DUST OUT OF THE AIR. GIVE THE PEOPLE WORKING AROUND IT RESPIRATORY PROTECTION, SOMETHING TO COVER THEIR MOUTH AND FACE. USE AN ISOLATION, TO KEEP IT AWAY FROM OTHER WORKERS. CLOSE OFF THAT AREA WHERE ASBESTOS IS BEING USED SO OTHER PEOPLE ARE NOT EXPOSED TO IT.

THIS IS IN 1930.

THAT LED TO IN THE LATE 1930S IN THE UNITED STATES -- AND ESPECIALLY CALIFORNIA, IN 1939 -- TO

LIMITATIONS ON THE USE OF ASBESTOS IN THIS COUNTRY. BY THE 1940S, OVER 40 STATES IN THE UNITED STATES, YOU'LL HEAR, HAD ENACTED RULES AND REGULATIONS OF HOW MUCH EXPOSURE YOU WERE ALLOWED TO ASBESTOS. CALIFORNIA DID IT IN 1938 AND '39, SAYING HOW MUCH A WORKER IS ALLOWED TO BE EXPOSED TO THIS DISEASE.

AND YOU'LL HEAR A LOT OF NUMBERS KICKED AROUND, BUT ONE OF THE NUMBERS YOU'RE GOING TO HEAR IS 5 MILLION PARTICLES PER CUBIC FOOT.

WHAT DOES THAT MEAN? HERE'S A CUBIC FOOT, ROUGHLY. THAT MEANS YOU'RE ALLOWED TO HAVE 5 MILLION PARTICLES, INTERNAL. THAT'S THE AMOUNT OF EXPOSURE YOU WERE ALLOWED TO ASBESTOS IN CALIFORNIA AND BASICALLY ALL AROUND THE COUNTRY.

THE IMPORTANT THING ABOUT THAT IS THAT NUMBER IS EXCEEDED. ONE WAY OF THINKING ABOUT IT: THE EXPERTS WILL TELL YOU THAT NUMBER IS EXCEEDED IF YOU CAN SEE THE DUST. IF YOU SEE THE DUST IN THE AREA, YOU HAVE EXCEEDED 5 MILLION PARTICLES PER CUBIC FOOT.

AND YOU'LL HEAR MR. WOODARD TALK ABOUT HOW DUSTY HIS WORK WAS.

1935, LYNCH AND SMITH WRITE A PAPER.

BY THE WAY, THESE PAPERS I'M TALKING ABOUT WERE PUBLISHED IN MEDICAL JOURNALS. THE ARTICLE BY MEREWETHER AND PRICE, WHICH WAS WRITTEN IN THE 1930S, WAS IN THE LIBRARIES IN THE UNITED STATES WITHIN SIX MONTHS AFTER IT WAS WRITTEN. DR. COOKE'S ARTICLE WAS AVAILABLE ALL OVER THE UNITED STATES.

LYNCH AND SMITH WROTE A PAPER IN 1935 SAYING, "ASBESTOS CAUSES LUNG CANCER. WE'RE FINDING ASBESTOS CAUSING LUNG CANCER." THIS IS IN 1935.

BY THE TIME YOU GET TO 1949, THE "JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION" -- THE MOST WIDELY READ MEDICAL JOURNAL READ IN THIS COUNTRY, ONE BASICALLY SENT TO EVERY DOCTOR -- IN 1949, WROTE AN ARTICLE TALKING ABOUT THE DANGERS OF ASBESTOS AND CAUSING LUNG CANCER TO THE PEOPLE WHO ARE WORKING WITH AND AROUND THAT PRODUCT. THAT'S IN 1949.

1955, A VERY FAMOUS DOCTOR; HIS NAME IS SIR RICHARD DOLL. ANYBODY THAT KNOWS ABOUT TOBACCO SMOKING, DOES TOBACCO CAUSE LUNG CANCER, IT WAS SIR RICHARD DOLL, FROM ENGLAND, WHO SAID DEFINITIVELY SMOKING CAUSES LUNG CANCER. IN 1955, HE DID AN EPIDEMIOLOGIC STUDY SAYING DEFINITIVELY ASBESTOS CAUSES LUNG CANCER. THAT'S IN 1955.

WHEN WE GET TO 1960, ANOTHER VERY FAMOUS REPORT COMES OUT. THIS ONE IS BY A DOCTOR -- HE'S A SOUTH AFRICAN DOCTOR. HE GOES BY WAGNER; IN THIS COUNTRY WE WOULD CALL HIM WAGNER (DIFFERENT PRONUNCIATION).

DR. WAGNER WROTE A REPORT IN 1960 WHERE HE DETAILED 31 OF HIS PATIENTS WHO HAD MESOTHELIOMA; DEFINITIVELY SAID ASBESTOS CAUSES MESOTHELIOMA TO PEOPLE WHO ARE EXPOSED TO ASBESTOS. THAT'S IN 1960, BEFORE MY CLIENT JOINED THE NAVY.

1961, MR. WOODARD JOINS THE NAVY.

1964, IN THE UNITED STATES, A NAME THAT YOU'LL GET VERY FAMILIAR TO HEARING: DR. SELIKOFF, OUT OF NEW YORK. VERY FAMOUS DOCTOR WHO STUDIED ASBESTOS 1964, HE STARTS HOLDING SEMINARS IN NEW YORK TO TALK ABOUT THE FACT THAT ASBESTOS IS AFFECTING A WIDE VARIETY OF PEOPLE WHO WORK AROUND THAT PROJECT -- PEOPLE WHO WERE INSULATORS, PEOPLE WHO WERE AROUND NAVY EQUIPMENT.

DR. SELIKOFF, IN 1964 -- AGAIN, BY THIS TIME THERE'S ABSOLUTELY NO QUESTION, NONE, THAT ASBESTOS IN SUFFICIENT DOSES WILL CAUSE MESOTHELIOMA.

NOW, AS I INDICATED TO YOU, 2008, MY CLIENT IS DIAGNOSED WITH MESOTHELIOMA FROM ASBESTOS. AND I DON'T THINK YOU'LL HEAR ANY DISPUTE IN THIS CASE THAT THE EXPOSURE THAT HE GOT IN THE NAVY FROM 1961 TO 1965 CAUSED HIS MESOTHELIOMA TO OCCUR.

I TALKED TO YOU A LITTLE BIT ABOUT IT IN OPENING STATEMENT, THE MINI OPENINGS, ABOUT A LATENCY PERIOD. THIS IS A VERY TYPICAL LATENCY PERIOD, 42 YEARS, BETWEEN EXPOSURE AND THE DISEASE; VERY COMMON. GENERALLY, 20 TO 50 YEARS FOR SOMEONE TO HAVE EXPOSURE, THEN GET THE DISEASE. MY CLIENT FITS RIGHT IN THAT CATEGORY.

NOW, WELL, COULD THEY HAVE WARNED? I MEAN, THE NAVY WAS DEALING WITH ASBESTOS. AND YOU'LL HEAR THE EVIDENCE ABOUT THE NAVY AND WHAT THEY KNEW, ET CETERA.

AND ONE OF THE THINGS THAT YOU'RE GOING TO HEAR IN THIS CASE IS NOT ONLY DID THE DEFENDANTS HAVE THE ABILITY TO WARN, WE BELIEVE THE EVIDENCE IS GOING TO

DEMONSTRATE TO YOU THEY WERE REQUIRED TO WARN.

YOU'RE GOING TO SEE THE NAVY REGULATIONS AND THE NAVY REQUIREMENTS, AND ONE OF THE THINGS YOU'RE GOING TO SEE IS NAVY REQUIREMENTS ON MANUFACTURERS THAT WHEN MANUFACTURERS KNOW OF A RISK OF THEIR PRODUCT, THAT THEY WANT THEM TO WARN THE SAILORS WHO WERE GOING TO BE AROUND THAT PRODUCT. THEY WANT THEM TO BE WARNED.

YOU'RE GOING TO HEAR THERE ARE WAYS TO WARN. THERE ARE MANUALS THEY COULD PUT THE WARNINGS IN, OR THEY COULD JUST PUT IT ON THE PRODUCT ITSELF: "CONTAINS ASBESTOS. WEAR MASK." ANYTHING. AND YOU'LL HEAR NOTHING WAS DONE BY THESE DEFENDANTS.

LET'S TALK A LITTLE BIT ABOUT WHAT ASBESTOS IS.

(DISCUSSION HELD OFF THE RECORD.)

MR. PAUL: LET'S TALK A LITTLE BIT ABOUT ASBESTOS.

ASBESTOS IS A ROCK. IT'S BEEN AROUND FOREVER. IN FACT, THERE ARE INDICATIONS BACK AS FAR AS 2,000 YEARS AGO OF ASBESTOS BEING USED -- UNFORTUNATELY, BEING DUG OUT OF THE GROUND BY SLAVES, AND IT WAS ACTUALLY CALLED THE SLAVE'S DISEASE. APPARENTLY, THEY RELATE IT TO ASBESTOS, AND THEY WERE INHALING THE FIBERS.

YOU'RE GOING TO HEAR THAT ASBESTOS IS BASICALLY A ROCK THAT YOU MINE OUT OF THE GROUND. AND IT HAS THESE BENEFITS THAT I TALKED TO YOU ABOUT: IT'S INCOMBUSTIBLE, IT WILL NOT BURN, AND IT'S LIGHT WEIGHT. AND BECAUSE OF THAT, IT'S USEFUL FOR USE IN A LOT OF

PRODUCTS.

IN FACT, OVER 3,000 PRODUCTS HAVE BEEN MADE WITH ASBESTOS. IN FACT, BRAKE PADS -- ONE OF THE THINGS THAT WAS USED IN BRAKE PADS IS ASBESTOS.

SO ONE OF THE THINGS THAT YOU'RE GOING TO HEAR IS THAT THERE ARE VERY FINE FIBERS THAT ALLOWS -- REMEMBER, I TALKED THAT IT CAN BE WEAVED, CAN ACTUALLY MAKE CLOTH OUT OF IT.

IT'S VERY FINE FIBERS, VERY, VERY SMALL FIBERS, THAT ACTUALLY BREAK DOWN WHEN THEY'RE USED AND GET INTO SMALLER AND SMALLER FIBERS, WHICH REALLY BECOMES IMPORTANT FROM A MEDICAL STANDPOINT.

BECAUSE WHAT HAPPENS IS, IF YOU JUST HAD AN ASBESTOS ROCK SITTING HERE, THAT'S NOT A DANGER. IF YOU HAD A PIECE OF ASBESTOS INSULATION SITTING HERE, IT'S NOT A DANGER. IF YOU HAD AN ASBESTOS GASKET SITTING HERE, IT'S NOT A DANGER.

WHERE IT BECOMES A DANGER IS IF THE FIBERS ARE RELEASED INTO THE AIR AND BECOME BREATHABLE. WHERE IT BECOMES DANGEROUS IS IF IT GETS INTO YOUR LUNG.

SO WHEN IT'S BOUND TOGETHER, IT'S NOT A DANGER. IF THOSE FIBERS, THOUGH, ARE DISTURBED IN SOME FASHION, THEN IT BECOMES A DANGER.

HOW DOES THAT HAPPEN? INSULATION -- LET ME GIVE YOU AN EXAMPLE: INSULATION ON THE OUTSIDE OF A PIECE OF EQUIPMENT THAT'S MADE OUT OF ASBESTOS, OR MOSTLY OF ASBESTOS. YOU HAVE TO TAKE IT OFF TO WORK ON THE EQUIPMENT. LET'S SAY YOU'VE GOT TO GO CHANGE A

GASKET INSIDE, OR YOU'VE GOT TO FIX A LEAK THAT MAY HAVE OCCURRED INSIDE A VALVE, FOR EXAMPLE. YOU'VE GOT TO TAKE THAT ASBESTOS OFF.

SO YOU HAVE -- THESE GUYS, THESE SAILORS, RIPPED IT OFF. THEY WOULD HIT IT WITH WRENCHES AND SCREWDRIVERS TO TRY TO DIG IT OFF OF THE PRODUCT OR THE PART THAT THEY HAD TO GET AT. AND WHEN THEY DID THAT, OF COURSE, IT WAS A HUGELY DUSTY ENVIRONMENT, AND THEY WERE BREATHING IN ASBESTOS FIBERS.

HOW ABOUT GASKETS? THESE GASKETS WOULD STICK. BECAUSE IT'S A HOT PROCESS, THESE GASKETS WOULD STICK AND BECOME BOUND TO THE PIPES AND THE VALVES. WELL, YOU HAVE TO CLEAN -- WHEN THAT STARTS LEAKING, YOU'VE GOT TO TAKE THAT GASKET OFF.

HOW DO YOU TAKE IT OFF? THESE GUYS WOULD USE SCRAPERS, WIRE BRUSHES, AND SOMETIMES ELECTRIC WIRE BRUSHES TO GET THAT THING CLEAN. AND WHEN THEY'RE DOING THAT, THEY'RE BASICALLY RELEASING ALL OF THESE ASBESTOS FIBERS.

IF THEY'RE TAKING OUT ASBESTOS PACKING FROM INSIDE SOMETHING, SAME THING: THEY'VE GOT TO DIG IT OUT.

SO THESE GUYS ARE WORKING WITH THIS PRODUCT, UNPROTECTED, AND IT'S THAT WORK THAT RELEASES THE FIBERS. AND ALL OF THESE PRODUCTS HAD ASBESTOS THAT COULD BE RELEASED IN THAT FASHION.

WORKING ON THE ELECTRICAL EQUIPMENT, YOU'LL HEAR THAT HE WOULD SAND THE EQUIPMENT. HE WOULD DRILL

THE EQUIPMENT TO MAKE NEW HOLES FOR PUTTING IN PARTS ON THESE ELECTRICAL BOARDS. WHEN HE'S DOING THAT, HE'S RELEASING THOSE FIBERS. HE'D CLEAN IT UP WITH AIR HOSES AND BLOW IT OUT, WHICH IS MUCH WORSE, BECAUSE THAT GETS ALL THE FIBERS INTO THE AIR.

THAT IS THE PROCESS THAT GOES ON AND RELEASES THESE PRODUCTS INTO THE AIR. NOW, IS THERE ANY WARNING? NO. ASBESTOS HAS NO ODOR. YOU CAN'T SEE IT. THESE PARTICLES ARE SMALLER THAN THE HUMAN EYE CAN SEE. SO YOU HAVE NO WAY OF VISUALIZING, OTHER THAN THE FACT THAT YOU SEE THIS BIG DUST CLOUD.

BUT YOU DON'T KNOW THAT THESE TINY PARTICLES ARE GETTING INTO YOUR LUNGS. THERE ARE NO WHAT ARE CALLED "ONION PROPERTIES." THERE'S NOTHING TO GIVE YOU A CLUE OR A HINT THAT YOU'RE DOING SOMETHING THAT COULD END UP HARMING YOUR BODY.

AND AS I'VE SAID, YOU DON'T GET SICK RIGHT AWAY. IT WOULD BE ONE THING IF YOU BREATHED THAT IN ONE DAY AND YOU FELL OVER BECAUSE YOU COULDN'T BREATHE ANYMORE. YOU'RE TALKING 40 YEARS BEFORE YOU ACTUALLY KNOW THE EFFECT OF YOU'VE BEEN DOING WITH ASBESTOS.

SO THE EVIDENCE WILL BE THAT AND MR. WOODARD WILL TALK TO YOU ABOUT THE KIND OF WORK HE DID IN THOSE SPACES, THE KIND OF WORK WHERE PEOPLE WOULD SAY TO HIM, "COME OVER HERE AND HELP ME WORK ON THIS PART. WORK WITH ME ON -- TAKE THAT ASBESTOS OFF OF THERE. GRIND THAT GASKET OFF THAT PIPE."

THIS IS THE KIND OF THING HE WOULD DO.

"DRILL THAT PART OVER HERE. SCRAPE DOWN THAT ELECTRICAL BOARD." HE WILL TALK TO YOU ABOUT THAT PROCESS, HOW DUSTY THAT PROCESS WAS, AND HOW THAT DUST ENDED UP BEING BREATHED BY HIM. HE KNEW HE WAS BREATHING IT; HE JUST DIDN'T KNOW WHAT HE WAS BREATHING WOULD END UP TAKING HIS LIFE.

SO WE'RE GOING TO BRING IN EXPERTS TO TALK TO YOU ABOUT HOW THAT HAPPENS. HOW DOES IT TAKE SOMEONE'S LIFE, THESE TINY PARTICLES? IT'S STUPID OF ME TO TRY TO DRAW IT ON THE BOARD BECAUSE THEY'RE MUCH SMALLER THAN ANYTHING I COULD DRAW ON THIS BOARD. WE'RE GOING TO HAVE SOME EXPERTS COME IN AND TALK TO YOU ABOUT THAT.

BUT WHAT HAPPENS IS THAT THESE FIBERS NOT ONLY JUST AFFECT THE GUY WHO IS WORKING WITH THESE PRODUCTS DIRECTLY, BUT ANYBODY STANDING NEARBY. IF YOU'RE WITHIN A FEW FEET OF THE PERSON, YOU'LL HEAR STUDIES THAT THOSE PEOPLE ARE AFFECTED.

YOU'LL HEAR THAT IT'S SO PERVASIVE -- FOR EXAMPLE, SOME OF THE STUDIES THAT THE EXPERTS RELY UPON -- THAT MEN WHO WORKED WITH THIS PRODUCT, WHO WOULD COME HOME WITH THEIR CLOTHES, AND THEIR SPOUSE WOULD CLEAN THEIR CLOTHES, SHAKE IT OUT, THAT THE SPOUSE WOULD GET MESOTHELIOMA FROM DOING THAT.

YOU'RE GOING TO HEAR STUDIES THAT PEOPLE WHO CAME HOME FROM WORK WITH ASBESTOS ON THEIR CLOTHES, THAT THEIR PETS IN THEIR HOUSE WOULD GET MESOTHELIOMA.

SO YOU DON'T HAVE TO BE THE PERSON WORKING

WITH IT; YOU JUST NEED TO BE AROUND AND TO BREATHE THESE FIBERS AND THE DANGER THAT IT CAUSES TO THOSE WHO ARE AROUND IT.

AND YOU'RE GOING TO HEAR ABOUT IT'S NOT JUST MESOTHELIOMA THAT'S CAUSED BY IT. ASBESTOSIS, WHICH IS A SCARRING OF THE LUNGS, BASICALLY SHUTS THE LUNGS DOWN; LUNG CANCER, INTERNAL TO THE LUNGS; AND THE EXTERNAL PROBLEM OF MESOTHELIOMA.

SO WE'LL HAVE SOME PEOPLE TO TALK TO YOU ABOUT THIS. ONE OF THE PEOPLE YOU'RE GOING TO HEAR BY VIDEOTAPE, BECAUSE HE'S FROM TEXAS, IS DR. ROY SMYTHE. DR. SMYTHE WAS THE TREATING DOCTOR FOR MR. WOODARD. AND DR. SMYTHE IS GOING TO TALK TO YOU ABOUT WHAT HE DID.

A LITTLE BIT OF HIS BACKGROUND: HE'S A THORACIC SURGEON, BOARD CERTIFIED. HE'S CHAIRMAN OF THE DEPARTMENT OF SURGERY. HE'S A PROFESSOR IN THE DEPARTMENT OF SURGERY. HE'S A PROFESSOR IN MOLECULAR AND CELLULAR MEDICINE. HE'S TREATED PATIENTS WITH MESOTHELIOMA FOR OVER 20 YEARS.

AND ONE OF THE THINGS THAT HE DECIDED THAT HE WANTED TO DO TO TRY TO HELP OUT MR. WOODARD WAS TO DO A SIGNIFICANT SURGERY. IT'S CALLED AN EPP -- AND I'LL LET SOMEBODY ELSE COME IN AND TELL YOU THE TECHNICAL WORDS FOR IT -- BUT BASICALLY, THEY TOOK HIS LUNG OUT IN ORDER TO TRY TO GIVE HIM A LITTLE EXTRA TIME.

AND HE'S GOING TO SAY THAT HE THINKS IT MAY GIVE HIM A LITTLE EXTRA TIME, BUT THERE'S NO QUESTION THAT IT'S NOT GOING TO SAVE HIS LIFE. HE'S GOING TO

PASS FROM THIS DISEASE IN A VERY BRIEF PERIOD OF TIME.

YOU'RE GOING TO HEAR FROM TWO OTHER REALLY WORLD-RENOWNED EXPERTS IN ASBESTOS MEDICINE. YOU'RE GOING TO HEAR FROM A DR. ARNOLD BRODY, WHO IS A CELLULAR BIOLOGIST, A PH.D., WHO HAS TESTIFIED BEFORE CONGRESS, HAS LECTURED AROUND THE WORLD ABOUT ASBESTOS AND HOW IT CAUSES DISEASES; AND THE TESTING HE'S DONE, AND THE WAY HE DEMONSTRATES HOW IT IS THESE FIBERS GET INTO THE LUNG -- NOT ONLY GET INTO THE LUNG, BUT THEY GET PAST OF THE DEFENSES OF THE BODY.

YOU KNOW, THERE ARE WAYS THAT -- I DON'T WANT TO GET INTO THE GROSSNESS OF IT, BUT SPUTUM AND THE OTHER KIND OF THINGS ARE WAYS THAT KEEP THESE PARTICLES FROM GETTING INTO YOUR LUNGS. YOU'RE GOING TO HEAR ABOUT HOW THESE DEFENSES CAN BE OVERWHELMED, HOW IT GETS DOWN TO THE VERY TINIEST AIR SACS IN THE BODY -- IN THE LUNG, AND IT GETS FROM THERE TO THE LINING OF THE LUNG.

IT ACTUALLY CROSSES THE BOUNDARY TO GET TO THE PLEURA, WHICH IS THE LINING OF THE LUNG, WHERE THERE IT INTERACTS WITH THE CELLS AND ENDS UP AFFECTING THE DNA OF THE CELLS AND CAUSES THEM TO BECOME CANCER CELLS.

THAT'S HOW ASBESTOS CAUSES THE WREAK AND HAVOC OF MESOTHELIOMA.

SO DR. BRODY, JUST TO GIVE YOU A LITTLE BIT OF HIS BACKGROUND: PROFESSOR OF THE DEPARTMENT OF MOLECULAR BIOMEDICAL SCIENCES AT NORTH CAROLINA STATE, FORMER VICE CHAIRMAN OF PATHOLOGY AT TULANE UNIVERSITY. HE'S WRITTEN OVER 145 ARTICLES, PEER REVIEWED, IN

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MEDICAL AND SCIENTIFIC JOURNALS ON THE SUBJECT OF ASBESTOS.

AND HE'S A RESEARCHER IN A SPECIFIC KIND OF ASBESTOS CALLED CHRYSOTILE. WE'LL SPEND A LOT OF TIME IN THIS CASE TALKING ABOUT DIFFERENT TYPES OF ASBESTOS. ONE OF THEM IS CALLED CHRYSOTILE.

AND HE'S GOING TO TALK TO YOU ABOUT, IF YOU KNOW THE EXPOSURE -- IF YOU HAVE A PERSON WHO HAS MESOTHELIOMA AND THEY WERE EVER AROUND ASBESTOS, YOU KNOW WHAT CAUSED THE MESOTHELIOMA. IT'S THAT CLEAR.

SO HE'LL TALK TO YOU ABOUT THAT. AND HE'LL TALK TO YOU ABOUT HOW SOME PEOPLE ARE MORE SUSCEPTIBLE. WHY IS IT THAT MR. WOODARD GETS THIS DISEASE, AND THE GUY HE WORKED NEXT TO ON THE SHIP NEVER GOT THE DISEASE? HOW IS IT THAT SOMEONE COULD BE A INSULATOR, WHERE THEY PUT UP OF THIS INSULATION, FOR 20 YEARS, SIDE BY SIDE; ONE GETS IT, AND ONE DOESN'T? WHY IS IT THAT HAPPENS?

SO HE'S GOING TO TALK TO YOU ABOUT HOW SOME PEOPLE ARE MORE SUSCEPTIBLE TO THE DISEASE AND HOW THAT OCCURS AND WHY THAT OCCURS, AND THAT MR. WOODARD, UNFORTUNATELY, WAS ONE OF THOSE PEOPLE WHO WERE SUSCEPTIBLE TO THE DISEASE.

WE'RE ALSO GOING TO BRING YOU -- AND ACTUALLY, HE'S GOING TO BE OUR FIRST WITNESS TODAY, DR. CARL BRODKIN, WHEN ALL OF THESE OPENING STATEMENTS ARE FINISHED.

DR. BRODKIN IS AN OCCUPATIONAL AND ENVIRONMENTAL MEDICINE PHYSICIAN FROM SEATTLE. HE'S A

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CLINICAL ASSOCIATE PROFESSOR. HE HAS A MASTER'S IN PUBLIC HEALTH, AS WELL. HE'S BOARD CERTIFIED IN OCCUPATIONAL MEDICINE. HE'S A PAST PRESIDENT OF THE ASSOCIATION OF OCCUPATIONAL AND ENVIRONMENTAL CLINICS.

HE'S A CO-EDITOR OF A TEXTBOOK THAT DEALS WITH THE SUBJECT OF ASBESTOS. AND INTERESTINGLY, HE HAS HIS OWN ASBESTOS STUDY GOING ON, WHERE HE IS FOLLOWING 4,000 PEOPLE WHO HAVE BEEN EXPOSED TO ASBESTOS IN THE SHIPYARDS.

ONE OF THE THINGS YOU'LL HEAR IS THAT SEATTLE HAS A HUGE SHIPYARD AREA. A LOT OF SHIP-BUILDING GOES ON IN THAT AREA. AND HE'LL TALK TO YOU ABOUT HOW HE HAS WORKED WITH THE PEOPLE ON BOARD THOSE SHIPS, HOW HE KNOWS WHAT KIND OF EQUIPMENT THEY'VE WORKED WITH, AND HOW THEY GET AFFECTED AND COME DOWN WITH THIS DISEASE. AND HE'LL TALK TO YOU ABOUT HIS STUDY.

I ANTICIPATE YOU'RE GOING TO HEAR FROM AN INDUSTRIAL HYGIENIST. HER NAME SUSAN RATERMAN. SUSAN RATERMAN IS A CERTIFIED INDUSTRIAL HYGIENIST. SHE HAS A BACHELOR'S DEGREE IN BIOLOGY, A MASTER'S DEGREE IN ENVIRONMENTAL HEALTH, AND SHE'S A LICENSED ASBESTOS PROJECT DESIGNER.

SHE'S WORKED WITH HOSPITALS IN DETERMINING OCCUPATIONAL HEALTH PROBLEMS IN HOSPITALS. SHE'S WORKED FOR OSHA. SHE'S TESTED FOR ASBESTOS. AND SHE'LL TALK TO YOU ABOUT THE KIND OF EXPOSURES THAT CAN BE SEEN IN WORKING UNDER THESE KIND OF CIRCUMSTANCES, AROUND THIS

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KIND OF EQUIPMENT.

SO THESE EXPERTS ARE GOING TO TELL YOU THAT ALL ASBESTOS FIBERS ARE TOXIC, WHATEVER THE TYPE MIGHT BE. THEY'LL TELL YOU THAT CHRYSOTILE ASBESTOS, THE ONE THAT I MENTIONED THAT DR. BRODY IS AN EXPERT IN, IS A CAUSE OF MESOTHELIOMA.

AND THE REASON I MENTION THAT IS, THAT'S TYPICALLY THE ASBESTOS THAT'S MOST OFTEN FOUND IN ELECTRICAL EQUIPMENT AND IN GASKETS AND PACKING THAT WE'VE BEEN TALKING ABOUT. IT'S GENERALLY CHRYSOTILE ASBESTOS.

THEY'LL TELL YOU THAT THERE IS NO MINIMUM LEVEL ABOVE BACKGROUND -- I DON'T WANT TO GET INTO ALL THE TECHNICAL TERMS AT THIS POINT; BUT THEY'LL TELL YOU THAT IF YOU ARE ABOVE BACKGROUND LEVEL, AND THE MORE YOU'RE EXPOSED, THE MORE LIKELY YOU ARE TO GET THE DISEASE.

IT'S WHAT'S CALLED A "DOSE-RELATED DISEASE." THE MORE YOU TAKE IN, THE MORE LIKELY YOU RISK INCREASES, THE MORE LIKELY YOU ARE TO GET THIS DISEASE.

BUT THERE IS NO MINIMUM KNOWN LEVEL. THEY'LL TELL YOU THAT EACH OF THESE EXPOSURES ABOVE BACKGROUND IS IMPORTANT IN CAUSING MESOTHELIOMA.

HOW ABOUT THE NAVY ASPECT OF IT? I'VE TOLD YOU -- YOU'VE HEARD BEFORE, THERE ARE GOING TO BE NAVY EXPERTS WHO ARE GOING TO COME IN AND TESTIFY. WE HAVE ONE, AS WELL.

CAPTAIN ARNOLD MOORE IS GOING TO BE HERE TO

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TALK TO YOU ABOUT THE PROCESS ABOARD SHIP. THIS IS SOMETHING THAT'S ALIEN TO MOST OF US WHO HAVE NEVER BEEN ON A SHIP. WE NEED SOMEBODY TO COME IN AND TELL US, WHAT IS A MACHINE ROOM LIKE? HOW DOES IT OPERATE? WHAT KIND OF EQUIPMENT IS GOING TO BE FOUND THERE? HOW DO YOU DEAL WITH THAT EQUIPMENT? WHAT KIND OF WORK IS DONE ON THAT EQUIPMENT?

WHAT YOU'RE GOING TO DO IS, CAPTAIN MOORE IS GOING TO COME IN AND TELL YOU THAT EXACTLY WHAT MR. WOODARD DESCRIBES THE KIND OF WORK THAT HE DID IS WHAT WOULD BE DONE FOR SOMEONE WHO DID HIS KIND OF JOB ON BOARD SHIP. HE WOULD DO THAT KIND OF WORK. IT'S THE KIND OF THING YOU'D HAVE TO DO.

HE WAS A GOFER AT THE BEGINNING. "COME OVER HERE AND HELP ME WITH THIS JOB." HE SAYS THAT'S VERY TYPICAL. EVERYBODY WORKS IN THE ENGINE ROOM TO GET THINGS DOWN AND TO GET IT ACCOMPLISHED.

SO CAPTAIN MOORE IS GOING TO COME IN, AND HE'S GOING TO TALK TO YOU ABOUT WHAT GOES ON ONBOARD A SHIP, HOW IT WORKS, WHY ASBESTOS WAS USED. HE'S GOING TO TALK TO YOU ABOUT NAVY REGULATIONS, HOW THOSE REGULATIONS WORK, HOW THEY AFFECTED THE SUBJECT OF ASBESTOS, WHY THE NAVY ENDED UP USING ASBESTOS.

HE'LL TALK TO YOU ABOUT WHY THE NAVY DID REQUIRE COMPANIES TO WARN IF THEY KNEW A RISK OF THEIR PRODUCT, HOW IT COULD BE ACCOMPLISHED, THE KIND OF THINGS THAT COULD BE DONE TO ACCOMPLISH THOSE WARNINGS.

SO HE'S GOING TO COME IN AND TALK TO ABOUT

THAT. AND HIS BACKGROUND IS INTERESTING BECAUSE IT TURNS OUT HE HAS A BACHELOR OF SCIENCE IN NAVAL SCIENCE FROM THE NAVAL ACADEMY. HE HAS A MASTER OF SCIENCE IN NAVY ARCHITECTURAL AND MARINE ENGINEERING. HE HAS A DEGREE FROM M I.T.

HE'S A PROFESSIONAL ENGINEER. HE WAS IN THE NAVY FROM '68 TO '79. HE WAS AN ENGINEERING DUTY OFFICER FROM '75 TO '79. AND HE'LL TALK ABOUT THE VARIOUS SHIPS THAT HE WAS ON.

HE WAS IN THE NAVAL RESERVE FROM '79 TO '94. HE WAS -- HE RETIRED AS A CAPTAIN. HE HAS THE CHIEF NAVAL ARCHITECT FROM 1980 TO '85. HE WAS A DIRECTOR OF DESIGN ENGINEERING FROM '85 TO '92.

HE WAS VICE PRESIDENT OF ENGINEERING FOR A COMPANY FROM '92 -- GRUMMAN. AND FROM 1992 TO 2007, HE DESIGNED CRUISERS, ASSAULT SHIPS, DESTROYERS, AND NUMEROUS OTHER SHIPS, INCLUDING SHIPS FOR THE ISRAELI NAVY.

HE'S GOING TO TALK TO YOU ABOUT HOW THESE WORKERS HAD TO BE IN CONTACT WITH ASBESTOS. HE'S GOING TO TALK TO YOU ABOUT THESE SAILORS DIDN'T KNOW; THEY JUST DIDN'T KNOW THE RISKS THAT THEY WERE RUNNING. HE'S GOING TO TALK ABOUT WHEN HE WAS IN THE NAVY, THAT IT WASN'T THAT CLEAR WHAT WAS THE PROBLEM.

SO HE'S GOING TO GET INTO THAT BACKGROUND WITH YOU, LADIES AND GENTLEMEN, AND GOING TO TALK TO YOU ABOUT VALVES AND THE OTHER THINGS THAT ARE CONTAINED IN THESE ENGINE ROOMS AND HOW THEY WORK.

LET ME TALK JUST A LITTLE BIT ABOUT THE DEFENDANTS IN THIS CASE.

AS I INDICATED TO YOU, CRANE MADE VALVES. YOU'LL HEAR FROM THEIR PEOPLE THAT MANY OF THEM CONTAINED ASBESTOS COMPONENTS. THAT'S THE WAY THEY WERE MADE, AND THAT'S THE WAY THAT THEY WERE SHIPPED OUT. THAT THEY SPECIFIED THE USE OF ASBESTOS COMPONENTS.

THEY WERE USED ON NAVY SHIPS FROM THE '40S, CLEARLY THROUGH THE TIME THAT MY CLIENT WAS IN THE U.S. NAVY; THAT THEY WILL ADMIT THEY NEVER TESTED ASBESTOS AND THEY NEVER WARNED ABOUT THE DANGER OF ASBESTOS THROUGH 1965.

SEPCO WILL TELL YOU THAT THEY WERE A SUPPLIER OF ASBESTOS GASKETS AND PACKING TO THE NAVY. THEY WILL ADMIT TO YOU THAT THEY NEVER WARNED AND THAT THEY NEVER TESTED THEIR PRODUCTS TO SEE IF THEY WERE SAFE FOR THE PEOPLE WORKING WITH THEM.

WE WILL HEAR FROM PEOPLE FROM SQUARE D AND FROM CUTLER-HAMMER, OR EATON, WHO WILL TESTIFY TO YOU ABOUT WHETHER THEIR EQUIPMENT CONTAINED ASBESTOS, WHETHER IT WAS USED ON NAVY SHIPS. I THINK THE EVIDENCE IS GOING TO DEMONSTRATE TO YOU THAT ASBESTOS-CONTAINING EQUIPMENT FROM BOTH OF THOSE DEFENDANTS WERE USED ON NAVY SHIPS, AND THEY WERE A SOURCE OF INJURY TO MY CLIENT.

AND AT THE END OF THE DAY, MY EXPERTS ARE GOING TO TELL YOU THAT THESE DEFENDANTS WERE A SUBSTANTIAL FACTOR IN CAUSING THE MESOTHELIOMA THAT MY

CLIENT HAS.

DR. BRODKIN WILL TESTIFY TO YOU THAT IT IS CLEAR THAT THE EXPOSURE THAT HE GOT FROM THEIR PRODUCTS WAS A SUBSTANTIAL CONTRIBUTING FACTOR TO THE FACT THAT MR. WOODARD NOW HAS MESOTHELIOMA.

AND AT THE END OF THE DAY, WE'RE GOING TO DEMONSTRATE THAT THESE DEFENDANTS WERE NEGLIGENT. THEY DIDN'T DO WHAT THEY SHOULD HAVE DONE UNDER THESE CIRCUMSTANCES OR WHAT A REASONABLE COMPANY WOULD HAVE DONE -- EXCUSE ME -- WITH THIS AMOUNT OF INFORMATION THAT THEY KNEW OR SHOULD HAVE KNOWN;

THAT ANY REASONABLE COMPANY WITH THIS KNOWLEDGE SHOULD HAVE TESTED --

MR. RIDLEY: OBJECTION, YOUR HONOR; ARGUMENTATIVE.

THE COURT: SUSTAINED.

MR. PAUL: WE BELIEVE THE EVIDENCE WILL DEMONSTRATE, THROUGH OUR EXPERT, THAT THESE COMPANIES SHOULD HAVE WARNED; THAT THESE COMPANIES SHOULD HAVE EVALUATED THEIR PRODUCT FOR ANY POTENTIAL RISK THAT MAY HAVE EXISTED.

WE BELIEVE THE EVIDENCE WILL DEMONSTRATE AT THE END OF THIS CASE THAT THESE PRODUCTS WERE DEFECTIVE IN THAT THEY HAD ASBESTOS IN THEM IN THE FIRST PLACE. THEY WEREN'T BROKEN, BUT THEY HAD SOMETHING THAT WAS DANGEROUS INTERNAL TO THEM, WHICH WAS ASBESTOS. SHOULD HAVE NEVER BEEN IN THERE IN THE FIRST PLACE.

WE'RE GOING TO DEMONSTRATE THAT THESE DEFENDANTS FAILED TO WARN AND, BY DOING THAT, TOOK AWAY

THE OPPORTUNITY FOR MR. WOODARD TO PROTECT HIMSELF.

AND WE'RE GOING TO ASK YOU, BASED ON THE EVIDENCE THAT WE PRODUCE IN THIS CASE, TO LOOK AT IT CAREFULLY, BECAUSE WE BELIEVE THAT THE EVIDENCE WILL DEMONSTRATE -- AT LEAST AS TO SOME OF THESE DEFENDANTS -- THAT THEIR ACTIONS WERE ALSO MALICIOUS; THAT THEY FAILED TO -- THEY NOT ONLY FAILED TO DO WHAT THEY SHOULD HAVE DONE, THEY WENT A STEP BEYOND THAT, THEY DID MORE THAN THEY SHOULD HAVE DONE, IN CONSCIOUS DISREGARD FOR THE HEALTH OF OTHER PEOPLE, AND IT CAUSED HARM -- ADDITIONAL HARM BY DOING THAT.

AND AT THE END OF THE DAY, AT THE END OF THIS CASE, I'M GOING TO ASK YOU TO COMPENSATE MY CLIENTS. AND I'M GOING TO ASK YOU TO COMPENSATE THEM IN ESSENTIALLY THREE DIFFERENT AREAS.

I'M GOING TO ASK YOU TO COMPENSATE THEM FOR MEDICAL EXPENSES THAT HAVE BEEN INCURRED AS A RESULT OF HAVING TO BATTLE THIS DISEASE. AND WE'LL PUT THAT EVIDENCE ON FOR YOU.

I'M GOING TO ASK YOU TO COMPENSATE THEM FOR THE LOST EARNINGS. BECAUSE HE WAS STILL WORKING AS A CITY MANAGER, AND THIS DISEASE CAUSED HIM TO STOP. AND HE HAD PLANS TO KEEP ON WORKING AT THIS JOB THAT PAID HIM OVER $125,000 A YEAR, AS A CITY MANAGER.

YOU'RE GOING TO HEAR THE ECONOMIC LOSSES IN THIS CASE EXCEED $2 MILLION FOR THIS FAMILY. IT'S WHAT THEIR LOSS IS.

YOU'RE GOING TO HEAR MR. WOODARD HAD A LONG

LIFE AHEAD OF HIM. IT'S AMAZING, IF YOU LOOK AT LIFE EXPECTANCY TABLES. THE NUMBER OF YEARS THAT YOU HAVE WHEN YOU REACH THE AGE OF 66 IS A SIGNIFICANT NUMBER OF YEARS. BUT THOSE YEARS ARE GOING TO BE GONE FROM HIM, AND THEY'RE GOING TO BE GONE FROM HIS SPOUSE.

SO WE'RE GOING TO ASK YOU TO THINK ABOUT AND TO COMPENSATE THEM FOR WHAT HE'S GOING TO SUFFER.

HE KNOWS THIS, BY THE WAY. HE KNOWS WHAT THE FUTURE HOLDS FOR HIM. DR. SMYTHE HAS TOLD HIM. HE'S TALKED TO OTHER DOCTORS. HE KNOWS WHAT THE TRUTH IS. HE KNOWS WHERE IT'S GOING AND WHAT IT'S GOING TO COST HIM.

HE AND HIS WIFE BOTH KNOW WHAT THE FUTURE IS GOING TO BE LIKE FOR THEM. THEY KNOW THAT AS TIME GOES ON, THIS DISEASE IS GOING TO TAKE AWAY MORE AND MORE OF HIS ABILITY. HE'S NOT GOING TO BE ABLE TO WALK ANYMORE, NOT GOING TO BE ABLE TO GET AROUND. HE'S NOT GOING TO BE ABLE TO BREATHE. HE'S GOING TO BE ON OXYGEN. HE'S GOING TO BE ON PAIN PILLS, BECAUSE THE PAIN IS GETTING GOING TO GET EXCRUCIATING AT THE END.

BECAUSE THE EVIDENCE IN THIS CASE IS THAT THAT ONE LAST LUNG THAT HE HAS IS BASICALLY GOING TO BE SQUEEZED UNTIL HE CAN'T BREATHE ANYMORE, AND THEN IT'S GOING TO TAKE HIS LIFE.

HE KNOWS THAT FUTURE IS AHEAD OF HIM. IT DOESN'T MEAN THAT IT'S EASY TO ACCEPT. HIS WIFE, THE EVIDENCE WILL BE, KNOWS THAT THAT FUTURE IS AHEAD OF HER, AS WELL.

AND HE'LL TALK TO YOU ABOUT WHAT HE'S GOING TO MISS. HE'S GOING TO MISS HIS KIDS, AND HE'S GOING TO MISS HIS WIFE, AND HE'S GOING TO MISS HIS GRANDKIDS. AND HE'S GOING TO MISS HIS LIFE, THE KIND OF THINGS HE ENJOYED AND LOVED DOING IN HIS LIFE.

AND I'M GOING TO ASK YOU AT THE END OF THIS CASE TO COMPENSATE THEM BOTH FOR SOMETHING THEY HAD NO CONTROL OVER, THEY HAD NO ABILITY TO FIGHT, NOTHING THEY COULD DO ABOUT IT.

YOU WON'T EVER HEAR ANYBODY SAY THAT MR. WOODARD DID ANYTHING WRONG. WHAT HE DID WAS, HE WENT OUT AND HE SERVED HIS COUNTRY. AND AS A RESULT OF SERVING HIS COUNTRY --

MR. GILL: OBJECTION, YOUR HONOR; ARGUMENT.

THE COURT: SUSTAINED.

MR. PAUL: YOU'LL HEAR THAT HE WENT OUT AND SERVED HIS COUNTRY, AND HE DID NOT HAVE THE ABILITY TO PROTECT HIMSELF.

NOW, I ANTICIPATE, AS WELL, WE WILL SPEND SOME TIME TALKING ABOUT THE OTHER WAYS THAT HE MAY HAVE BEEN EXPOSED ON BOARD THAT SHIP: INSULATION THAT MAY HAVE EXISTED ON OTHER EQUIPMENT, THE OTHER KIND OF EQUIPMENT THAT MAY HAVE BEEN ON THAT SHIP.

WE MAY HEAR EVIDENCE, PERHAPS, ABOUT MAYBE THEY DID SOMETHING WRONG, AND THEY SHOULD HAVE ALSO WARNED OR PROTECTED MR. WOODARD. I ANTICIPATE WE'RE GOING TO HEAR EVIDENCE ABOUT THE NAVY. I KNOW WE WILL HAVE EVIDENCE ABOUT WHAT THE NAVY KNEW AND DID AND

SHOULDN'T HAVE -- OR SHOULD HAVE DONE AND DIDN'T DO. I ANTICIPATE WE'RE GOING TO HEAR THAT KIND OF EVIDENCE, AND I ANTICIPATE THAT THERE WILL BE EVIDENCE THAT THEY'RE TRYING TO BLAME THE NAVY FOR DOING THIS.

BUT AT THE END OF THE DAY, LADIES AND GENTLEMEN, THE PLAINTIFF, AFTER WE PUT ON OUR CASE, WE'RE GOING TO LOOK AT YOU AND ASK YOU TO DO JUSTICE AND --

MR. GILL: OBJECTION.

THE COURT: SUSTAINED.

MR. PAUL: -- ASK YOU TO FIND FOR THE PLAINTIFF.

THANK YOU VERY MUCH.

THANK YOU, YOUR HONOR.

THE COURT: THANK YOU. THANK YOU, MR. PAUL.

MR. PAUL: I'M WONDERING IF WE COULD TALK TO THE COURT FOR JUST ONE SECOND.

THE COURT: OKAY. LET'S JUST TAKE A FIVE-MINUTE BREAK. WHY DON'T YOU JUST STAND. WE'LL TAKE A LONGER BREAK LATER.

(BRIEF RECESS.)

THE COURT: OKAY.

(DISCUSSION HELD OFF THE RECORD.)

(PROCEEDINGS WERE HELD IN CAMERA, OUTSIDE THE PRESENCE OF THE JURY, NOT REQUESTED TO BE REPORTED.)

THE COURT: SO I WANT TO INFORM YOU THAT WARREN PUMPS IS NO LONGER A PARTY TO THIS CASE. DO NOT SPECULATE AS TO WHY WARREN PUMPS IS NO LONGER INVOLVED

IN THE CASE, AND YOU SHOULDN'T CONSIDER THIS DURING YOUR DELIBERATIONS.

SO WHAT I'M GOING TO DO NOW, BECAUSE THAT'S WHAT I DID ALL DAY YESTERDAY, IS TO THANK AND EXCUSE MS. O'NEILL.

THANK YOU VERY MUCH.

I'M NOT GOING TO ASK HER TO RETURN TO THE JURY ASSEMBLY ROOM; BUT THANK YOU.

OKAY. SO WHAT WE DECIDED SINCE WE TOOK THIS SHORT BREAK IS THAT PERHAPS IT'S BEST TO TAKE OUR BREAK NOW, AND THEN WE CAN JUST GO THROUGH THE DEFENDANTS' OPENING STATEMENTS. AND YOU DESERVE 15 MINUTES OUT OF THOSE CHAIRS.

SO LET'S JUST BE BACK AT 11:00 O'CLOCK.

OKAY. THANK YOU VERY MUCH. THANK YOU.

(RECESS.)

THE COURT: OKAY. WE'RE GOING TO RESUME.

AND I JUST ABOUT HAVE THIS MEMORIZED:

SQUARE D IS NO LONGER A PARTY TO THIS CASE. DO NOT SPECULATE AS TO WHY SQUARE D IS NO LONGER A PARTY TO THE CASE, AND YOU SHOULD NOT CONSIDER THIS DURING YOUR DELIBERATIONS.

NOW, MR. GILL, DO YOU WANT TO SIT THERE, OR DO YOU WANT TO JUST GO?

MR. GILL: I'LL SIT IN THE BACK, YOUR HONOR, SO I DON'T DISTRACT ANYONE.

THE COURT: THANK YOU VERY MUCH.

SO NOW WE'RE GOING TO RESUME, AND WE'RE

GOING TO HEAR FROM DEFENDANTS. AND WE'RE GOING TO BEGIN WITH MR. DAVIS, FOR CRANE.

MR. DAVIS: THANK YOU, YOUR HONOR. MAY I GO UP FRONT?

THE COURT: YES, YOU MAY.

MR. DAVIS: AS YOU MAY HAVE GUESSED, CRANE CO. IS STILL A PARTY IN THIS CASE. AS I SAID, I'M GEOFF DAVIS. JAMES LEE -- STAND UP -- IS HERE WITH ME FROM CRANE CO., AND HE'S GOING TO BE ASSISTING ME AT COUNSEL TABLE THROUGHOUT THE CASE.

AND WE'RE HERE TO TALK TO YOU -- I'M HERE TO TALK TO YOU THIS MORNING ABOUT HOW WE BELIEVE THE EVIDENCE IS GOING TO COME OUT IN THIS CASE AND WHAT WE'RE GOING PROVE TO YOU OVER THE NEXT COUPLE OF WEEKS. HOPEFULLY, THE TRIAL IS GETTING SHORTER, AS THE JUDGE READS THESE INSTRUCTIONS TO YOU.

FIRST OF ALL, THERE IS NO DOUBT THAT MR. WOODARD HAS A TERRIBLE DISEASE. THERE'S NO DISPUTE ABOUT THAT. THERE'S NO DISPUTE AS TO WHETHER HE WAS AT FAULT FOR CAUSING THAT DISEASE. I AND MR. LEE, THE OTHER DEFENDANTS, WE ALL SYMPATHIZE WITH THE WOODARD FAMILY. THIS IS NOT OF THEIR DOING. BUT AT THE SAME TIME, WE'RE HERE BECAUSE CRANE CO. NEEDS ITS DAY IN COURT, BECAUSE THIS IS NOT CRANE CO.'S DOING.

PLAINTIFFS SUED A NUMBER OF DEFENDANTS. THEY'RE ALLEGING THAT IT IS THE FAULT OF CRANE CO. AND THE OTHERS WHO ARE HERE, BUT WE'RE GOING TO SHOW YOU THROUGH THE EVIDENCE THAT IT WAS NOT.

AND WE NEED TO NOT FORGET THE FACT THAT IT'S A LOT -- LIFE IS A LOT MORE COMPLICATED NOW THAN IT WAS 65 YEARS AGO OR SO, WHEN THE SHIPS WERE BUILT, OR EVEN 40 YEARS SO AGO, WHEN MR. WOODARD WAS SERVING IN THE NAVY. WE HAVE HUGE CORPORATIONS THAT ARE DESTROYING PEOPLE'S LIVES NOW THROUGH FINANCES AND OTHER ACTIVITIES, AND PEOPLE ARE VERY CYNICAL; BUT WE'RE GOING TO SHOW YOU THROUGH THE EVIDENCE THAT IT WAS A LOT DIFFERENT BACK THEN.

THERE WAS NO EMAIL; THERE WAS NO INTERNET; NO COMPUTERS, PRACTICALLY. THINGS WERE MUCH SIMPLER. AND WHEN THE SHIPS THAT ARE AT ISSUE IN THIS CASE -- ONE OF WHICH IS CALLED THE USS ROGERS; ONE OF WHICH IS CALLED THE USS SALISBURY SOUND -- WHEN THESE SHIPS WERE BUILT, IT WAS STILL THE MIDDLE OF WORLD WAR II. THEY WERE DESIGNED IN WORLD WAR II. THEY NAVY CONTRACTED AND HAD THEM BUILT IN WORLD WAR II. AND THEY WERE ACTUALLY CONSTRUCTED, FOR THE MOST PART, BEFORE THE WAR ENDED.

THE COUNTRY LITERALLY WAS AT WAR. AND ONE OF THE THINGS THAT THE NAVY DECIDED TO DO WAS, OBVIOUSLY, TO EXPAND THE SIZE OF THE NAVY GREATLY, BECAUSE IT WAS FIGHTING A WAR ACROSS TWO OCEANS. AND IT BUILT UP THE NAVY VERY QUICKLY. MR. PAUL TOLD YOU A LITTLE BIT ABOUT THAT. YOU'LL HEAR MORE ABOUT IT DURING THE TRIAL.

THE WAY THE NAVY BUILT UP THE NAVY VERY QUICKLY WAS TO CONTRACT WITH VARIOUS COMPANIES TO SUPPLY THE PARTS THEY NEEDED TO MAKE THE SHIPS. THEY BOUGHT

STEEL FROM SOME COMPANIES. THEY BOUGHT VALVES, LIKE CRANE CO. MAKES, FROM SOME COMPANIES. THEY BOUGHT PUMPS. THEY BOUGHT DEAERATING FEED TANKS. THEY BOUGHT BOILERS AND TURBINES AND THOUSANDS AND THOUSANDS OF PARTS TO BUILD THESE MASSIVELY COMPLEX VESSELS TO FIGHT THE WAR.

SOME WERE SUPPORT VESSELS, LIKE THE SECOND ONE MR. WOODARD SERVED ON, WHICH WAS A SEA PLANE TENDER, AND IT REPAIRED AND SERVICED SEA PLANES THAT WERE ACTIVE IN THE WAR EFFORT. OTHERS WERE DIRECT FRONT-LINE FIGHTING SHIPS, LIKE THE DESTROYER HE SERVED ON FIRST.

BUT THEY ALL WERE PART OF THE WAR EFFORT. THEY ALL USED THOUSANDS AND THOUSANDS OF DIFFERENT PARTS PROCURED FROM MANY DIFFERENT COMPANIES, AND ALL, AS THE EVIDENCE WILL SHOW, TO EXACTING MILITARY SPECIFICATIONS.

THE GOVERNMENT DIDN'T JUST CALL UP AND SAY, "SEND US A BUNCH OF VALVES" OR "SEND US SOME STEEL." THEY TOLD THE COMPANIES THAT THEY BOUGHT FROM EXACTLY WHAT THEY WANTED, EXACTLY HOW IT HAD TO BE MADE, EXACTLY HOW IT HAD TO BE PACKAGED, AND EVEN WHAT THE WRITING ON THE OUTSIDE OF THE PACKAGE HAD TO SAY.

WE'RE GOING TO PRESENT YOU EVIDENCE OF THAT THROUGH WITNESSES, PARTICULARLY EXPERT WITNESSES. WE'RE GOING TO PRESENT TO YOU A RETIRED ADMIRAL IN THE U.S. NAVY WHO WILL TALK A LOT ABOUT THAT. YOU'LL HEAR FROM MR. PAUL'S WITNESSES AND PERHAPS OTHERS ABOUT THIS ISSUE, AS WELL.

SO YOU'LL ALSO HEAR, AS MR. PAUL SAID, ABOUT

SOME OF THE SCIENCE, THE MEDICINE ISSUES.

AND WHAT YOU DIDN'T HEAR FROM MR. PAUL IS WHETHER OR NOT ANYBODY, IN 1943, WHEN THE SHIPS WERE BEGINNING TO BE CONSTRUCTED AND WHEN THE VALVES AND OTHER PRODUCTS WERE MADE THAT WENT INTO THOSE SHIPS -- THAT NOBODY WAS CONCERNED THAT THE PARTS, THE COMPONENT PARTS OF VALVES THAT DID SOMETIMES CONTAIN ASBESTOS, WERE HARMFUL TO PEOPLE, THAT THEY CAUSED ANY KIND OF CANCER.

THE NAVY WAS WELL AWARE OF CERTAIN RISKS OF MESOTHELIOMA -- EXCUSE ME, OF ASBESTOS, BUT NOBODY KNEW THE WORD "MESOTHELIOMA," FIRST OF ALL. NOBODY WAS WORRIED ABOUT THE GASKETS AND THE PACKING, THAT YOU HEARD MR. PAUL TALK ABOUT, CAUSING ANY DISEASE, LET ALONE THE ONE THAT MR. WOODARD GOT.

THE NAVY, HOWEVER, WAS CONCERNED, HAD KNOWLEDGE, THAT INSULATION WAS HAZARDOUS. ITS KNOWLEDGE GREW OVER THE YEARS, AND IT WAS WELL AWARE OF INSULATION HAZARDS BEFORE MR. WOODARD WENT IN THE NAVY. WE'LL PRESENT EVIDENCE OF THAT TO YOU.

SO WHAT WE WANT YOU TO DO IS KEEP AN OPEN MIND. I'M GOING TO EXPAND ON SOME OF THESE TOPICS HERE OVER THE NEXT FEW MINUTES. AND I'M GOING TO TRY NOT TO TALK AS LONG AS MR. PAUL.

BUT WE WANT YOU TO KEEP AN OPEN MIND THROUGHOUT THE ENTIRE CASE. THAT'S WHAT YOUR OATH WAS, AND THAT'S WHAT WE NEED YOU TO DO: HEAR THE EVIDENCE ON BOTH SIDES. PLAINTIFFS GET TO PRESENT THEIR EVIDENCE

FIRST. WE WILL GO SECOND. SO YOU'LL HEAR THEIR WITNESSES AND THEIR EVIDENCE FIRST AND OURS AFTERWARDS. AND WE WOULD ASK YOU TO KEEP AN OPEN MIND AND WAIT UNTIL YOU'VE HEARD IT ALL BEFORE YOU MAKE UP YOUR MIND.

AND THE EVIDENCE THAT WE'RE GOING TO PRESENT -- SOME OF WHICH WILL COME IN IN PLAINTIFFS' CASE, SOME IN THE DEFENSE CASE LATER -- IS THAT MR. WOODARD'S DISEASE, MESOTHELIOMA, WAS CAUSED BY HIS EXPOSURE TO THERMAL INSULATION PRODUCTS WHILE HE WAS IN THE NAVY.

WE DON'T DISPUTE THAT THE MESOTHELIOMA WAS CAUSED BY ASBESTOS OR THAT IT WAS CAUSED BY ASBESTOS MR. WOODARD WAS EXPOSED TO IN THE NAVY, BUT IT WAS THE INSULATION PRODUCTS THAT WE'LL PROVE TO YOU WERE THE CAUSE.

THERE'S TWO REASONS WHY THEY WERE THE CAUSE, TWO MAIN REASONS. ONE IS, THEY RESULT IN HIGH EXPOSURES COMPARED TO OTHER PRODUCTS. YOU'LL HEAR EVIDENCE THAT INSULATION RESULTED IN VERY HIGH EXPOSURES. GASKETS AND PACKING, IF ANY EXPOSURE AT ALL, WERE VERY LOW.

YOU'LL ALSO HEAR THAT INSULATION PRODUCTS OFTEN CONTAINED AMOSITE ASBESTOS. THERE ARE MULTIPLE TYPES OF ASBESTOS. AMOSITE ASBESTOS IS ONE OF THE AMPHIBOLE FAMILY OF ASBESTOS FIBERS. IT'S MUCH MORE POTENT -- YOU'LL HEAR THAT IT'S MUCH MORE POTENT IN CAUSING CANCERS THAN CHRYSOTILE ASBESTOS, OR WHAT SOME PEOPLE CALL "WHITE ASBESTOS," THAT WAS IN GASKETS AND PACKING -- IF ANY ASBESTOS WAS AT ALL.

YOU'LL HEAR ABOUT WHAT THE NAVY DID OR DIDN'T DO TO PROTECT SAILORS AND SEAMEN IN THE NAVY. AND THE REALITY IS, THEY DIDN'T DO MUCH, IF ANYTHING AT ALL. THE NAVY WAS AWARE THAT INSULATION WAS HAZARDOUS WELL BEFORE MR. WOODARD WAS IN THE NAVY, AND IT DIDN'T TELL HIM TO WEAR A MASK OR TO WET DOWN THE AREAS, AND IT DIDN'T PROVIDE HIM WITH THE TOOLS AND KNOWLEDGE TO PROTECT HIMSELF, OR ANY KIND OF TRAINING ABOUT ASBESTOS HAZARDS IN ORDER FOR HIM AND OTHER SAILORS LIKE HIM TO PROTECT THEMSELVES.

WE'RE GOING TO PRESENT TO YOU EVIDENCE THAT CRANE CO. DID NOT MAKE OR SELL THE INSULATION THAT WAS IN THESE NAVY VESSELS ON WHICH MR. WOODARD SERVED. THE NAVY BOUGHT INSULATION FROM INSULATION MANUFACTURERS, IT BOUGHT VALVES FROM VALVE MANUFACTURERS, AND IT BOUGHT PUMPS FROM PUMP MANUFACTURERS. THAT'S THE WAY IT WORKS. WE'LL PRESENT EVIDENCE TO YOU OF THAT.

SO IF ANY CRANE VALVE CONTAINED ANY ASBESTOS AT ALL, IT WAS IN THE PACKING, WHICH -- I DON'T HAVE A VALVE HERE TO SHOW YOU TODAY. BUT UNLIKE YOUR KITCHEN FAUCET, THE WAY A VALVE -- MOST VALVES IN THE NAVY WOULD OPERATE, IT'D BE A BIG -- LIKE A ROUND HANDLE, WITH A STEM. THE PACKING WOULD BE WRAPPED AROUND THE STEM, INSIDE THE VALVE, COVERED UP WITH OTHER METAL PARTS, IN ORDER TO PREVENT LEAKAGE THROUGH THE STEM FROM THE MATERIAL RUNNING THROUGH THE VALVE.

THERE'S BE A FEW OUNCES OF PACKING IN ONE OF THESE SEVERAL-HUNDRED-POUND VALVES THAT MR. PAUL TOLD

YOU ABOUT. THAT PACKING SOMETIMES CONTAINED ASBESTOS. SOME VALVES DIDN'T HAVE PACKING AT ALL. OTHER VALVES COULD HAVE HAD ASBESTOS GASKETS INSIDE THEM. AND THEN THE NAVY SELECTED AND ELECTED TO USE ASBESTOS GASKETS TO ATTACH A VALVE TO THE NEXT PIECE OF EQUIPMENT DOWN THE LINE, EITHER A PIPE OR A PUMP OR SOMETHING ELSE.

THESE PRODUCTS -- GASKETS AND PACKING -- WERE THE CHRYSOTILE TYPE OF ASBESTOS, WITH LOW EXPOSURES. AND WE'RE GOING TO PRESENT TO YOU EVIDENCE THAT THOSE PRODUCTS DID NOT CAUSE OR CONTRIBUTE TO MR. WOODARD'S DISEASE. IT WAS THE HEAVY EXPOSURES TO THE INSULATION PRODUCTS THAT DID.

AS I SAID, NAVY WARSHIPS ARE VERY COMPLEX. SOME OF THEM ARE SO BIG IT'S LIKE A FLOATING CITY. THEY HAVE TO BE SELF-SUFFICIENT FOR WEEKS OR MONTHS AT A TIME. THEY HAVE TO BE ABLE TO WITHSTAND COMBAT. THEY HAVE TO SUPPORT HUNDREDS OR THOUSANDS OF PEOPLE ONBOARD WITH FOOD, DRINKING WATER, EVERYTHING -- ELECTRICITY, EVERYTHING THEY NEED.

AND THESE ARE ESSENTIALLY -- YOU'LL HEAR EVIDENCE TO THE EFFECT, THESE ARE ESSENTIALLY THE MOST COMPLEX THINGS PEOPLE CAN BUILD. AND THE NAVY WAS THE ONE THAT DESIGNED THEM AND CONTRACTED FOR THEIR CONSTRUCTION AND SELECTED THE PARTS TO PUT IN THEM. AND WE'RE TALKING LITERALLY HUNDREDS OR THOUSANDS OF TONS OF VARIOUS PIECES OF EQUIPMENT AND MATERIAL.

ONE OF THOSE MATERIALS THAT THE NAVY USED WAS ASBESTOS. THERE'S NO DISPUTE ABOUT THAT, EITHER.

THEY USED ASBESTOS FOR INSULATION. THE NAVY USED ASBESTOS FOR GASKETS, FOR PACKING. THEY USED IT IN A LOT OF DIFFERENT PARTS OF THE SHIPS, FOR A LOT OF DIFFERENT PURPOSES. THE MAIN REASON IT WAS USED WAS BECAUSE IT WAS LIGHT WEIGHT, FIRE RESISTANT, AND HEAT RESISTANT.

AND THE NAVY DECIDED THAT ASBESTOS WAS CRITICAL TO ITS MISSION IN WORLD WAR II. THERE WAS AN EXECUTIVE ORDER SIGNED BY THE PRESIDENT THAT LISTED IT AS ONE OF A NUMBER OF CRITICAL MATERIALS. IT WAS ACTUALLY PULLED OUT OF SOME USES IN -- COMMERCIAL AND INDUSTRIAL USES IN THE UNITED STATES, CIVILIAN USES, AND RESERVED TO MAKE SURE THE NAVY HAD ENOUGH FOR ITS USES.

YOU'RE ALSO GOING TO HEAR THAT THE NAVY DIDN'T JUST START USING ASBESTOS ALL OF A SUDDEN IN THE '40S WITHOUT ANY KNOWLEDGE OF WHAT IT DID OR HOW IT WORKED. THE NAVY HAD BEEN STUDYING ASBESTOS FOR MANY YEARS AND HAD BEEN USING ASBESTOS FOR MANY YEARS.

THE NAVY HAD VARIOUS BRANCHES OR DEPARTMENTS WITHIN THE NAVY THAT WERE ORGANIZED TO LOOK AT MEDICAL ISSUES AND SAFETY ISSUES FOR SERVICEMEN. AND THEY BEGAN LOOKING AT HEALTH ISSUES RELATING TO ASBESTOS AS EARLY AS THE 1920S. AND THE NAVY HAD KNOWLEDGE OF THE POTENTIAL RISKS FROM ASBESTOS GOING BACK TO THAT POINT.

WE'LL HAVE AN EXPERT COME IN. YOU'LL HEAR DR. FOREMAN, DR. SAMUEL FORMAN, COME IN. HE WAS IN THE NAVY, AND IT WAS HIS JOB TO RESEARCH WHAT THE NAVY KNEW AND WHEN IT KNEW IT. AND HE'LL TALK TO YOU ABOUT WHAT

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THE NAVY KNEW BACK IN THE 1920S, THE 1930S, THE 1940S. THE NAVY -- I THINK YOU HEARD IN MINI OPENINGS, THE NAVY IN THE '40S HIRED SOME HARVARD SPECIALISTS TO GO DO RESEARCH FOR THEM AT SHIPYARDS WHERE THEY MADE SHIPS.

NOW, THEY CONCLUDED AT THE TIME THAT EVEN THE INSULATORS WORKING WITH THE INSULATION PRODUCTS, THAT WERE HIGH EXPOSURES WITH THE AMOSITE-TYPE INSULATION, WERE NOT AT SERIOUS RISK FOR DISEASE. BUT THE NAVY WAS LOOKING INTO IT, AND THAT STUDY CONCLUDED THAT EVERYBODY COULD EASILY BE PROTECTED IF THE RIGHT PRECAUTIONS WERE TAKEN.

UNFORTUNATELY, THE NAVY DID NOT IMPLEMENT THOSE PRECAUTIONS -- AT LEAST NOT FOR SERVICEMEN SERVING ON THE SHIPS, LIKE MR. WOODARD. THE NAVY -- DESPITE ITS RESEARCH AND ITS KNOWLEDGE OF ASBESTOS, THE NAVY CONCLUDED THAT THE PEOPLE LIKE MR. WOODARD SIMPLY WEREN'T AT RISK.

WELL, THE NAVY GOT IT WRONG BECAUSE OF THE INSULATION. BUT THE NAVY ALSO CONCLUDED THAT GASKETS AND PACKING WERE OF NO RISK. AND THE EVIDENCE IS GOING TO SHOW YOU THAT THAT IS ACTUALLY TRUE.

THE GASKETS AND PACKING WERE LOW-DOSE EXPOSURES. MR. PAUL ALSO TOLD YOU ABOUT THAT: IT'S A DOSE DISEASE. THE MORE YOU GET, THE MORE LIKELY TO CAUSE INJURY.

BUT THE GASKET AND PACKING EXPOSURES, WE WILL SHOW YOU, WERE SO LOW, AND WITH THE LOWER POTENCY ASBESTOS TYPE, CHRYSOTILE, THAT THEY DID NOT CAUSE OR

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CONTRIBUTE TO MR. WOODARD'S DISEASE. AND IT WAS THE AMOSITE-TYPE INSULATION AND THE AMOSITE-TYPE ASBESTOS IN THE INSULATION THAT DID.

BY THE 1940S, THE NAVY WAS WELL AWARE THAT SHIPYARD WORKERS WERE AT RISK FOR ASBESTOSIS. THIS IS THROUGH THE RESEARCH THEY HAD DONE. THEIR INDUSTRIAL HYGIENE AND MEDICAL DEPARTMENTS HAD DETERMINED THIS. THEY RECOMMENDED -- THE NAVY RECOMMENDED THE USE OF RESPIRATORS FOR SHIPYARD WORKERS AND INSULATORS BY THE '40S.

AS I SAID, THE NAVY HIRED SOME HARVARD RESEARCHERS, AND SOME NAVY PERSONNEL PARTICIPATED WITH THEM TO PERFORM A STUDY. YOU'LL HEAR ABOUT THIS, THE FLEISCHER-DRINKER STUDY, WHICH WAS RELEASED IN THE MID '40S. THEY CONCLUDED THAT THE INSULATION WORKERS WERE NOT ENGAGED IN A DANGEROUS OCCUPATION.

THE NAVY RELEASED FURTHER PUBLICATIONS, INTERNALLY AND EXTERNALLY, OVER THE NEXT DECADES. IN 1962, THE NAVY CONCLUDED AND WROTE THAT WORKERS SHOULD AVOID CARELESS CREATION OF DUSTY CONDITIONS; THEY SHOULD WET DOWN MATERIALS WHEN POSSIBLE AND USE RESPIRATORY MATERIAL.

THAT WAS IN THE FIRST OR SECOND YEAR OF MR. WOODARD'S NAVY SERVICE, BUT THEY DIDN'T TRAIN MR. WOODARD TO DO THAT. THE NAVY WAS LOOKING, UNFORTUNATELY, IN THE WRONG PLACE AND EXCLUDING PEOPLE WHO WERE AT RISK FROM INSULATION EXPOSURES, LIKE MR. WOODARD, AND NOT TRAINING THEM, NOT TRAINING THEIR

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OFFICERS ON THEIR SHIPS, AND NOT TRAINING THEIR COWORKERS ON THE SHIPS TO AVOID THESE EXPOSURES.

AS I SAID, THE NAVY WAS IN BASICALLY COMPLETE CONTROL OF THE ENTIRE PROCESS OF SHIP CONSTRUCTION. AND CONTROL IS GOING TO BE A MAJOR THING YOU HEAR ABOUT DURING THIS TRIAL.

WE'RE GOING TO PRESENT TO YOU EVIDENCE, THROUGH BOTH PLAINTIFFS' WITNESS AND OURS, THAT THE NAVY, AS I SAID, DESIGNED THE SHIPS, CONTRACTED FOR THE PURCHASE OF THE EQUIPMENT, CONTRACTED FOR OR BUILT THEM THEMSELVES WITH THAT EQUIPMENT THAT THEY BOUGHT. THEY DEVELOPED DETAILED MILITARY SPECIFICATIONS TO TELL THE PRODUCT SELLERS EXACTLY WHAT THEY WANTED.

WE'LL PRESENT TO YOU EVIDENCE THAT THAT WAS DONE FOR VERY SPECIFIC REASONS. THEY DIDN'T WANT ANY COMPLICATIONS. THEY WANTED BOTH SIDES TO BE ABSOLUTELY SURE THEY WERE IN AGREEMENT AS TO WHAT WAS BEING SENT TO THE NAVY AND EXACTLY HOW IT WOULD OPERATE AND EXACTLY WHAT IT WOULD LOOK LIKE AND EXACTLY HOW BIG IT WAS.

BECAUSE IF THE NAVY WANTED TO BUY A VALVE THAT WAS DESIGNED TO FIT IN A SPACE THIS SIZE, AND THEY WEREN'T SPECIFIC, AND THEY GOT A VALVE FOR THIS BIG, THEY'VE GOT A PROBLEM.

THUS WE'RE GOING TO PRESENT TO YOU EVIDENCE THAT THE NAVY'S MILITARY SPECIFICATIONS WERE INCREDIBLY DETAILED. THE NAVY DICTATED BASICALLY EVERY DETAIL OF EVERY PRODUCT, AS I SAID, DOWN TO THE WRITING ON THE PACKAGING ON THE OUTSIDE.

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THERE WAS MILITARY SPECIFICATIONS FOR PENCILS AND FOR WHAT FOOD WENT IN THE KITCHEN, IN THE GALLEY, IN THE SHIPS. THEY SAID HOW MANY BAGS OF MARSHMALLOWS TO KEEP IN THE GALLEY. AND THAT'S HOW DETAILED THEY WERE.

IN COORDINATION WITH MILITARY SPECIFICATIONS, THE NAVY DEVELOPED QUALIFIED PRODUCTS LISTS. THAT PROVIDED NAVY SUPPLY OFFICERS, THE PEOPLE WHO BOUGHT THE EQUIPMENT AND MATERIALS, A LIST OF WHAT COMPANIES WERE APPROVED TO SELL WHICH PRODUCTS TO THE NAVY UNDER THOSE SPECIFICATIONS.

THEY HAD GONE THROUGH AND THEY'D FIGURED OUT IF CERTAIN VALVES, FOR INSTANCE, MET THE SPECIFICATION, YOU COULD CALL CRANE CO. OR ANOTHER VALVE MANUFACTURER AND GET THE VALVE THAT WAS LISTED.

YOU COULD CALL A GASKET MANUFACTURER, IF YOU WERE A NAVY SUPPLY OFFICER, AND YOU COULD GET GASKETS, AND THE NAVY COULD CALL UP INSULATION MANUFACTURERS AND GET THE INSULATION THAT WAS APPROVED. BECAUSE NOT ALL GASKETS WERE APPROVED, AND NOT ALL INSULATION WAS APPROVED, AND NOT ALL VALVES WERE APPROVED, EITHER.

SO THE NAVY HAD THESE DETAILED SPECIFICATIONS, AND THEY HAD THE LISTS OF WHO COULD MAKE PRODUCTS THAT MET THE SPECIFICATIONS.

THE EVIDENCE WILL THEN SHOW YOU THAT WHAT THE NAVY DID WAS, THEY WOULD HAVE THE SHIPYARD -- EITHER A NAVAL SHIPYARD OR A CIVILIAN SHIPYARD THAT CONTRACTED WITH THE NAVY -- DO THE FULL DESIGN OF THE SHIP. THEY

WOULD FIGURE OUT EXACTLY HOW MANY VALVES OF WHICH TYPE THEY NEEDED AND EXACTLY HOW MANY OF EVERYTHING THEY NEEDED, AND THEN THEY WOULD SEND IT OUT FOR BIDS AND, IN TURN, THE CONTRACTS TO PROCURE THOSE ITEMS.

THEY WOULD HAVE DRAWINGS, COMPLEX, THOUSANDS OF PAGES OF DRAWINGS OF THESE SHIPS, IN ORDER TO MAKE SURE THAT EVERYBODY KNEW WHERE EVERYTHING WENT. AND WHEN THE PEOPLE BUILDING THE SHIP -- WOULD THEY GOT A VALVE, THEY WOULD KNOW WHERE IT WENT; OR WHEN THEY GOT A PUMP, THEY KNEW EXACTLY WHERE IT WENT AND WHAT IT WAS HOOKED UP TO.

THE NAVY TESTED THE PRODUCTS THAT PEOPLE -- THAT COMPANIES SOLD THEM BEFORE THEY GOT THEM. THEY TESTED THEM AFTER THEY RECEIVED THEM. THEY TESTED THE SHIPS BEFORE THEY RELEASED THEM TO BE USED IN WAR OR OTHER NAVAL OPERATIONS.

SO THE NAVY WAS INTIMATELY INVOLVED IN ALL ASPECTS OF NOT ONLY THE DESIGN AND CONSTRUCTION OF THE SHIPS, BUT THE DESIGN AND CONSTRUCTION OF THE PRODUCTS THEY BOUGHT TO GO IN THE SHIPS.

THE VALVES THAT THE NAVY PURCHASED -- AND IT'S VERY SIMPLE. SOMETIMES WE OVERSIMPLIFY IT AND SAY A VALVE IS SIMILAR TO YOUR KITCHEN FAUCET. THAT'S A TYPE OF VALVE. THERE'S ARE LOTS OF TYPES OF VALVES.

MOST PEOPLE -- AND I NEVER HEARD OF THEM BEFORE I STARTED DOING THIS, BUT MOST PEOPLE HAVE NEVER HEARD OF THEM. WE'LL PRESENT TO YOU SOME EVIDENCE ABOUT THEM. YOU'LL HEAR ABOUT AT LEAST A COUPLE TYPES OF

VALVES.

SOME VALVES SIMPLY TURN THE FLOW OF A LIQUID OR GAS ON OR OFF. SOME ALLOW IT TO BE CONTROLLED, LIKE A FAUCET, SO THAT YOU CAN HAVE LESS OR MORE FLOW. OTHERS ARE MORE AUTOMATIC AND, IF TOO MUCH PRESSURE BUILDS UP, RELEASES PRESSURE OR CUTS OFF THE FLOW OF A FLUID. YOU'LL HEAR ABOUT THESE.

BUT THEY HAVE DIFFERENT FUNCTIONS. THEY'RE CONNECTED TO OTHER EQUIPMENT IN DIFFERENT WAYS. SOME USE GASKETS AND SOME DON'T.

THEY ARE ON DIFFERENT SYSTEMS. SOME OF THEM ARE ON THESE HOT SYSTEMS MR. PAUL TALKED ABOUT. WELL, THESE SHIPS HAD COLD WATER TOO. SOME OF THEM WERE ON COLD SYSTEMS; SOME OF THEM WERE ON A SEA WATER SYSTEM, WHERE THEY BROUGHT SEA WATER IN TO FIGHT FIRES.

AND WE'LL PRESENT TO YOU EVIDENCE ABOUT THE DIFFERENT TYPES OF VALVES. THEY WERE MADE BY LOTS OF MANUFACTURERS, NOT JUST CRANE CO. AND NOT ALL THE VALVES CONTAINED ASBESTOS. SOME DIDN'T CONTAIN ANY AT ALL. SOME CONTAINED ASBESTOS GASKETS, SOME CONTAINED ASBESTOS PACKING, AND SOME CONTAINED BOTH.

BUT THE EVIDENCE IS GOING TO SHOW YOU THAT CRANE CO. DIDN'T -- FIRST OF ALL, DIDN'T MAKE THE GASKETS OR THE PACKING. THEY MADE THE METAL VALVE. CRANE CO., IF IT PUT ANY ASBESTOS GASKET OR PACKING IN THE VALVES, BOUGHT IT FROM SOMEONE ELSE. CRANE CO. DID NOT PUT INSULATION ON THE VALVES.

AND THE NAVY DID NOT BUY ITS INSULATION OR

ITS EXCESS GASKETS OR PACKING FROM CRANE CO. IN FACT, NOT ONLY DID CRANE CO. NOT SELL THE INSULATION TO THE NAVY, THE VALVES DIDN'T REALLY NEED IT. THE NAVY PUT THE INSULATION ON THE VALVES AND THE OTHER EQUIPMENT IN THE ENGINE ROOMS, MOSTLY, BECAUSE IT WAS VERY HOT. THE STEAM SYSTEMS, FOR INSTANCE, OPERATED AT AS MUCH AS -- MR. PAUL SAID UP TO 800 DEGREES OR MORE.

THAT'S BECAUSE THERE WAS A BOILER THAT GENERATED THAT HEAT, AND IT CREATED STEAM. AND IF THEY DIDN'T PUT INSULATION ON IT, A, SAILORS COULD GET BURNED AND INJURED; AND B, IT'LL BE SO HOT IN THE ENGINE ROOM, THEY COULDN'T WORK.

I THINK YOU'LL HEAR TESTIMONY THAT THE ENGINE ROOM, EVEN WITH THE INSULATION, WOULD BE WELL OVER 100 DEGREES, JUST ON A ROUTINE BASIS.

BUT THE VALVES DID NOT NEED INSULATION TO OPERATE. THE NAVY ELECTED TO INSULATE THEM IN ORDER TO MAKE THE AREA MORE HABITABLE AND, IN RELATIVE TERMS, A MORE COMFORTABLE TEMPERATURE AND TO PREVENT PEOPLE FROM BEING BURNED.

IN ADDITION TO THE NAVY, CRANE CO. MADE VALVES TO SELL TO LOTS OF OTHER COMPANIES -- I'M SORRY, FOR LOTS OF OTHER USES BESIDES NAVY VESSELS. VALVES HAVE A LOT OF PURPOSES. AS I SAID, SOME OF THEM CONTROL THE FLOW. SOME OF THEM JUST ARE AUTOMATIC AND RELEASE WHEN PRESSURE BUILDS UP.

BUT LOTS OF THINGS FLOW THROUGH VALVES: AIR, WATER, FUEL. ANYTHING THAT WAS LIQUID OR GAS THAT

HAD TO BE MOVED FROM ONE PART OF, IN THIS CASE, A NAVY SHIP TO ANOTHER WENT THROUGH VALVES. MANY, MANY OF THEM WERE NOT STEAM OR WERE THESE HOT PRODUCTS THAT MR. PAUL TALKED ABOUT.

WE'RE GOING TO PRESENT TO YOU EVIDENCE THAT CRANE CO. IS A COMPANY THAT'S OVER 150 YEARS OLD. STARTED IN THE 1800S, BEEN MAKING VALVES EVER SINCE. AND THE PEOPLE OF CRANE CO. WORKED VERY HARD TO DESIGN AND SELL A SAFE PRODUCT, AND THAT IT WAS IMPORTANT TO THE COMPANY TO SUPPORT THE WAR EFFORT BY MAKING THESE PRODUCTS THAT THE NAVY NEEDED TO KEEP THE SHIPS MOVING.

WE'RE GOING TO PRESENT TO YOU EVIDENCE THAT THE ASBESTOS GASKETS AND PACKING USED IN THE VALVES WAS NOT HARMFUL, DID NOT CAUSE OR CONTRIBUTE TO MR. WOODARD'S DISEASE.

WE'RE ALSO GOING TO SHOW YOU THAT -- ABOUT ASBESTOS, IN GENERAL, THAT NOT ALL ASBESTOS EXPOSURE CAUSES AN INJURY.

WE BELIEVE THE EVIDENCE WILL SHOW THAT THE PLAINTIFFS' VIEW OF THIS IS OVERSIMPLIFIED; THAT WHEN THEY SAY EVERY TIME YOU'RE EXPOSED, IT ADDS TO THE DOSE, AND THAT'S ALL CONTRIBUTORY, THAT'S NOT WHAT THE SCIENCE SHOWS. WE'LL PRESENT THAT THROUGH CROSS-EXAMINATION OF PLAINTIFFS' WITNESSES AND THROUGH THE WITNESSES THAT WE CALL.

BUT EVERYBODY IS EXPOSED TO BACKGROUND LEVELS OF ASBESTOS. YOU'RE GOING TO HEAR THAT FROM, I BELIEVE, THE VERY FIRST WITNESS THAT'S GOING TO TESTIFY,

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DR. BRODKIN, AND YOU'RE GOING TO HEAR IT FROM SEVERAL OTHERS. AND THESE WITNESSES ADMIT THAT THERE IS A LEVEL OF ASBESTOS EXPOSURE THAT DOES NOT CAUSE DISEASE.

ASBESTOS IS A NATURALLY OCCURRING MINERAL. IT'S NOT MANMADE. ESSENTIALLY, THE STATE ROCK OF CALIFORNIA IS A FORM OF ASBESTOS. IT'S ALL OVER A LOT OF PARTS OF THIS COUNTRY.

AND IT WAS IN A LOT OF PRODUCTS, A LOT OF PRODUCTS THAT WERE IN PEOPLE'S HOUSES 40, 50 YEARS AGO, BEING USED FOR DAILY USE. THEATER CURTAINS WERE ONE EXAMPLE. POTHOLDERS WERE ANOTHER. PADS TO SET DOWN A HOT IRON. ALL KINDS OF THINGS IN PEOPLE'S HOUSES AND ALL KINDS OF PRODUCTS THAT WERE USED IN DAILY USE.

AND THESE PRODUCTS, LIKE GASKETS AND PACKING, DID NOT CAUSE SUFFICIENT EXPOSURE TO CAUSE MESOTHELIOMA. IT'S STILL AN EXTREMELY RARE DISEASE, DESPITE THE FACT THAT IT WAS IN THOUSANDS OF PRODUCTS ALL OVER THE COUNTRY, USED BY MILLIONS OF PEOPLE.

AS I SAID, THERE ARE DIFFERENT TYPES OF ASBESTOS. THE STATE ROCK TYPE OF ASBESTOS IS CALLED SERPENTINE. IT'S THE CHRYSOTILE FORM OF ASBESTOS. SOME PEOPLE CALL IT "WHITE ASBESTOS." IT'S A DIFFERENT CHEMICAL COMPOSITION FROM THE AMOSITE OR AMPHIBOLE TYPES OF ASBESTOS.

WE'RE GOING TO PRESENT TO YOU EVIDENCE THAT THE CHRYSOTILE TYPE OF ASBESTOS MORE READILY DISSOLVES IN THE BODY AND IS CARRIED OUT BY THE BODY'S DEFENSE MECHANISMS. YOU'LL HEAR A LOT ABOUT THE BODY'S DEFENSE

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MECHANISMS, AS WELL, DURING THIS TRIAL AND HOW IT'S WHEN THOSE DEFENSE MECHANISMS CAN'T HANDLE AN INFILTRATE LIKE ASBESTOS THAT A DISEASE CAN OCCUR.

AND WE'RE GOING TO PRESENT TO YOU EVIDENCE THAT THE CHRYSOTILE FORM OF ASBESTOS BREAKS DOWN AND IS REMOVED FROM THE BODY RELATIVELY QUICKLY. THE AMPHIBOLE TYPES OF ASBESTOS -- AMOSITE IS ONE OF THEM -- HAVE A DIFFERENT CHEMICAL COMPOSITION, AND THEY DON'T BREAK DOWN, AND THEY'RE NOT CARRIED OUT OF THE BODY THAT WAY THEY STAY IN THE BODY; AND THEY KEEP ASSAULTING THE DEFENSE MECHANISMS; AND IN SOME CASES, OVERWHELM THEM, AND CAUSE A DISEASE.

THESE ARE THE TYPES OF PRODUCTS THAT WERE IN THE ASBESTOS INSULATION ON THE SHIPS. TYPICALLY, IT WAS ON THE PIPES, ON STRAIGHT PRODUCTS, STRAIGHT MATERIALS THAT NEED TO BE INSULATED, WAS LIKE TWO HALVES OF A CIRCLE THAT -- SOME PEOPLE CALLED IT A "CLAM SHELL"; SOME PEOPLE CALLED IT A "HALF ROUND." IT WOULD BE TWO HALVES THAT WOULD GO AROUND A PIPE, AND THEN IT WOULD BE TAPED OR STRAPPED ONTO THE PIPE IN SOME WAY SO IT WOULDN'T FALL OFF.

THIS STUFF WAS MADE WITH A LOT OF -- WITH AMOSITE ASBESTOS AND OTHER MATERIALS; NOT THE ONLY THING IN IT. THERE WERE ALSO SOME CEMENTS AND MUDS THAT WERE USED TO FILL JOINTS, FILL CRACKS, GO AROUND CORNERS, THINGS LIKE THAT. AGAIN, THESE ARE PRODUCTS WITH AMOSITE ASBESTOS. THEY WERE NOT MADE OR SOLD TO THE NAVY BY -- NOT MADE BY CRANE CO., NOT SOLD TO THE NAVY

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BY CRANE CO.

AS I SAID, THE GASKETS AND PACKING ARE DIFFERENT. FIRST OF ALL, THE INSULATION WAS VERY -- IT WAS LIKE A HUGE PIECE OF CHALK. AND IF YOU CAN PICTURE THAT, AND WE'LL PRESENT EVIDENCE OF THIS, JUST TOUCHING IT -- IF YOU TOUCH A PIECE OF CHALK, THERE'S DUST ON YOUR HAND. SAME THING WITH THIS INSULATION: ANY KIND OF DISTURBANCE RAISED THIS DUST.

GASKETS AND PACKING ARE DIFFERENT. PACKING, WHEN NEW, IS PLIABLE. IT'S SOFT. IT'S LIKE A BIG KIND OF ROPE. AND MUCH OF IT HAD OIL OR SOME KIND OF LUBRICANT ON THE OUTSIDE, TO ALLOW IT TO BE PUT INTO THE TIGHT CAVITY AROUND THE STEM OF THE VALVE IN ORDER TO PREVENT LEAKAGE. MR. WOODARD DESCRIBED THIS IN HIS DEPOSITION.

THE GASKETS ARE ALSO DIFFERENT FROM THE INSULATION. A NEW GASKET IS -- SOME PEOPLE DESCRIBE IT AS BASICALLY LIKE CARDBOARD. IT DOESN'T FALL APART IN YOUR HANDS. AS I SAID, THEY'RE MADE FROM CHRYSOTILE ASBESTOS, AND IT SIMPLY DOESN'T BREAK APART AND CAUSE THE SAME LEVELS OF EXPOSURE THAT ARE CAUSED BY THE INSULATION PRODUCTS.

YOU'RE GOING TO HEAR THE INDUSTRIAL HYGIENISTS IN THIS CASE TALK ABOUT THE LEVELS OF EXPOSURE FROM THESE VARIOUS PRODUCTS. THE INSULATION EXPOSURES ARE HIGHER. THAT'S BECAUSE OF THE FRIABILITY OF THE PRODUCT. AND FRIABILITY IS ITS POTENTIAL TO RELEASE THE DUST AND THE PARTICLES. SOME THINGS CRUMBLE

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IN YOUR HAND; THEY'RE EXTREMELY FRIABLE. SOME THINGS ARE MORE SOLID; THEY'RE NOT FRIABLE.

SO WE'RE GOING TO PRESENT TO YOU EVIDENCE OF THE DOSE OF EXPOSURE THAT MR. WOODARD RECEIVED FROM THE VARIOUS PRODUCTS; AND THAT THE DOSE FROM THE INSULATION WAS VERY HIGH, AND THE DOSE FROM GASKETS AND PACKING, IF ANY, WAS VERY LOW.

WE'RE GOING TO PRESENT TO YOU EVIDENCE THAT THE POTENCY OF THE -- NOT THE POTENCY, BUT THE HIGHER DOSE PRODUCT, THE INSULATION, ALSO HAD A HIGHER POTENCY. IT'S MUCH MORE LIKELY TO CAUSE CANCER THAN THE DOSE MR. WOODARD RECEIVED FROM THE LOWER DOSE PRODUCTS, LIKE GASKETS AND PACKING WITH THE CHRYSOTILE ASBESTOS IN IT.

AND WE'LL ALSO PRESENT TO YOU, AS I SAID, THAT THE AMOSITE TYPE OF ASBESTOS, WHICH HAS THE HIGHER DOSE AND THE HIGHER POTENCY, STAYS IN THE BODY AND CONTINUES TO DAMAGE THE BODY MUCH LONGER THAN THE LOWER DOSE, LOWER POTENCY CHRYSOTILE ASBESTOS IN GASKETS AND PACKING.

NOW, AGAIN, MR. WOODARD SERVED IN THE NAVY FROM 1961 TO 1965, BUT THESE SHIPS WERE BUILT IN THE MID 1940S. THEY WERE OVERHAULED A NUMBER OF TIMES, BOTH THE ROGERS AND THE SALISBURY SOUND, PRIOR TO MR. WOODARD JOINING THE NAVY AND SERVING ON EITHER ONE OF THOSE SHIPS.

WE'RE GOING TO PRESENT TO YOU EVIDENCE THAT WHATEVER GASKETS AND PACKING WERE IN THE VALVES WHEN THE SHIPS WERE BUILT, THE CRANE CO. VALVES, THAT THOSE

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GASKETS AND PACKING WERE LONG GONE BEFORE MR. WOODARD GOT THERE. THEY JUST SIMPLY DON'T LAST 15 OR 20 YEARS.

WE'LL PRESENT TO YOU EVIDENCE FROM THE NAVAL EXPERTS AND FROM OTHERS THAT THEY HAVE TO BE REPLACED PERIODICALLY. AND THE NAVY WAS THE ONE, THROUGH ITS CONTROL, THAT DECIDED WHAT REPLACEMENT GASKETS AND PACKING TO BUY, WHO SHOULD INSTALL THEM, HOW THOSE PEOPLE SHOULD GO ABOUT REMOVING THE OLD GASKETS AND PACKING, HOW THEY SHOULD INSTALL THEM, WHAT THEIR METHODS WERE, AND WHAT PROTECTION, IF ANY, TO GIVE THEM, AND WHAT TRAINING TO GIVE THEM IN HOW TO DO THESE TASKS.

AND THE EVIDENCE WILL BE THAT THE NAVY DIDN'T TRAIN MR. WOODARD OR OTHERS IN HIS SITUATION TO PROTECT THEMSELVES FROM THE DUST FROM THE INSULATION PRODUCTS THAT THEY HAD TO REMOVE TO GET TO SOME OF THIS EQUIPMENT OR FROM ANY OF THE OTHER POTENTIALLY HARMFUL AMOSITE INSULATION THAT WAS ALL OVER THESE SHIPS.

MR. WOODARD, IN FACT, SERVED ON THE SALISBURY SOUND, WHICH WAS IN DRY DOCK FOR SEVERAL MONTHS WHILE HE SERVED ON IT, WHILE HE CONTINUED TO LIVE ON IT, WHILE CONTRACTORS CAME IN AND DID ALL KINDS OF WORK ALL OVER THE SHIP, INCLUDING INSTALLING AND REMOVING THE SAME TYPE OF INSULATION THAT I'VE BEEN TALKING ABOUT. MR. WOODARD WAS LIVING IN THESE CONDITIONS.

YOU'LL HEAR EVIDENCE ABOUT WHAT THE LIVING CONDITIONS ABOARD THE SHIPS ARE. IT'S VERY TIGHT. THERE'S NOT A LOT OF ROOM TO MOVE. THERE'S NOT A LOT OF

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AIR MOVEMENT WHEN THE SHIP IS IN DRY DOCK AND NOT SAILING ON THE OCEAN.

SO WE'RE GOING TO PRESENT TO YOU EVIDENCE THAT NONE OF THE -- IF THERE WAS ASBESTOS IN ANY OF THE CRANE VALVES THAT MR. WOODARD ENCOUNTERED, IT WASN'T ASBESTOS THAT CRANE CO. PUT THERE.

AND IF HE WAS EXPOSED TO ASBESTOS THAT WAS IN ANY CRANE VALVES WHEN HE WAS IN THE SERVICE, IT WAS THE CHRYSOTILE, LOW-DOSE, LOW-POTENCY TYPE OF ASBESTOS THAT DID NOT CAUSE OR CONTRIBUTE TO HIS DISEASE.

WE'RE ALSO GOING TO PRESENT TO YOU -- IN ORDER TO PROVE THAT THESE PRODUCTS, THE GASKETS AND PACKING, DID NOT CAUSE OR CONTRIBUTE TO HIS DISEASE, WE'RE GOING TO TALK TO YOU ABOUT THE SCIENCE.

WE'RE GOING TO PRESENT TO YOU EVIDENCE NOT ONLY OF WHAT THE NAVY KNEW BEFORE THAT TIME ABOUT INSULATION BEING DANGEROUS AND THE AMOSITE ASBESTOS BEING HARMFUL, WE'RE GOING TO PRESENT YOU TO EVIDENCE ABOUT, IN FACT, SOME RESEARCH THAT OCCURRED IN LATER YEARS THAT -- WHERE OTHER RESEARCHERS WENT THROUGH, TRYING TO DETERMINE IF SOME OF THESE PRODUCTS WERE HARMFUL.

THE EVIDENCE WILL SHOW THAT THE FIRST ARTICLES THAT WERE CALLING OUT ASBESTOS GASKETS AND PACKING EVEN AS POTENTIALLY HARMFUL WEREN'T UNTIL THE 1990'S, OVER 45 YEARS AFTER THE SHIPS WERE BUILT AND -- SORRY -- 25 YEARS AFTER MR. WOODARD LEFT THE SERVICE. THAT'S WHEN THE FIRST ARTICLES CAME OUT EVEN CALLING

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THIS ISSUE INTO QUESTION.

MR. PAUL MENTIONED DR. SELIKOFF. DR. SELIKOFF -- YOU'LL HEAR ABOUT HIM EVEN WITH THE FIRST FEW WITNESSES. HE WAS THE LEADING EXPERT ON THE FIELD OF ASBESTOS, AT LEAST ACCORDING TO MOST PEOPLE IN THE '60S AND EVEN INTO THE '70S.

HE WAS RESEARCHING ASBESTOS HAZARDS FOR INSULATORS AND OTHERS WHO WORKED WITH INSULATION AND AROUND INSULATION. HE WAS GOING INTO SHIPYARDS. HE WAS TALKING TO WORKERS. HE WAS TRYING TO FIGURE OUT WHY PEOPLE WERE GETTING SICK. AND HE FIGURED IT OUT: IT WAS THE INSULATION.

DR. SELIKOFF WROTE A NUMBER OF ARTICLES THAT YOU'LL HEAR ABOUT, AND BOOKS. HE PRESENTED PAPERS TO ALL KINDS OF ORGANIZATIONS. HE TALKED TO WORKERS. HE TALKED TO THE NAVY.

DR. SELIKOFF CONCLUDED THAT ASBESTOS PRODUCTS DID NOT HAVE TO BE BANNED, THAT THEY COULD BE USED SAFELY. AND HE CONCLUDED THAT GASKETS AND PACKING DID NOT CAUSE OR CONTRIBUTE TO ANY HEALTH HAZARDS IN SHIPYARD APPLICATIONS. HE CONCLUDED THAT NO SUBSTITUTE MATERIALS NEEDED TO BE USED.

WE WILL PRESENT TO YOU EVIDENCE OF THE NAVY'S CONTINUING RESEARCH, THAT THEY CONCLUDED GASKETS AND PACKING WEREN'T HAZARDOUS AND CAUSED NO HARM.

AND THEN WE'LL PRESENT TO YOU EVIDENCE THAT EVEN AFTER THAT, INTO THE '90S WAS THE FIRST TIME ANYBODY POSITED OR GAVE THE HYPOTHESIS THAT ASBESTOS

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GASKETS AND PACKING WERE HARMFUL.

PLAINTIFFS SAID -- MR. PAUL SAID THAT CRANE CO. NEVER TESTED ITS PRODUCTS. WELL, YOU NEED TO HEAR THE WHOLE STORY, AND WE'D ASK YOU TO WAIT TILL THE END OF THE CASE.

CRANE CO. DID TEST ITS VALVES FOR STRENGTH, PRESSURE, TEMPERATURE, DURABILITY. THEY TESTED THEM TO MAKE SURE THAT IT WOULD DO WHAT THE NAVY WANTED IT TO DO, WHICH WAS TO CONTAIN AND CONTROL THE MATERIALS THE NAVY WAS GOING TO RUN THROUGH THOSE PIPES AND VALVES -- STEAM, AIR, WATER, ET CETERA.

THEY ALSO TESTED THE GASKETS AND PACKING FOR THEIR ABILITY TO SEAL IN THOSE MATERIALS AND KEEP THEM FROM LEAKING. THAT'S WHAT THE NAVY WAS CONCERNED ABOUT.

THE NAVY HAD ITS OWN EXTENSIVE PROGRAM OF TESTING AND INSPECTIONS. YOU'LL HEAR ABOUT THAT, AS WELL.

THE NAVY INSPECTED PRODUCTS AT THE FACTORIES WHERE THEY WERE MADE. THE NAVY TOOK SAMPLES AND TESTED THEM AT THEIR OWN FACILITIES. THE NAVY INSPECTED THEM ON DELIVERY. THE NAVY INSPECTED THEM WHILE THEY WERE INSTALLING THEM. AND THEN THEY INSPECTED THE ENTIRE SHIP AND ACTUALLY TOOK IT OUT FOR A TEST RUN BEFORE HANDING IT OVER TO THE SAILORS WHO WOULD OPERATE IT FOR THE NAVY.

WHAT THIS IS ALL GOING TO BOIL DOWN TO IS THAT NAVY KNEW THAT HIGH EXPOSURES TO THE THERMAL INSULATION PRODUCTS WERE DANGEROUS; THEY NEEDED TO

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PROTECT THEIR WORKERS AND THEIR SAILORS; THAT THEY DID NOT GIVE THEM, THOSE SAILORS AND WORKERS, THE PROTECTION THEY NEEDED OR THE TRAINING THEY NEEDED TO PROTECT THEMSELVES.

THE NAVY COULD HAVE USED ROUTINE STEPS TO CONTROL ASBESTOS DUST FROM THIS INSULATION -- WET-DOWN PROCEDURES; ISOLATION, THE WORD YOU HEARD -- BLOCKING IT OFF SO OTHER PEOPLE DON'T GET EXPOSED; OR PROVIDING THE RIGHT KIND OF RESPIRATOR AND MASK SO THAT EVEN IF THERE'S ASBESTOS DUST IN THE AIR, IT DOESN'T GO INTO THE PERSON'S LUNGS.

THEY DIDN'T DO THAT. THE NAVY DIDN'T HAVE ANY SPECIAL PROCEDURES. THE NAVY DIDN'T TAKE THESE STEPS TO PROTECT ITS WORKERS OR TO TRAIN THEM SO THAT THEY COULD PROTECT THEMSELVES.

THE EVIDENCE IS GOING TO SHOW YOU THAT CRANE CO. DIDN'T MANUFACTURE, INSTALL, SUPPLY, OR REQUIRE ANY OF THE ASBESTOS THAT MR. WOODARD WAS EXPOSED TO. CRANE CO. DIDN'T -- SPECIFICALLY, CRANE CO. SHIPPED THE VALVE WITH WHAT WAS INSIDE IT AND NECESSARY TO SEAL THE INTERNAL PARTS OF THE VALVE. AT MOST, THAT WOULD BE PACKING ON THE STEM AND A GASKET WHERE TWO PARTS OF THE VALVES CAME TOGETHER.

AND WE WILL AT SOME POINT GET YOU A PICTURE OF THIS EQUIPMENT, WHEN WE HAVE A WITNESS UP THERE TO SUPPORT THAT, SO THAT YOU CAN GET A BETTER PICTURE OF THESE THINGS.

THE GASKETS WHERE THE VALVES ATTACHED TO

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OTHER EQUIPMENT WERE NOT SUPPLIED, SOLD, OR MADE BY CRANE CO. THE INSULATION, THE HALF-ROUND PIPE INSULATION ON THE PIPES NEXT TO THE VALVE, WERE NOT MADE, SOLD, OR SUPPLIED BY CRANE CO.

AND THE ASBESTOS PADS YOU'LL HEAR ABOUT, WHICH WERE MORE OF A PRODUCT THAT COULD BE FITTED AROUND AN ODD-SHAPED THINGS LIKE A VALVE OR A PUMP, WERE NOT MADE, SOLD, OR SUPPLIED BY CRANE CO.

THOSE PADS ALSO HAD AMOSITE INSULATION IN THEM. MR. WOODARD TESTIFIED AT GREAT LENGTH IN HIS DEPOSITION ABOUT REMOVING THEM, ABOUT THEM FALLING APART, THROWING THEM AWAY, SOMETIMES REUSING THEM. THOSE CREATED LARGE EXPOSURES TO AMOSITE ASBESTOS, AS WELL.

THE EVIDENCE IS ALSO GOING TO SHOW YOU THAT WHEN CRANE CO. MADE ITS VALVES, IT WAS DOING SO IN ACCORDANCE WITH THE NAVY'S DETAILED SPECIFICATIONS, AND THAT CRANE CO. DID NOT PARTICIPATE IN THE NAVY'S DECISION TO USE THESE ASBESTOS PRODUCTS.

CRANE CO. MADE METAL VALVES. THE NAVY TOLD THEM WHAT THEY HAD TO PUT IN IT, HOW IT HAD TO WORK, AND THE NAVY BOUGHT ALL THE OTHER STUFF THAT WENT WITH IT. EVERYTHING OUTSIDE THE VALVE CAME FROM SOMEONE ELSE AND WAS THE NAVY'S DECISION ON WHAT TO BUY AND WHAT TO USE.

THE EVIDENCE IS GOING TO SHOW YOU THAT CRANE CO. COULDN'T HAVE CHANGED THE NAVY'S DESIGNS, COULDN'T HAVE CHANGED THE NAVY'S PROCUREMENT POLICY, COULDN'T HAVE CHANGED WHAT THE NAVY ORDERED MR. WOODARD AND HIS

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SHIPMATES TO DO.

FRANKLY, IN THE NAVY IT'S A LOT DIFFERENT THAN AT A REGULAR JOB. IF SOMEBODY FEELS ENDANGERED AT WORK, THEY CAN WALK OUT. IN THE NAVY, THERE ARE ORDERS. THERE'S A CHAIN OF COMMAND. YOU CAN'T WALK OFF THE JOB.

AND WE'RE GOING TO PRESENT TO YOU EVIDENCE THAT THE NAVY HAD AN OBLIGATION TO PROTECT ITS WORKERS AND FAILED TO DO SO.

IN SHORT, CRANE CO. COULDN'T HAVE CHANGED THE NATURE OR EXTENT OF MR. WOODARD'S ASBESTOS EXPOSURE BECAUSE THE NAVY WAS IN CONTROL, NOT CRANE CO. THE NAVY KNEW ALL IT NEEDED TO KNOW TO PROTECT HIM, AND IT DIDN'T. THE NAVY KNEW ALL IT NEEDED TO KNOW TO TRAIN MR. WOODARD TO PROTECT HIMSELF, AND IT DIDN'T. AND THE NAVY WAS IN COMPLETE CONTROL, NOT CRANE CO.

BRIEFLY, I'M JUST GOING TO TELL YOU A LITTLE BIT ABOUT A COUPLE OF PARTICULAR WITNESSES THAT WE'LL SEE AT TRIAL AND TRY AND WRAP THIS UP.

DR. SAMUEL FORMAN, AS I SAID, IS A MEDICAL DOCTOR. HE WAS IN THE NAVY. IT WAS HIS JOB, UNDER ORDERS FROM THE NAVY, TO RESEARCH WHAT THE NAVY KNEW AND WHEN IT KNEW IT. HE'S GOING TO COME HERE AND TALK TO YOU ABOUT THAT.

HE'S BOARD CERTIFIED IN OCCUPATIONAL MEDICINE. HE SPECIFICALLY RESEARCHED NAVY KNOWLEDGE OF POTENTIAL ASBESTOS HAZARDS AND WILL COME AND TELL YOU THAT BY THE 1940S, THE NAVY HAD EXTENSIVE KNOWLEDGE ABOUT ASBESTOS INSULATION HAZARDS AND HAD AN EXTENSIVE

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PROGRAM FOR INSPECTION AND TESTING.

ADMIRAL DAVID SARGENT WILL COME AND TALK TO YOU, AS WELL. HE'S AN ADMIRAL RETIRED FROM THE NAVY. HE'S A PROFESSIONAL ENGINEER. HE'S GOING TO TALK TO YOU ABOUT THE MILITARY SPECIFICATIONS AND PROCUREMENT PROCESS, FOR THE MOST PART.

HE'LL TELL YOU ABOUT HOW THE NAVY SPECIFIED, PURCHASED, AND INSTALLED ALL THESE ASBESTOS PARTS AND PRODUCTS THAT WERE ON THESE SHIPS AND THOSE THAT WERE USED WITH AND AROUND CRANE CO. VALVES.

HE'S GOING TO TALK TO YOU ABOUT HOW SOPHISTICATED THE NAVY WAS, AS WELL, CONCERNING THE USE OF ASBESTOS AND ASBESTOS THERMAL INSULATION MATERIALS ON ITS SHIPS.

WE'LL BRING IN A CERTIFIED INDUSTRIAL HYGIENIST, AND WE'LL TRY NOT TO HAVE EACH DEFENDANT BRING IN ONE OR TWO, SO WE'LL COORDINATE THAT A LITTLE BIT. BUT A CERTIFIED INDUSTRIAL HYGIENIST, LIKE MS. RATERMAN, WILL TALK TO YOU ABOUT EXPOSURE LEVELS; WILL TALK TO YOU ABOUT THE FRIABILITY OF THE INSULATION PRODUCTS AND HOW MUCH MORE DUST IS GENERATED FROM WORK OR EVEN JUST BUMPING AN INSULATION PRODUCT; WILL TALK TO YOU ABOUT THE FIBER TYPES.

AND WE WILL DEMONSTRATE THROUGH THAT EVIDENCE THAT MR. WOODARD WAS EXPOSED TO MINUSCULE LEVELS OF ASBESTOS, IF ANY, FROM CRANE CO. PRODUCTS; THAT THOSE LEVELS WERE NOT HAZARDOUS TO HIS HEALTH; AND THAT THE INSULATION CREATED HIGH EXPOSURES THAT DID

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CAUSE HIS MESOTHELIOMA.

WE'LL ASK YOU TO KEEP AN OPEN MIND TILL THE END OF THE CASE. WE'LL ASK YOU TO REMEMBER THAT THE PLAINTIFF BEARS THE BURDEN OF PROOF AND THAT THERE ARE TWO SIDES TO EVERY STORY. AND WE WANT YOU TO HEAR CRANE CO.'S SIDE AND THE OTHER DEFENDANTS' SIDE BEFORE YOU MAKE UP YOUR MIND.

BECAUSE THE EVIDENCE IS GOING TO SHOW THAT CRANE CO. DID ACT REASONABLY, DID MAKE SAFE PRODUCTS THAT HELPED THE NAVY AND HELPED THE WAR EFFORT; THAT CRANE CO.'S PRODUCTS DID NOT CAUSE MR. WOODARD'S DISEASE; AND THAT IT WAS THE INSULATION PRODUCTS MADE BY OTHERS, SOLD BY OTHERS, INSTALLED BY OTHERS, PURCHASED BY THE NAVY, AND DICTATED BY THE NAVY THAT CAUSED HIS DISEASE.

AND AT THE END, WE'RE GOING TO ASK YOU TO RETURN A VERDICT FOR CRANE CO. AND AS I SAID, WE'RE GOING TO ASK YOU TO EVALUATE ALL THE EVIDENCE AT THE END AND RETURN A VERDICT FOR CRANE CO.

AND I THANK YOU VERY MUCH.

THE COURT: THANK YOU, MR. DAVIS. THANK YOU VERY MUCH.

WHO IS NEXT? OKAY, MR. POPOVICH.

MR. POPOVICH: THANK YOU.

LADIES AND GENTLEMEN, I'LL HAVE YOU LOOK IN THIS DIRECTION, IF FOR NO OTHER REASON THAN I DON'T WANT YOU TO GET A CRICK IN YOUR NECK.

MR. WOODARD HOLDS A SINCERE BELIEF THAT WHEN

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HE WAS IN THE NAVY BETWEEN 1961 AND SEPTEMBER 1965, HE WORKED WITH BRAND-NEW GASKETS THAT CAME IN BOXES WITH "SEPCO" ON THE SIDES. MR. WOODARD, WITH ALL DUE RESPECT, IS SINCERELY WRONG.

THE STORY FOR SEPCO BEGAN IN 1924, UNDER A DIFFERENT NAME.

(WRITES ON BULLETIN BOARD.)

1924, IT WAS BORN AS SOUTHEASTERN -- I WAS NEVER A SCHOOLTEACHER, SO FORGIVE THE WRITING -- PRODUCTS. IT BECAME THE GIBSON FAMILY BUSINESS IN THE 1930S, PURCHASED BY VERNON GIBSON, SR.

NOW, IT STAYED IN THE GIBSON FAMILY UNTIL ABOUT 1984, WHEN IT WAS SOLD BY VERNON GIBSON, JR. SO WE HAVE VERNON SR., VERNON JR.

FROM THE 1930S ONWARD, THE COMPANY INITIALLY WAS DOING BUSINESS IN BIRMINGHAM, ALABAMA; MOVED IN THE EARLY '60S TO PELHAM, ALABAMA. AND IT WAS ALL DURING THAT TIME KNOWN AS SOUTHEASTERN PRODUCTS CORPORATION.

NOW, AS IT WAS A FAMILY BUSINESS VERNON GIBSON, SR. WORKED AT THE PLANT, MRS. GIBSON -- WIFE TO SR., MOTHER TO JR. -- WORKED AT THE PLANT. AND ULTIMATELY, WHEN VERNON JR. BECAME A TEENAGER, HE WOULD WORK SUMMERS -- THIS WOULD BE THE 1950S TIME FRAME -- IN THE PLANT, MAKING THE PRODUCTS THAT SEPCO MADE.

THE PRODUCTS THAT ARE AT ISSUE IN THIS CASE ARE GASKETS AND PACKING MATERIALS, BUT THERE WILL BE TESTIMONY ABOUT OTHERS THAT DID NOT CONTAIN ASBESTOS. GASKETS AND PACKING DID NOT ALL CONTAIN ASBESTOS. SOME

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DID, SOME DID NOT.

NOW, IN THE FAMILY BUSINESS, THE SIZE OF THE COMPANY STAYED RELATIVELY STABLE: THROUGH THE '50S, 10 TO 12 EMPLOYEES; THROUGH THE EARLY '60S, A DOZEN, MAYBE UP TO, BY THE MID '50S, 15 EMPLOYEES. AND THE COMPANY MARKETED TO ALABAMA. ITS PRIMARY CUSTOMER IN THAT TIME FRAME WAS U.S. STEEL, IN BIRMINGHAM, ALABAMA, RIGHT AT HOME.

EVENTUALLY, IN THE EARLY PART AND UP TO 1965, THERE WAS SOME BUSINESS THAT SOUTHEASTERN PRODUCTS WAS DOING IN OTHER STATES, PRIMARILY IN THE SOUTH AND SOUTHEAST -- MISSISSIPPI, FLORIDA.

THIS WAS THE SIZE OF THE COMPANY IN THE TIME FRAME WHEN MR. WOODARD WAS IN THE NAVY, CHANGING GASKETS, CHANGING PACKING. IT'S BEEN STATED HERE TODAY THE NAVY IS ONE OF THE BIGGEST CUSTOMERS YOU CAN HAVE. IT WAS TOO BIG FOR SEPCO -- I'M SORRY, SOUTHEASTERN PRODUCTS CORPORATION IN THAT TIME FRAME. IN THE EARLY 1960S, SOUTHEASTERN PRODUCTS DID NOT SELL TO THE NAVY.

QUALIFIED PRODUCTS LISTS EXISTED. YOU'VE HEARD ABOUT THOSE. IF YOU WERE ON A QUALIFIED PRODUCTS LIST, THAT MEANS YOUR PRODUCTS WERE APPROVED FOR SALE TO THE NAVY. THE QUALIFIED PRODUCTS LIST IN THE 1950S AND 1960S DID NOT INCLUDE SOUTHEASTERN PRODUCTS CORPORATION.

THAT DID NOT ABSOLUTELY MEAN SOUTHEASTERN PRODUCTS COULDN'T SELL TO THE NAVY, BUT YOU HAD TO HAVE AN EXCEPTION OR A WAIVER GRANTED TO SELL PRODUCTS WITHOUT BEING ON THE QPL'S, AS THEY'RE KNOWN. THERE IS

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NO DOCUMENTATION, NO PROOF, AND THE EVIDENCE WILL BE THAT SOUTHEASTERN PRODUCTS CORPORATION NEVER GOT ONE OF THOSE WAIVERS, NEVER SOLD PRODUCTS TO THE NAVY.

NOW, MR. WOODARD'S TIME IN THE NAVY, 1961 -- ACTUALLY, SEPTEMBER OF '61 THROUGH SEPTEMBER OF '65 -- SEPCO, AS A CORPORATION, DID NOT EXIST UNTIL NOVEMBER 29, '68; DID NOT EXIST. THE NAME "SEPCO" WAS NOT PUT ON ANY PACKAGING OR BOXES IN WHICH SOUTHEASTERN PRODUCTS CORPORATION PRODUCTS WERE SOLD. MR. WOODARD DID NOT SEE "SEPCO" ON A BOX WHILE HE WAS IN THE NAVY.

THE REASON FOR THE NAME CHANGE, SOUTHEASTERN PRODUCTS TO SEPCO, WAS BECAUSE VERNON JR. WAS NOW RUNNING THE COMPANY. HE WANTED TO EXPAND THE SIZE OF THE COMPANY, AND HE FELT THAT THE NAME SOUTHEASTERN PRODUCTS CORPORATION WOULD HINDER HIM SELLING PRODUCTS OF THE COMPANY TO CALIFORNIA, TO NEW YORK, OR ANYWHERE ELSE OTHER THAN THE SOUTHEAST.

THAT WAS THE REASON FOR THE NAME CHANGE. AND THERE WERE NO USE OF "SEPCO" ON PACKAGING UNTIL THAT CHANGE HAPPENED.

NOW, THE GIBSON FAMILY WORKED AT THE PLANT. VERNON JR., AFTER WORKING IN THE '50S AS A TEENAGER IN THE PLANT DURING HIS SUMMERS, WENT OFF TO AUBURN, TO COLLEGE. HE THEN SPENT SOME TIME IN THE UNITED STATES NAVY.

WHEN HE CAME BACK, HE WAS AN ENGINEER, AND BEGAN WORKING IN 1960 -- SO THAT HE WAS AT THE PLANT THE ENTIRE TIME MR. WOODARD WAS IN THE NAVY, THE SAME TIME

PERIODS THERE -- STARTING IN 1960, AND STARTING AS AN ENGINEER; WORKING HIS WAY UP INTO THE MID AND LATE '60S INTO ACTUAL RUNNING THE COMPANY IN PLACE OF HIS FATHER.

WHEN THE GIBSON FAMILY WORKED AT THE PLANT, THEY WERE NOT USING BREATHING PRECAUTIONS THERE, IN THE AREAS WHERE GASKET MATERIALS CAME INTO THE PLANT ALREADY MADE IN SHEETS AND WHERE THEY FABRICATED PRECUT GASKETS. THEY DID NOT WEAR ANY TYPE OF PROTECTION THERE. THEY DID NOT KNOW THAT THERE WAS A RISK IN WORKING AROUND ASBESTOS IN THE EARLY 1960S.

AND TAKING YOU BACK TO THE 1960S, AGAIN, DIFFERENT TIME. YOU COULD NOT GO GOOGLE "ASBESTOS INJURIES OR ILLNESSES" AND COME UP WITH NAMES OF DISEASES AND THINGS LIKE THAT.

WHEN MR. SELIKOFF, IN 1960, WAS GIVING HIS SEMINARS -- DR.; EXCUSE ME -- IN 1960, GIVING SEMINARS IN NEW YORK, NONE OF THE GIBSONS WERE THERE, LISTENING TO THESE TALKS. THEY DID NOT KNOW.

GASKETS AND PACKING ARE CALLED "FLUID SEALING PRODUCTS." THE DESIGN IS -- WELL, THE IDEA IS QUITE SIMPLE: ANYTHING IN A PIPELINE IS DESIGNED TO STAY THERE. AND SO THESE ITEMS ARE PRODUCED IN ORDER TO KEEP THEM IN THE PIPELINE AND NOT LEAKING THROUGH VALVES OR PUMPS OR ANYTHING ELSE.

NOW, GASKETS ARE THIN MATERIAL DESIGNED TO GO BETWEEN PIECES OF METAL, WITH A HOLE IN IT SO THAT THE FLUID OR GAS CAN FLOW THROUGH, BUT SUCH THAT IT CAN'T LEAK OUT WHERE THE METAL COMES TOGETHER.

AND GASKETS ARE WHAT WE CALL ENCAPSULATED -- CONTAINED, ENCAPSULATED MATERIALS. NOW, I HATE TO DO THIS RIGHT BEFORE LUNCH BECAUSE YOUR THOUGHTS WILL GO WITH MY ANALOGY RATHER THAN THE POINT; BUT THINK OF A CHOCOLATE CHIP COOKIE.

THE INGREDIENTS IN A CHOCOLATE CHIP COOKIE, IN ESSENCE, ARE ENCAPSULATED. YOU MAKE THEM WITH MAYBE SOME FLOUR, MAYBE SOME BAKING POWDER, WHATEVER INGREDIENTS YOU HAPPEN TO USE TO MAKE YOUR KIND OF COOKIES. THEY START OFF AS POWDERY, SOMETHING THAT YOU COULD BLOW OFF YOUR HAND, BUT THEY DON'T STAY THAT WAY WHEN YOU MIX THEM WITH OTHER PRODUCTS.

AND ASBESTOS-CONTAINING GASKETS WERE MIXED WITH THINGS LIKE GRAPHITE, THINGS LIKE GREASE, AND THEN COMPRESSED. THE RESULT IS, JUST LIKE AFTER YOU'VE MIXED ALL THE INGREDIENTS OF A CHOCOLATE CHIP COOKIE AND BAKED IT, YOU CAN'T GET THE FLOUR OUT ANYMORE. YOU CAN'T GET THE BAKING POWDER, BAKING SODA, WHATEVER ELSE YOU WOULD USE, OUT OF IT ANYMORE. IT'S ENCAPSULATED.

THEY DO NOT GIVE OFF THOSE FIBERS READILY, EASILY. THEY STAY IN THE PRODUCT ITSELF. THAT'S THE KIND OF PRODUCTS THE GIBSONS WERE SELLING: ENCAPSULATED PRODUCTS.

THE COURT: ARE YOU MOVING ON TO ANOTHER POINT?

MR. POPOVICH: YES.

THE COURT: OKAY. BECAUSE IT'S PROBABLY A GOOD TIME TO STOP.

MR. POPOVICH: THAT'S WHY I WAS GLANCING AT THE CLOCK.

THE COURT: WE ARE NOW GOING TO TAKE OUR LUNCH BREAK. WE WILL RESUME PROMPTLY AT 1:30, SO PLEASE BE BACK AN TIME.

THANK YOU VERY MUCH.

(AT 12:02 P.M., A LUNCH RECESS WAS TAKEN UNTIL 1:30 P.M. OF THE SAME DAY.)