

1 people to believe it was a cause. It doesn't have to
2 be the cause, it has to be a cause that contributes in
3 a real way.

4 Each and every occupational exposure, you
5 will hear from the medical experts, contributed to the
6 development of each of these gentlemen's diseases.

7 That brings us to the issue of negligence
8 and strict liability.

9 Negligence. We will prove that the
10 defendants were negligent because they failed to
11 adequately warn.

12 They failed to take adequate steps to warn
13 these individuals about the hazards of exposure to
14 asbestos about which they knew or should have known,
15 and you will hear more about that from Mr.
16 Shellenberger.

17 We will also show that the products were
18 defective or unreasonably dangerous or "and"
19 unreasonably dangerous. Defective because they lacked
20 an adequate warning.

21 Unreasonably dangerous because they were

1 dangerous to an extent beyond that contemplated by
2 anybody using the product.

3 Pick up pipecovering or you pick up the
4 brake material, you don't know about the asbestos
5 content. That will be an issue.

6 Compensatory damages in survival action and
7 wrongful death.

8 The last thing I want to mention, ladies and
9 gentlemen, is in the Vandergucht case, you may hear
10 the defendants or you may be wondering why this case
11 is coming now when Mr. Vandergucht died in 1980.

12 Mr. Vandergucht knew nothing about whether
13 the products that he worked with or were around
14 contained any asbestos.

15 The first time Mrs. Vandergucht heard
16 anything or found anything out about the relationship
17 between her husband's death and illness and his
18 potential exposure to asbestos was in June of 1989
19 when she received a letter from her family -- from her
20 international union that her husband worked for
21 talking about the potential exposure and his death.

1 She was called by the union and referred to an
2 attorney.

3 You will hear the defendants say Mrs.
4 Vandergucht should have known earlier. When you hear
5 them say that, listen to what they say about what they
6 knew. Listen and see if any single doctor comes in,
7 and there will not be one, any of Mr. Vandergucht's
8 treating physicians who told him about the
9 association.

10 So Mrs. Vandergucht when she found out in
11 June of 1989, she timely filed her lawsuit and that is
12 why we are here on her case.

13 The issue of damages, there are really two
14 actions, survival action brought on behalf of the
15 person who died, the personal representative steps in
16 those shoes and asks for damages for pain and
17 suffering for the injuries they went through, funeral
18 expenses and medical expenses.

19 There are also consortium claims brought by
20 the wives for the loss of affection and society of
21 their husbands between the time they were injured and

1 the time of their death.

2 There is also a claim called wrongful death
3 which is brought for the wrongful death of these two
4 individuals that we represent, Mr. Vandergucht and Mr.
5 Grewe, and the damages there go to the wife because of
6 her loss of society, affection, companionship,
7 attention, and care that she had received from her
8 husband.

9 Mrs. Vandergucht was 55 years of age when
10 her husband died, so was Mrs. Grewe.

11 Ladies and gentlemen, I thank you very much
12 for your attention.

13 Right now I am going to turn things over to
14 Mr. Shellenberger. At the end of the case either he
15 or I or us together will have an opportunity to come
16 back and ask you to return a verdict in favor for Mr.
17 Vandergucht and Mr. Grewe.

18 Thank you, Your Honor.

19 THE COURT: Thank you, Mr. Ignatowski.
20 39 minutes, Mr. Shellenberger.

21 OPENING STATEMENTS