The following information is taken from three websites, one mold litigation case and subpoenaed documents of ACOEM from the time the ACOEM Mold Statement was being drafted.

The five segments of this exhibit are:

1. From the website of the AOEC at UC Irvine, where Dr. Marion Joe Fedoruk is an occupational and environmental physician charged with advancing the understanding of mold induced illness in workers and children.

2. From the website of Exponent, showing Dr. Fedoruk is also employed by the risk management company. A fellow employee, Dr. Cooper, has recently been appointed to the Cal OSHA Health Advisory Committee to establish permissible exposure limits for indoor air contaminants. Also from the website, is documentation of how important it is that the expert witnesses of Exponent work closely with their clients to obtain and develop the best testimony possible for the case.

3. Information regarding the PEHSU at UC Irvine – the purpose and function of the government funded clinic.

4. One of numerous documents subpoenaed from ACOEM in regard to the drafting, peer review and acceptance of the ACOEM Mold Statement. ACOEM member, Dr. Marion Joe Fedoruk, was a peer reviewer for the Medical Association Evidence Based Position Statement.

5. A court ordered evaluation of a teacher made ill from mold exposure within a mobile classroom of the Santa Anna, California School District. The teacher was ordered to an Independent Medical Exam at the UC Irvine AOEC, with AOEC physician and Exponent risk management employee, Dr. Marion Joe Fedoruk. It is unclear as to whether Dr. Feduruk was providing an "independent" examination as a representative of the government funded AOEC, or as an employee of the risk management company, Exponent, and on behalf of a client in litigation.

From the UC Irvine AOEC website: http://www.aoec.org/content/directory\_CA.htm

University of California-Irvine Occupational and Environmental Health Clinic 5201 California Avenue, Suite 100 Irvine, California 92617 Clinic Founded 1976

## **Clinic Description**

The University of California, Irvine Occupational and Environmental Health Clinic is a University-based clinic specializing in evaluation and treatment of occupational and environmental health conditions. It is the point of referral for clinical evaluation related to occupational and environmental exposures for the community in Southern California. In addition to its Irvine clinic, the Center operates a comprehensive occupational health clinic based at the UCI Medical Center in Orange, California. The clinic also functions as a regional Pediatric Environmental Health Specialty Unit, providing consultations on children=s environmental health issues.

Most Common Occupational Diagnoses Asthma Bronchitis Pesticide Exposure Heavy Metal Exposure Mold and Building Related Symptoms/Illnesses Repetitive Motion Injuries

## **Environmental Diagnoses**

Asthma Mold and other Building Related Symptoms/Illnesses Contact Allergy

## **General Services Provided**

Occupational and environmental disease consultation Clinical toxicology consultation, (including biological monitoring assessment) Hazard-based population screening programs Medical surveillance: design and implementation Pre-placement examinations programs, including fitness testing (cardiovascular, strength and flexibility) Fitness for duty assessment Qualified Medical Evaluations (QME) Environmental allergy, asthma, and immunology consultation Occupational and environmental professional educational development Exposure assessment of indoor and other environments for chemical and microbial hazards Industrial workplace site safety assessment

#### **Specialized Services**

Evaluation of Exposure to Mold in indoor environments Respiratory Fit Assessment of Occupational Stress

#### Staff by Discipline and/or Name

Physicians Dean Baker, MD, MPH M. Joseph Fedoruk, MD, DABT, CIH Elliot Kornhauser, MD, MBA, MPH Ulrike Luderer, MD, PhD, MPH Leslie Israel, DO, MPH Wayne Chang, MD, MS James Seltzer, MD Scott Hardy, MD, MPH

#### **Training Offered**

Occupational Medicine Residents, Family Practice and Internal Medicine Residents, Graduate Toxicology Students, Graduate Environmental Health Science Students, Occupational Health Nurses

#### **Areas of Significant Research/Interest**

Work Organization and Workplace Psychosocial Stress Occupational and Environmental Epidemiology Neurological Effects of Lead or Pesticide Poisoning Clinical Environmental Medicine, Structured Evaluations and Causation Assessment Legal Aspects of Occupational and Environmental Health Pulmonary and Inhalation Toxicology Neurotoxicology Environmental Allergy and Immunology

# Significant Affiliations

University of California at Irvine, Center for Occupational and Environmental Health University of California at Irvine, Medical Center University of California at Irvine, Department of Medicine Southern California Education and Research Center

# Exponent\*

Dr. Marion Joseph Fedoruk Principal Scientist In Health and Epidemiology Practice

Exponent's <u>Health</u> Scientists have expertise in a variety of health disciplines and use a multi-disciplinary approach to assist clients in solving problems associated with indoor air quality. Our industrial hygienists provide information on the levels of contamination, and our toxicologists assess the pathways and levels of exposure. Our medical doctors evaluate claims stemming from potential mold exposures and assess patients to determine whether their health has been affected. Exponent team members also specialize in communicating risk during face-to-face meetings with building occupants and owners, addressing uncertainties and putting the risk into realistic perspective....

Welcome to Health Sciences at Exponent. Our scientists, physicians, and regulatory specialists provide unparallel, interdisciplinary expertise to evaluate the full range of environmental and public health issues that face our nation and the world. These issues include potential health effects associated with environmental agents, chemicals, consumer products, food safety and nutrition, and pharmaceutical products. Indeed, members of our staff are leaders in developing the risk assessment methodologies that are essential to address the complexities of these health issues. Our national and international clients rely on us for incisive and objective assessments that address physical, chemical, and biological phenomena in order to arrive at solutions that can be relied upon to make important decisions.

# Expert Testimony Building Blocks

http://www.exponent.com//about/outlines/expert\_testimony.html

Attorneys practicing personal injury or products liability law frequently employ technical experts to assist with the engineering and scientific issues of their cases. Knowledge of what the expert does can lead to much more effective development and use of the expert's testimony.

Expert Testimony Building Blocks is designed to for new attorneys to help describe in detail the steps and procedures an expert follows. A solid understanding of these steps and procedures, and the information needed by the expert, can lead to more effective communication with the expert, as well as more effective development and use of the expert's testimony.

Exponent Scientist Appointed to California DOSH Health Expert Advisory Committee; Michael N. Cooper, M.P.H., C.I.H., a Managing Scientist in Exponent's Health Sciences Center for Public Health and Industrial Hygiene, was recently appointed to the California Division of Occupational Safety and Health (DOSH) 2007-2008 Health Expert Advisory Committee (HEAC) for Cal/OSHA 8 CCR 5155 Permissible Exposure Limits for Workplace Airborne Contaminants. This two-year Health Expert Advisory Committee is charged with recommending health-based PELs to California OSHA. July 18, 2007



Welcome to the Pediatric Environmental Health Specialty Unit (PEHSU) at the University of California, Irvine. We are one of thirteen PEHSU's located throughout the United States, Canada, and Mexico. In conjunction with the University of California, San Francisco, we provide a variety of services to the states of California, Arizona, Nevada, and Hawaii. Our mission is to 1) improve the health of children with respect to environmental exposures, and 2) educate individual families, health care providers, and the general public regarding children's environmental health. We are funded by the Association of Occupational and Environmental Clinics (AOEC) through a cooperative agreement with the Agency for Toxic Substances and Disease Registry (ATSDR) and the United States Environmental Protection Agency (EPA).

The establishment of PEHSU's was an important step towards addressing the environmental health concerns of our nation's children. There are many hazardous substances in our environment that may affect the health and development of children in our country. Exposure to these environmental hazards may result in health effects such as learning disabilities, respiratory diseases, damage to the nervous system, and cancer.

The following is an excerpt of a subpoenaed document regarding peer reviewers of the ACOEM Mold Statement. The document is available in its entirety upon request.

"Mold – Version #1

Version #1 was reviewed by the Council on Scientific Affairs and the members of 5 of its committees. In total, 101 council/committee members were asked to review this version.

The reviewers, by committee/council membership were: Infectious Diseases:...Tee Guidotti Toxicology Committee: ...Joseph Fedoruk" . I

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1 2 3 4 5	GEORGE W. SHAEFFER, JR., State Bar N KEITH V. BREON State Bar No. 47502 SAMANTHA N. LAMM, State Bar No. 2030 BREON & SHAEFFER A Professional Law Corporation 19800 MacArthur Boulevard, Suite 850 T: (949) 260-0900 F: (949) 260-0901	lo. 67493 94	
6 7	Attomeys for Defendants and Cross-Defendate SANTA ANA UNIFIED SCHOOL DISTRICT, ANTHONY HEARD, AND DEVERA HEARD	anta,	
8			
9	SUPERIOR COURT OF THE STATE OF CALIFORNIA		
10	IN AND FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER		
11	WAYNE HETMAN, an individual	) CASE NO.: 04CC06534	
12	Plaintiff,	) [Assigned to Judge William M. Monroe, Dept. C11]	
13	v.	) ACTION FILED: June 7, 2004 ) SET FOR TRIAL: November 6, 2006	
14 15	SANTA ANA UNIFIED SCHOOL DISTRICT, an entity form unknown; ANTHONY HEARD, an individual; DEVERA HEARD, an	Exempt for paying filing fees, Gov. Code § 6103]	
16 17	Individual; MOBILE MODULE MANAGEMENT CORPORATION, an entity ) form unknown, and DOES 1 through 200, ) Inclusive.	DEMAND FOR OCCUPATIONAL MEDICINE AND MEDICAL TOXICOLOGICAL EXAMINATION OF PLAINTIFF	
18	) Defendants.	DATE: October 6, 2006 TIME: 9:00 a.m.	
19	)	PLACE: Marlon J. Fedoruk, M.D. Center for Occupational and	
20	INTERNATIONAL, INC.	Environmental Health 19722 MacArthur Blvd.,	
21	Cross-Complainant,	Irvine, CA 92612	
22	v		
23.	SANTA ANA UNIFIED SCHOOL DISTRICT, )		
24	an individual; DEVERA HEARD, an )		
25	MANAGEMENT CORPORATION, an entity		
26	form unknown; and RTS MOBILE SETUPS, ) an entity form unknown, )		
27	) Cross-Defendants.		
28			
	DEMAND FOR OCCUPATIONAL MEDICINE & MEDIC	CAL TOXICOLOGICAL EXAMINATION OF PLAINTIFF	
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TO PLAINTIFF WAYNE HETMAN AND HIS ATTORNEYS OF RECORD:

Defendants SANTA ANA UNIFIED SCHOOL DISTRICT, DEVERA HEARD, and ANTHONY HEARD hereby demand that Plaintiff WAYNE HETMAN submit to a physical examination pursuant to *California Code of Civil Procedure* section 2032.220 et seq. The examination shall take place at the office of Marion J. Fedoruk, M.D., Center for Occupational and Environmental Health, 19722 MacArthur Blvd., Irvine, CA 92612 on October 6, 2006 at 9:00 a.m. and will continue as long as reasonably required.

Dr. Fedoruk is a occupational medicine and medical toxicologist and will perform a comprehensive occupational medicine and medical toxicology examination using standard occupational medicine and medical toxicology tests to evaluate Plaintiff's alleged injuries. The examination will be not be invasive or painful.

Pursuant to *Callfornia Code of Civil Procedure* section 2032.230(b), Plaintiff is requested to provide a written statement within twenty days on whether he intends to comply with the demand. If Plaintiff is unable to appear at the scheduled examination, Plaintiff must contact the law offices of Breon & Shaffer, PLC no later than September 28, 2006 to reschedule the examination. Please note that Plaintiff's counsel will be held responsible for any costs incurred as a result of Plaintiff's failure to comply with this request.

Dated: August 30, 2006 Irvine, CA

Respectfully submitted,

**BREON & SHAEFFER, PLC** 

By: George W. S **blaeffer** 

Lamm Samantha N. Defendants Attorneys for and Cross-Defendants SANTA ANA SCHOOL DISTRICT, UNIFIED ANTHONY HEARD AND DEVERA HEARD

DEMAND FOR OCCUPATIONAL MEDICINE & MEDICAL TOXICOLOGICAL EXAMINATION OF PLAINTIFF