

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Robert W. Hasel,)	File No. 01cv2008
)	(DSD/FLN)
Plaintiff,)	
)	
vs.)	Minneapolis, Minnesota
)	August 20, 2003
Pulpdent Corporation, a)	9:00 A.M.
Massachusetts corp.,)	Morning Session
)	
Defendant.)	
)	

BEFORE THE HONORABLE DAVID S. DOTY
UNITED STATES DISTRICT COURT JUDGE and a JURY
(EXCERPT OF TRIAL - MORNING SESSION)

APPEARANCES

For the Plaintiff: RONALD J. BROWN, ESQ.
CHRISTOPHER A. YOUNG, ESQ.
THERESA K. HANKES, ESQ.

For the Defendant: WILLIAM H. LEE, ESQ.
DAVID A. DAVENPORT, ESQ.
FREDDA HOLLANDER, ESQ.

Court Reporter: KRISTINE MOUSSEAU, CRR-RPR
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Proceedings recorded by mechanical stenography;
transcript produced by computer.

1 any financial reward out of that?

2 A. Not at all. I am here on my own will. I am not paid
3 by anything. I am just here to straighten all these
4 confusing records.

5 MR. LEE: No further questions, Your Honor.

6 THE COURT: Cross-examination?
7

8 CROSS-EXAMINATION

9 BY MR. BROWN:

10 Q. Good morning, Mr. Bryan. How are you?

11 A. Good morning, Mr. Brown. Is Brown correct?

12 Q. You got it right.

13 A. We met before.

14 Q. We certainly did. You recall that I took your
15 deposition --

16 A. Correct.

17 Q. -- in another case?

18 A. So you're very familiar with my story.

19 Q. Well, could we back up for a minute, Mr. Bryan, and
20 look at Defendant's Exhibit 53? That's the list that you
21 described.

22 A. Yes. It's right here.

23 Q. All right. And we'll offer that into evidence at this
24 time?

25 MR. LEE: No objection, Your Honor.

1 THE COURT: So Defendant's Exhibit 53 will be
2 received.

3 (Defendant's Exhibit 53 received in evidence.)

4 MR. BROWN: May I approach the witness, Your
5 Honor?

6 THE COURT: You may.

7 BY MR. BROWN:

8 Q. I'm going to borrow that from you, Mr. Bryan.

9 A. You're very welcome.

10 Q. So we can put it on this screen if I can figure out how
11 to use it.

12 Can we switch back, Your Honor, to the Elmo?

13 THE COURT: You're still on it, aren't you? I
14 haven't switched. It may have been turned off. There you
15 go.

16 MR. BROWN: Great.

17 BY MR. BROWN:

18 Q. All right. So now we can all see this document that
19 you were talking about, Mr. Bryan.

20 A. Yes.

21 Q. This is a document that you indicated was prepared by
22 Dr. Hasel?

23 A. Correct.

24 Q. And it lists some of the applications of the
25 experimental materials that you prepared for him?

1 A. Correct.

2 Q. Do you have any idea of how many of those procedures
3 listed on Defendant's Exhibit 60 -- 53 were actually
4 instances where Dr. Hasel was filling a tooth as opposed to
5 performing some other kind of procedure?

6 A. I really don't know what Dr. Hasel was doing with the
7 samples.

8 Q. All right.

9 A. The only evidence I have what he gave me and when I was
10 really disappointed to see that so many people --

11 MR. BROWN: All right. Move to strike as
12 nonresponsive.

13 THE COURT: Sustained. That will be struck, the
14 last response.

15 BY MR. BROWN:

16 Q. Now, so, for example, Mr. Bryan, if we look at the list
17 of procedures here --

18 A. Yes.

19 Q. -- you can't tell me whether the procedure performed on
20 Matt Miller was filling the tooth or a sealant --

21 A. No.

22 Q. -- or as a liner --

23 A. I don't.

24 Q. -- or some other application?

25 A. Right.

1 Q. So for all you know, there may be none or only a
2 handful of instances on this chart where Dr. Hasel was
3 actually using the materials you supplied to him --

4 A. No.

5 Q. -- to fill teeth?

6 A. He used all my materials.

7 Q. Let me try the question again, Mr. Bryan. Am I correct
8 that for all you know, there may be only a handful or no
9 instances where Dr. Hasel was using your material to fill
10 teeth as reflected by this chart?

11 A. These are all samples that have been used to fill
12 teeth.

13 Q. Well, is it your testimony now that all of the
14 procedures reflected in Defendant's Exhibit 53 are examples
15 of Dr. Hasel using your material to fill teeth as opposed
16 to performing some other kind of procedure?

17 A. The dentist uses these materials who knows how. Nobody
18 knows that. They are very individual, and I really don't
19 know, but he used these materials that I supplied him on
20 these patients on these dates, and that's all I know.

21 Q. Okay. Fair enough. Am I correct, Mr. Bryan, that you
22 retired from 3M in December of 1991?

23 A. Correct.

24 Q. And before you retired from 3M, you had become aware of
25 some of Dr. Hasel's developmental efforts with dental

1 materials, correct?

2 A. Well, I don't know if they were developmental or just
3 discussions that -- Dr. Hasel tried to --

4 Q. Let's back up for a minute, Mr. Bryan.

5 A. I'm not --

6 Q. Can we agree that if I ask a question of you that you
7 will do your best to answer the question and only the
8 question?

9 A. You will get a straight answer.

10 Q. All right. And I in turn will try to ask simple, clear
11 questions. Okay?

12 A. Please do that.

13 Q. So let's see if we can operate by that agreement?

14 A. Please do that.

15 Q. Now, in 1991, you recall that Dr. Hasel submitted a
16 proposal to 3M, correct?

17 A. Yes.

18 Q. And let's look at that. It's Plaintiff's Exhibit 278.

19 THE COURT: Back on your machine?

20 MR. BROWN: Back, Your Honor.

21 THE COURT: Okay. Has this been received?

22 MR. BROWN: No, Your Honor. 278?

23 BY MR. BROWN:

24 Q. Are you able to read that document, Mr. Bryan?

25 A. Yes, I'm familiar with that document.

1 Q. All right. And am I correct that this is a proposal
2 that Dr. Hasel sent to 3M in around March of 1991?

3 A. It's no proposal, but it's discussion of his abilities
4 to perform to 3M as a consultant mostly when you look at --

5 Q. Mr. Bryan, remember our agreement?

6 A. We did agree, and I'm answering your question.

7 Q. My question is, Was this a document that Mr. -- that

8 Dr. Hasel sent to 3M in March of 1991?

9 A. It is.

10 MR. BROWN: All right. We offer Plaintiff's
11 Exhibit 278 into evidence.

12 THE COURT: Any objection?

13 MR. DAVENPORT: We're just reviewing the
14 document, Your Honor.

15 THE COURT: All right.

16 MR. LEE: Well, Your Honor, since this is a
17 letter from Robert Hasel to 3M and Mr. Bryan was not
18 employed by 3M in 1991.

19 THE WITNESS: Yes, I was.

20 MR. LEE: '91?

21 THE WITNESS: '91 I was still till December.

22 MR. LEE: Oh, okay. I apologize, and I withdraw
23 the objection. No objection.

24 THE COURT: And so Exhibit 278 will be received.

25 (Plaintiff's Exhibit 278 received in evidence.)

1 BY MR. BROWN:

2 Q. All right. So at some time after 3M received this
3 document, you saw it, correct?

4 A. Yes, I did.

5 Q. And am I correct that in this document, Dr. Hasel
6 describes a technique that he was working on of
7 distributing a flowable material with a tuberculin syringe?
8 Do you recall that?

9 A. No, there was no mention of flowable material nor a
10 tuberculin syringe in this.

11 Q. There wasn't?

12 A. No.

13 Q. Let's look at it. Let's look at the second page of
14 Plaintiff's Exhibit 278, and the last sentence in the first
15 full paragraph.

16 A. The last sentence?

17 Q. Let me see if we can enlarge that for you, Mr. Bryan.

18 A. What does it say. Okay. Light proof. Okay. The
19 overall results was marvelous.

20 Q. Let me read for you the passage that we will be talking
21 about.

22 A. However --

23 Q. He says, I continued to experiment with different
24 dispensing techniques and eventually used a light-proof
25 tuberculin syringe. Do you see that reference?

1 A. No.

2 Q. Can we highlight it?

3 A. I start with the overall results, okay. Different
4 dispensing techniques and eventually used a light-proof
5 tuberculin syringe, light-proof tuberculin. All composites
6 are in these light-proof syringes.

7 Q. All right. Remember our agreement, Mr. Bryan, that you
8 answer my question?

9 A. Yeah.

10 Q. Am I correct that this proposal that 3M received and
11 that you saw describes Dr. Hasel's use of a tuberculin
12 syringe with a material that he was working with, correct?

13 A. Yes.

14 Q. And the material that he was working with was a sealant
15 at that time, correct?

16 A. He called it a sealant.

17 Q. And that was a flowable material, wasn't it?

18 A. All sealants are flowable.

19 MR. BROWN: Oh, Your Honor, apparently this has
20 not been published to the jury, this document, or has it?

21 THE COURT: It has not. Have to wake the judge
22 up occasionally. Sorry.

23 MR. BROWN: Let's go back.

24 THE COURT: They see it now.

25

1 BY MR. BROWN:

2 Q. Just confirm for me, Mr. Bryan, that contrary to your
3 prior recollection, Dr. Hasel did send you a document or
4 did send 3M a document that you reviewed prior to your
5 retirement and that described Dr. Hasel's use of a sealant
6 in a tuberculin syringe, correct?

7 MR. LEE: Objection. It is a compound question.
8 Several questions.

9 THE COURT: I'm going to overrule it. I think
10 what he had been doing was going over what had been gone
11 over before for the jury's benefit because they hadn't seen
12 this document.

13 Go ahead.

14 BY MR. BROWN:

15 Q. Am I correct?

16 A. You're correct.

17 Q. Now, as a result of seeing this proposal from
18 Dr. Hasel, you became aware of his work on a filled sealant
19 dispensed through a tuberculin syringe, correct?

20 A. Well, you're putting some words that I would state that
21 different.

22 Q. Well, am I correct or not?

23 A. You are not --

24 Q. Yes or no?

25 A. You are not.

1 Q. And I'm not correct because he wasn't working on a
2 filled sealant?

3 A. He was blending commercial products.

4 Q. And am I correct --

5 A. And --

6 Q. I'm sorry. Am I correct that he was blending
7 commercial products in order to make a filled sealant that
8 could be dispensed with a tuberculin syringe?

9 A. Yes.

10 Q. And he brought that to your attention before you
11 retired from 3M?

12 A. Yes.

13 Q. And then receipt of that proposal from Dr. Hasel was
14 followed by a letter from Dr. Hasel to you. Let's look at
15 Plaintiff's Exhibit 279. Do you have that document in
16 front of you, Mr. Bryan?

17 A. Yes, it says, Dear Thomas.

18 Q. First, let's wait a second. First, do you recognize
19 the document?

20 A. Yes, I do.

21 Q. And am I correct that this is a letter that Dr. Hasel
22 wrote to you in May of 1991?

23 A. Correct.

24 Q. And you recall receiving that document?

25 A. Correct.

1 Q. And am I correct that, again, Dr. Hasel in this letter
2 was communicating with you about his ideas concerning
3 dental materials and their application?

4 A. Well, yeah, but we were working already at that time
5 in --

6 Q. Mr. Bryan, yes or no.

7 A. No. This is a part of ongoing work together.

8 MR. BROWN: At this time, we would offer
9 Plaintiff's Exhibit 279 into evidence.

10 MR. LEE: No objection, Your Honor.

11 THE COURT: And 279 will be received.

12 (Plaintiff's Exhibit 279 received in evidence.)

13 BY MR. BROWN:

14 Q. In the first sentence of the letter from Dr. Hasel, he
15 says, I've included the packet I wrote up on sealants. Do
16 you see that statement?

17 A. I have included the packets of -- upon sealants. I
18 don't understand that. I wrote on sealants, right.
19 Correct.

20 Q. So, again, this is an indication that in 1991 before
21 you retired from 3M, Dr. Hasel was communicating with you
22 about the materials that he was working on in his own lab
23 in his own hands, correct?

24 A. That might have been, and I don't know for sure which
25 samples he referred to. It might have been some commercial

1 product from Palfigue or somebody else.

2 Q. Am I correct, though, he was communicating to you, he
3 was transmitting to you materials that he had developed,
4 that he had written up on sealants, correct?

5 A. Yes.

6 Q. You at that point weren't trying to tell him about any
7 of your ideas. He was trying to tell you about his ideas?

8 A. Well, if they're ideas. I don't know if they are.

9 Q. And would it be fair to say that as a result of first
10 the 3M proposal and then this letter of May 1991, they
11 piqued your interest in Dr. Hasel's activities?

12 A. No, not at all. I was not interested in that because
13 these were very commercially --

14 Q. Mr. Bryan, remember our agreement?

15 A. Yes.

16 Q. All right.

17 A. I said no.

18 Q. All right. Now you knew that while you were working
19 for 3M you couldn't do any work on the side in the dental
20 area, correct?

21 A. Correct.

22 Q. For that matter, did you have an agreement with 3M when
23 after you left 3M you were under an obligation not to
24 compete with 3M for some period of time?

25 A. Correct.

1 Q. And you left, what, the dental division when you left
2 3M?

3 A. Correct.

4 Q. And after you left the dental division, you began to
5 develop dental materials, correct?

6 A. I was just consulting.

7 Q. Just consulting?

8 A. Consulting.

9 Q. Now, you knew that 3M had a policy that prevented you
10 from engaging in any activities, what we'll call
11 moonlighting while you were working for 3M, correct?

12 A. That's correct.

13 Q. But when you retired from 3M, one of the things you did
14 was, you took, you went through your files. You had files
15 in your office, is that right?

16 A. I didn't have any sort of files. I had the knowledge,
17 and mostly my files were articles and the literature,
18 books, pamphlets.

19 Q. Mr. Bryan, am I correct that when you retired, you went
20 through your 3M files before you left the company?

21 A. I don't remember that I went through files. I just --
22 I did not even know that I needed them. Most of my files
23 stayed at 3M.

24 Q. All right. And am I correct that in the process of
25 going through your files, you threw away some documents,

1 and you decided to take other documents with you?

2 A. No, I don't think I took any documents -- my books I
3 took. Mostly some books I took with me, but not any
4 documents.

5 Q. Isn't it true, Mr. Bryan, that one of the documents you
6 took with you was Dr. Hasel's proposal to 3M from March of
7 1991?

8 MR. LEE: Asked and answered, Your Honor.

9 THE COURT: Overruled.

10 THE WITNESS: That -- what letter? I don't know
11 which letter are you referring to, that one that we were
12 just looking at?

13 BY MR. BROWN:

14 Q. Plaintiff's Exhibit 278, the proposal from Dr. Hasel to
15 3M. Am I correct that when you retired from 3M, you went
16 through your files. You threw away some documents. You
17 took others, and one of the documents you took was
18 Dr. Hasel's proposal to 3M?

19 A. I had it. I had it. I don't know if I -- I don't know
20 how, but I had it.

21 Q. You thought that that document was important enough to
22 take with you?

23 A. Not particularly.

24 Q. Nevertheless, you took it while you threw away other
25 files?

1 A. No. No. I took lots of books and lots of other things
2 with me and threw lots of things away, and I did not
3 consider that to be very important.

4 Q. Nevertheless, you took it with you, correct?

5 A. I guess so. I found it.

6 Q. Now, after you retired, you called Dr. Hasel to ask him
7 if you could assist him, correct?

8 A. If I could assist him or he could assist me?

9 Q. After you retired, you called Dr. Hasel to ask him if
10 you could assist him in formulating materials, correct?

11 A. That's not correct at all.

12 Q. Isn't it true that you were quite interested in working
13 on some of the ideas that Dr. Hasel had disclosed to you?

14 A. No, I was not interested.

15 Q. You've testified this morning, Mr. Bryan, that you
16 stumbled across the idea of a flowable composite while you
17 were in Columbia?

18 A. That's correct.

19 Q. And that was in April of 1992?

20 A. Correct.

21 Q. And the first formula -- formulation you made, you say,
22 was made in Columbia?

23 A. Correct.

24 Q. Now, we've seen your notebook. It's Defendant's

25 Exhibit 45, and am I correct that that notebook contains

1 all of the formulations that you worked on?

2 A. Yes.

3 Q. Am I correct that that notebook does not contain any

4 reference to a formulation by the name of RH 500?

5 A. That's correct. I don't know what RH 500.

6 Q. Am I correct that your notebook does not contain any

7 reference to any of the experimental materials Dr. Hasel

8 used during 1991 or early 1992?

9 A. No records.

10 Q. If the evidence shows that Dr. Hasel worked with

11 experimental flowable composite RH 500 before early 1992,

12 am I correct that you would have had nothing to do with

13 that material?

14 A. Correct.

15 Q. Were you aware that Dr. Hasel developed experimental

16 filling materials well before you began to formulate dental

17 materials for him?

18 A. I was not aware because Dr. Hasel did not have any

19 facilities to develop these materials.

20 MR. BROWN: Move to strike as nonresponsive.

21 THE COURT: Well, the first part of the

22 question -- the answer will be not struck. The last part,

23 the latter part will be struck.

24 BY MR. BROWN:

25 Q. I think you indicated, Mr. Bryan, that you worked at 3M

1 for in excess of 30 years?

2 A. Yes.

3 Q. You were taught, at least I think you indicated, to
4 maintain careful records?

5 A. Right.

6 Q. You knew that it was important for purposes of both
7 protecting yourself and 3M to maintain good records?

8 A. (Moves head in affirmative manner.)

9 Q. Is that yes?

10 A. Yes.

11 Q. And you learned to record in your lab notebook all of
12 your activities, correct?

13 A. Correct.

14 Q. You learned how to do invention disclosures?

15 A. I did.

16 Q. And you continued that practice after you left 3M?

17 That was an ingrained practice from years of experience,
18 right?

19 A. Embedded in research.

20 Q. And Defendant's Exhibit 45 is the notebook of all of
21 your work on flowable composites, correct?

22 A. Since my starting with the Columbian sample.

23 Q. And that notebook contains all of the details of the
24 work that you performed with respect to flowable
25 composites, correct?

1 A. Correct.

2 Q. Am I correct that there is nothing in Defendant's
3 Exhibit 45 that details your alleged development of a
4 flowable composite while in Columbia?

5 A. Well, no, because the very first sample which was here
6 called Columbian sample for some reason, VH 1000 we called
7 that, contains exactly a -- has a low viscosity flowable
8 composite. It is 53.7 percent filler.

9 Q. Okay. Am I correct, Mr. Bryan, that you made this
10 record concerning VH 1000 after you returned from Columbia?

11 A. Correct.

12 Q. But you have not shown us anything concerning the work
13 that you actually did in Columbia, correct?

14 A. No, because this was the work of -- with the Columbian
15 people.

16 Q. And it was work with a large company of 300 employees,
17 right?

18 A. That's correct.

19 Q. And these people knew what they were doing?

20 A. They knew it.

21 Q. And you as an expert consultant went there to help
22 them?

23 A. And I --

24 Q. And with your years of experience at 3M, you knew it
25 was important to record your observations and yet we

1 have --

2 A. (Moves head in affirmative manner.)

3 Q. -- no evidence, no writing that shows any of the work
4 that you allegedly did while you were in Columbia, correct?

5 A. I --

6 MR. LEE: Your Honor, this is argumentative.

7 This is not a question.

8 THE COURT: I didn't hear you.

9 MR. LEE: This is argument. This is not a
10 question.

11 THE COURT: It's partly argumentative, but it is
12 a question also, but I'm going to overrule the objection if
13 he can answer.

14 Mr. Bryan, do you want to pull that microphone
15 that is right in front of you.

16 BY MR. BROWN:

17 Q. Mr. Bryan, the microphone?

18 A. The --

19 THE COURT: There is a little black thing right
20 in front of you. There you go. Pull it just a little bit
21 closer.

22 THE WITNESS: Closer.

23 THE COURT: Don't get too close because then it
24 gets kind of overriding. Go ahead.

25 THE WITNESS: Yes.

1 BY MR. BROWN:

2 Q. Am I correct, Mr. Bryan, that with respect to the work
3 that you did in Columbia, you have not provided us with any
4 dental records?

5 A. No, I don't have any dental records.

6 Q. You have not provided us with any clinical evaluations,
7 have you?

8 A. No. No. This was done in Columbia, and it was done by
9 different people that I don't even know.

10 Q. And you didn't write a letter to anybody about this
11 work --

12 A. No.

13 Q. -- that you did in Columbia?

14 A. Not at all.

15 Q. So this revelation, this accidental discovery of
16 flowable composites is not reflected in any documents that
17 were prepared while you were actually in Columbia, correct?

18 A. Except this one first sample that I referred here, a
19 Columbian sample.

20 Q. But that entry in your lab notebook was made after you
21 came back from Columbia?

22 A. Yes. Right after.

23 Q. Am I correct, Mr. Bryan, that there is nothing in any
24 of your documents that shows that you had the idea of using
25 a needle tip syringe to fill the hollow in a tooth?

1 A. Needle tip syringes --

2 Q. Mr. Bryan, please. Let's stick to the agreement. Am I
3 correct that there is nothing in any of your documents that
4 shows that you had the idea of using a needle tip syringe
5 to fill the hollow in a tooth?

6 A. They are readily available, and I didn't have any ideas
7 because it's available. It's --

8 Q. Mr. Bryan --

9 Move to strike, Your Honor.

10 THE COURT: And that motion will be granted, and
11 the response will be struck.

12 BY MR. BROWN:

13 Q. Let's try it one more time, Mr. Bryan. Let me remind
14 you of the agreement. Am I correct that there is nothing
15 in any of your documents that shows that you had the idea
16 of using a needle tip syringe to fill the hollow in a
17 tooth?

18 A. No.

19 Q. Am I correct that there is nothing in any of your
20 documents that shows that the idea of using a needle tip
21 syringe to both store, deliver and apply the material to
22 the tooth was yours?

23 A. This was logical. I didn't have any idea.

24 MR. BROWN: Move to strike as nonresponsive.

25 THE COURT: Motion granted, and that will be

1 struck.

2 BY MR. BROWN:

3 Q. All right. Let's try it again, Mr. Bryan. Am I
4 correct that there is nothing in any of your documents
5 showing that it was your idea to use a needle tip syringe
6 to both store, deliver, and apply material, dental
7 material, to the tooth, correct?

8 A. Correct.

9 Q. Am I correct that there is nothing in any of your
10 documents which shows that you had the idea of using a
11 needle tip syringe for precise placement of filling
12 material in the tooth, correct?

13 A. Correct.

14 Q. Am I correct, Mr. Bryan, that there is nothing in any
15 of your documents that shows you had the idea of using a
16 material that flowed out of the syringe but would not run
17 out of the tooth, correct?

18 A. Correct. It was not my idea because it was --

19 Q. Mr. Bryan, please.

20 A. Please, you're putting words in my mouth.

21 Q. I'm simply asking you questions, simple questions that
22 are amenable to a yes or no answer. Now what is your
23 answer, Mr. Bryan?

24 A. I can't just answer it yes or no because there is
25 something to it that you are trying to put here words in my

1 mouth that I cannot accept that.

2 Q. Mr. Bryan, let me try the question one more time. Am I
3 correct that there is nothing in any of your documents that
4 shows you had the idea of using a material that flowed out
5 of the syringe but would not run out of the tooth, correct?

6 A. That's correct, and I'm not claiming any ideas of mine.

7 Q. Am I correct, Mr. Bryan, that there is nothing in any
8 of your documents that shows that you had the idea of
9 manipulating a flowable material with a needle tip to
10 achieve a desired shape on the tooth, correct?

11 A. When this material is in a flow --

12 Q. Mr. Bryan, yes or no, please.

13 A. I don't know. What are you trying to ask me? Was it
14 my idea? No, it's not my idea.

15 Q. Let me ask the question again, Mr. Bryan. Am I correct
16 that there is nothing in any of your documents that shows
17 you had the idea of manipulating a flowable material with a
18 needle tip to achieve a desired shape on the tooth? Yes or
19 no.

20 A. I had no ideas at all.

21 Q. And am I correct that there is nothing in any of your
22 documents that shows that you had the idea of combining all
23 of these features of use and technique into a method for
24 repairing teeth, correct?

25 A. That's correct. It was --

1 Q. Mr. Bryan, thank you.

2 A. That's correct because it was --

3 Q. Mr. Bryan, please. Remember the agreement?

4 A. This is -- I am not used to being questioned yes or no.
5 Just there is always between yes and no.

6 THE COURT: Just answer the question. Now don't
7 go volunteering.

8 THE WITNESS: I'm doing the best I can.

9 THE COURT: Go ahead.

10 THE WITNESS: He's putting words in my mouth.

11 BY MR. BROWN:

12 Q. If I'm asking a question that calls for an answer
13 that --

14 Well, let me put it this way: You're free to
15 answer no to any of these questions if you think that's a
16 truthful answer.

17 A. No.

18 Q. Do you understand that?

19 A. That's right. I didn't have ideas at all.

20 Q. All right. Now, am I correct that there is nothing in
21 any of your documents which shows that you, and not
22 Dr. Hasel, had the idea of using a needle tip syringe to
23 apply a flowable filling material to teeth that would stay
24 in place and could be manipulated with the needle tip into
25 a desired shape, correct?

1 A. I don't know what you're asking, but I am telling you,
2 I do not have any ideas here. I had the work done. I'm
3 not talking about ideas because the ideas were so common
4 in --

5 Q. Mr. Bryan --

6 Move to strike as nonresponsive.

7 THE COURT: Motion granted, and that will be
8 struck.

9 BY MR. BROWN:

10 Q. Am I correct that Dr. Hasel, and not you, Mr. Bryan,
11 had the idea for filling the hollow of a tooth with a
12 durable filling material that flowed out of a conventional
13 needle tipped syringe but would not run out of a tooth and
14 that could be manipulated with a needle tip to achieve a
15 desired shape on the tooth, correct?

16 A. That's correct. That's not my idea, and this was
17 commonly known.

18 MR. BROWN: Objection. Move to strike.

19 THE COURT: And the last part of the answer will
20 be struck.

21 MR. LEE: Your Honor, I protest that it was
22 responsive, that it was responsive to Dr. Hasel and not
23 you.

24 THE COURT: Well, I'm not going to argue with
25 you, Mr. Lee. The first part of the question was answered.

1 The second part of the answer was a voluntary response that
2 had nothing to do with the question.

3 Let's take a break here. Maybe we will have some
4 time, and, Mr. Lee, if you could talk to Mr. Bryan if
5 you're having lunch with him or someone else could and ask
6 him if he couldn't understand a little bit better what is
7 going on because it is causing a problem.

8 And, Mr. Lee, I'm not sure what you can do, but
9 ask different questions so that we're just getting this --
10 it's disruption. Obviously, Mr. Bryan, he has been on the
11 stand a while, and it's time to take a break.

12 I know my court reporter is, too, because she's
13 overworking with all of this. So let's just knock off now
14 and give the jury three extra minutes of lunch hour today.
15 We will take a break until two o'clock and so that
16 everybody can get themselves back together and we can move
17 along if we can.

18 MR. LEE: Thank you, Your Honor.

19 THE COURT: Mr. Bryan, if I can just tell you, do
20 please listen to the question. Answer it. It will be a
21 lot quicker and a lot less painful for you and a lot easier
22 for the jury to understand.

23 We want to make sure that they understand what
24 the truth is. That's what we're all here to do. Mr. Lee
25 can ask you questions after you finish this

1 cross-examination to, you know -- he can ask you anything,
2 and if you have something now, you can tell him over the
3 noon hour, you didn't cover this and make sure I get asked
4 about it. Okay?

5 THE WITNESS: Okay.

6 THE COURT: Members of the Jury, don't talk to
7 anybody. Don't let anybody talk to you. Have a nice
8 lunch. Don't do any research over the noon hour. See you
9 back here at two o'clock.

10 (Lunch recess taken.)

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