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7 BRUCE J. KELMAN and GLOBALTOX, INC.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN DIEGO, NORTH DISTRICT

9 BRUCE J. KELMAN,) CASE NO. GIN044539
10 GLOBALTOX, INC.,) Assigned for All Purposes to:
11 Plaintiffs,) HON. MICHAEL B. ORFIELD
12 v.) DEPARTMENT 28
13 SHARON KRAMER, and DOES 1) UNLIMITED CIVIL CASE
14 through 20, inclusive,) Case filed: May 16, 2005
15 Defendants.)
16)
17) Hearing Date: September 30,
18) 2005
19) Time: 1:30
20) Department: 28

21 I, Bruce J. Kelman, declare that if called as a witness
22 in this action, I could and would testify competently to the
23 following facts, which are within my own personal knowledge.

24 1. I am a Plaintiff in this action, and am a principal
25 and the president of VeriTox, Inc., formerly known as
26 GlobalTox, Inc., the other Plaintiff. I make this declaration
27 in opposition to the anti-SLAPP motion to strike filed by
28 Defendant Sharon Kramer.

DECLARATION OF BRUCE J. KELMAN IN OPPOSITION TO DEFENDANT'S
MOTION TO STRIKE

1 2. I am and at all relevant times have been an expert
2 in toxicology and related fields, and have enjoyed a
3 reputation as a highly regarded authority in that subject
4 matter. I hold a Ph.D. from the University of Illinois and am
5 a Diplomate of the American Board of Toxicology, a fellow of
6 the American Academy of Veterinary and Comparative
7 Toxicology, and a member of the Society of Toxicology,
8 American College of Occupational and Environmental Medicine,
9 the American College of Toxicology, the American Society for
10 Experimental Pharmacology and Therapeutics, the Teratology
11 Society, the American Physiological Society, the Radiation
12 Research Society, and the Society for Experimental Biology
13 and Medicine. I have served as an author, consultant and
14 expert witness in numerous contexts before policy makers,
15 government regulators, citizen groups and in litigation
16 throughout the United States and Canada. A copy of my
17 curriculum vitae is attached hereto as Exhibit 1.
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20 3. VeriTox/GlobalTox, the other Plaintiff in this
21 lawsuit, is based in Redmond, Washington. It is a business
22 that provides research, consulting and scientific services
23 and expertise in toxicology, industrial hygiene, medical
24 toxicology, occupational medicine, chemistry and risk
25 assessment. Its clients include U.S., Canadian, and other
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1 national governments, corporations and non-governmental
2 organizations.

3 4. In February, 2002, the American College of
4 Occupational and Environmental Medicine ("ACOEM") asked Dr.
5 Bryan D. Hardin, now one of the principals of GlobalTox who
6 was an Adjunct Assistant Professor at the Rollins School of
7 Health at Emory University and a retired Assistant Surgeon
8 General, to prepare a study of the health effects associated
9 with indoor mold. The ACOEM is a scholarly/scientific
10 organization of physicians and scientists. As is typical for
11 scholarly papers, GlobalTox was not to be compensated for
12 this project. Nevertheless, we agreed to do it. Dr. Hardin
13 and I subsequently worked on the project with Andrew Saxon,
14 M.D., Professor and Chief of the Division of Clinical
15 Immunology and Allergy at the UCLA School of Medicine. Dr.
16 Saxon is not now and was not then a principal or employee of
17 GlobalTox.
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21 5. It took us eight months to do the research, go
22 through the rigorous peer review process under the auspices
23 of the ACOEM Council of Scientific Affairs, and make
24 appropriate revisions and refinements to our study. On
25 October 22, 2002, the completed study was adopted by the
26 ACOEM Board of Directors as the official position of the
27 ACOEM and was subsequently published on the ACOEM website. A
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1 paper version was printed in the Journal of Environmental and
2 Occupational Medicine in May, 2003. A copy of the ACOEM
3 position statement is attached hereto as Exhibit 2.

4 6. The study concluded (in part) that the health
5 threat posed by moisture leaks in buildings had been greatly
6 exaggerated in the popular media; molds are common and
7 important allergens, more often in outdoor than in indoor
8 environments; healthy adults do not risk serious infectious
9 disease caused by indoor molds; and the weight of scientific
10 evidence does not support the idea that human health has been
11 adversely affected by inhaled mold toxins in schools, homes
12 or office environments.

13 7. In April, 2003, approximately six months after
14 publication of the ACOEM study, I was contacted by The
15 Manhattan Institute, an affiliate of the U.S. Chamber of
16 Commerce. They asked if we would rework the study so that it
17 could be understood by the non-scientific community. I
18 declined, because the amount of work that would be involved
19 would be substantial and, in my view, unjustified unless we
20 were to be compensated. Subsequently, The Manhattan Institute
21 offered to pay GlobalTox \$40,000 if we would prepare a lay
22 version of the study. We agreed, and that lay report was
23 published by The Manhattan Institute in July, 2003. A copy is
24 attached hereto as Exhibit 3. Its conclusions were identical
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1 to those of the ACOEM study, but it was presented in a much
2 less academic, more accessible manner.

3 8. I first learned of Defendant Sharon Kramer in mid-
4 2003, when I was retained as an expert in a lawsuit between
5 her, her homeowner's insurer and other parties regarding
6 alleged mold contamination in her house. She apparently felt
7 that the remediation work had been inadequately done, and
8 that she and her daughter had suffered life-threatening
9 diseases as a result. I testified that the type and amount of
10 mold in the Kramer house could not have caused the life-
11 threatening illnesses that she claimed. I never met Ms.
12 Kramer.
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15 9. Subsequently, I became aware that she had launched
16 a campaign attacking GlobalTox and me through the internet.
17 As one example, she sent outraged emails to the American
18 Industrial Hygiene Association ("AIHA") after they had
19 invited GlobalTox to participate in a teleweb conference. In
20 one such email, she wrote, "May your children rot in hell,
21 along with all the other children you are hurting." A copy of
22 those emails is attached hereto as Exhibit 4.
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24 10. In or about March, 2005, I learned that she had
25 posted false press releases on ToxLaw.com and ArriveNet.com
26 that stated that I had "altered [my] under oath statements"
27 while I testified as a witness in an Oregon lawsuit; i.e.,
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DECLARATION OF BRUCE J. KELMAN IN OPPOSITION TO DEFENDANT'S
MOTION TO STRIKE

1 that I had given false testimony until I was caught after
2 being presented with documents from a case in Arizona. Copies
3 of her press releases are attached hereto as Exhibits 5 and
4 6.

5 11. The claims in her press releases are absolute
6 fabrications. My testimony in the Arizona lawsuit, the Oregon
7 lawsuit and in other courts has always been consistent, and
8 based on science. At no time did I "alter my under oath
9 statements" or change the substance of my testimony. At no
10 time did I mislead any court or testify falsely as to the
11 circumstances of the preparation of the ACOEM study or The
12 Manhattan Institute report. And I never backed away from the
13 findings of either the study or the report.
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15 12. The relevant pages of the transcript from the
16 Oregon hearing are attached hereto as Exhibit 7. That
17 transcript clearly shows that Kramer's accusations are false.
18 It also makes clear that the payment from The Manhattan
19 Institute had no influence at all on the earlier ACOEM study.
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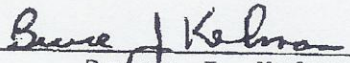
21 13. Even after this lawsuit was filed, she continued to
22 publish and republish the false press releases, as well as
23 other diatribes against me. In fact, she posted her
24 declaration on the internet, although in piecemeal fashion. A
25 copy of some of her postings is attached hereto as Exhibit 8.
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14. My professional and personal reputation, as well as the business of GlobalFox, were built with many years of hard work. They will be substantially harmed unless Kramer is held accountable for her false and malicious accusations.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 13, 2005 at McAllen, Texas.


Bruce J. Kelman

DECLARATION OF BRUCE J. KELMAN IN OPPOSITION TO DEFENDANT'S MOTION TO STRIKE