

Excerpt From: Harris Martin's Columns—Mold
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Jury Awards \$2.3 Million to Sacramento Family Displaced by Mold

SACRAMENTO, Calif. — A California state court jury found the insurer for a Sacramento couple guilty of bad faith and negligence in hiring remediation contractors and awarded family members more than \$2.3 million in damages on May 1....

Defendants called Andrew Saxon, M.D., of UCLA Medical School; and Coreen A. Robbins, MHS, Ph.D., CIH of Veritox in Redmond, Wash. Robbins countered plaintiffs' experts' opinions on mold hazards and the remediation procedures and opined that the couple could have moved back into the house after Westmont's repair work was completed...

Judge Kenney held a Kelly-Frye hearing before trial and limited Robbins's testimony by precluding any reference to animal studies of mold hazards. Reviewing Robbins' deposition testimony, Judge Kenney concluded that the basis for her testimony on mycotoxins and human exposure was a literature review, which he found insufficient...

'Also, when I reviewed the DHS report from April of 2005, DHS, Department of Health Services was talking about the fact that they were unable to establish personal exposure levels at this point in time based on a lack of sufficient information, and yet Dr. Robbins is asking to take an even greater step and go beyond establishing, for example, a personal exposure level and jump to modeling, which is far more tenuous and far more unreliable even in establishing something that is as hard as a personal exposure level. So those are the difficulties I'm having with Dr. Robbins' testimony,' Judge Kenney said....

Judge Kenney said. 'Modeling has severe limitations, and one of the difficulties I was having here was this reliance upon animal studies to jump to a modeling conclusion....generally one will use the data that one can receive either from animal exposure studies or other information to then input in a model to make a determination with some degree of reliability,' the judge continued. 'Here I'm not hearing any of those things. I'm hearing essentially this jump from a literature review to a postulated model to a no harm result.'