

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

KARI KILIAN,)
)
Plaintiff,) CIV 02-1272-PHX-FJM
)
vs.) Phoenix, Arizona
) June 22, 2004
) 9:32 a.m.
EQUITY RESIDENTIAL TRUST,)
et al.,)
)
Defendants.)

BEFORE: THE HONORABLE FREDERICK J. MARTONE, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL TO THE COURT

VOLUME V

(Pages 749 through 950, inclusive.)

APPEARANCES:

For the Plaintiff:

Law Offices of Richard Langerman
By: RICHARD W. LANGERMAN, ESQ.
3216 North 3rd Street, Suite 200
Phoenix, AZ 85012

For the Defendants:

Shorall McGoldrick Brinkmann
By: TOM SHORALL, JR., ESQ.
3030 North Central Avenue, Suite 1000
Phoenix, AZ 85012

Official Court Reporter:

Linda Schroeder-Willis, RDR, CRR
Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, Spc. 32
Phoenix, Arizona 85003-2151
(602) 322-7249

Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

COPY

1

INDEX OF WITNESSES

2

3

<u>WITNESSES FOR THE</u> <u>DEFENDANTS:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Voir Dire</u>
--	---------------	--------------	-----------------	------------------

4

SAXON, Andrew	751 803	831	848	802
---------------	------------	-----	-----	-----

5

KELMAN, Bruce J.	852	901	940 943	942
------------------	-----	-----	------------	-----

6

7

INDEX OF EXHIBITS

8

9

<u>EXHIBIT NO.:</u>	<u>DESCRIPTION:</u>	<u>RECEIVED:</u>
---------------------	---------------------	------------------

10

207	December 2000 California Department of Health Services Bulletin Entitled "Misinterpretation of Stachybotrys Serology"	801
-----	---	-----

11

208	November 2000 California Department of Health Services Bulletin Regarding Serology Testing	801
-----	--	-----

12

210	IBT Reference Laboratory Comments About Serology Testing	802
-----	--	-----

13

213	Rule 26 Report and CV of Andrew Saxon	815
-----	---------------------------------------	-----

14

216	Rule 26 Report and CV of Bruce Kelman	886
-----	---------------------------------------	-----

15

16

17

18

19

20

21

22

23

24

25

1 called Center for Disease Control, CDC -- and notified them.
2 And they sent an investigative team. And then we published a
3 peer reviewed paper later.

4 But that's what we do. I mean, we're looking not
5 only for our basic science, but there are opportunities of --
6 And some are not real. You look at things, say, hey, it isn't
7 an issue; it isn't a problem.

8 Q. Have you discovered other diseases as well?

9 A. Yes. I mean, there's a couple others that are not as
10 public. They're interesting scientifically maybe, but they
11 don't have any public health impact. They're, you know, one
12 in ten thousand people.

13 Q. Now, you actually work for UCLA?

14 A. I work for the Regents of UC, is actually who my employer
15 is.

16 Q. And the payments you receive for even forensic work such
17 as testifying here end up --

18 A. It all gets paid into the Regents of UC, and I actually
19 get some money back on my activities. But the majority, more
20 than 50 percent, goes to the Regents in the end.

21 Q. Can you tell me if you hold any patents or if your
22 employer holds any patents that you discovered relative to the
23 field of immunology?

24 A. Yes. In fact, myself and my colleagues in my laboratory,
25 we hold three interesting patents that relate to immunology,