

1 MR. CUMMINGS: Right. They've  
2 got the legal theory. They've argued it very  
3 well, but they don't have the evidence to  
4 allow this jury to say that the policy more  
5 likely than not caused the care to come out  
6 one way or another.

7 THE COURT: I tend to start off  
8 agreeing with the last statement that you  
9 were making with the averment that the proof  
10 did not indicate that a policy that was in  
11 place was improper.

12 MR. CUMMINGS: Correct.

13 THE COURT: I tend to agree with  
14 that. I'll let Mr. Smith address that, but I  
15 tend to agree with that part of it at least  
16 for right now.

17 MR. CUMMINGS: Your Honor, as I  
18 said at the beginning, I try to be detailed  
19 for any claims of liability or claims of  
20 damages that I left out. We would move for  
21 directed verdict on those remaining claims as  
22 well. Thank you.

23 THE COURT: Thank you, sir. Mr.  
24 Smith.

25 MR. SMITH: May it please the