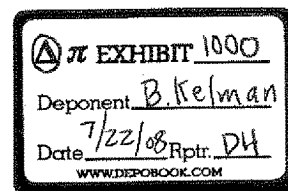




GLOBALTOX

SEATTLE • PORTLAND • GUELPH



March 28, 2003

Our ref: 6257

Paul Howard
The Manhattan Institute
52 Vanderbilt Avenue
New York, NY 10017

RE: Manhattan Institute Project

Dear Mr. Howard:

We are pleased to confirm The Manhattan Institute has retained GLOBALTOX, Inc. to investigate the above-referenced matter on an hourly rate-plus-expenses basis, unless otherwise specified. GLOBALTOX's retention on this case is solely with your firm and, as such, all fees and expenses incurred by GLOBALTOX will be the responsibility of The Manhattan Institute.

GLOBALTOX's services are offered only in accordance with our current Terms and Conditions agreement. Our charges will be billed according to our current Schedule of Rates and Charges, with professional fees at our current commercial rates. To ensure that you are apprised of the technical efforts expended on your project, periodic invoices will be provided. Payment of each billing is due upon receipt.

GLOBALTOX's charges for this activity will not exceed \$25,000 without prior approval of The Manhattan Institute.

Please indicate your acceptance and understanding of the contents of this letter by signing and returning the enclosed copy. Copies of our current Terms and Conditions and Schedule of Rates and Charges are enclosed and made a part hereof by reference. If you have any questions regarding any of the above terms, please do not hesitate to contact me.

Thank you again for your interest in GLOBALTOX, Inc. We look forward to working with you.

Sincerely,

GLOBALTOX, INC.

Bruce J. Kelman, Ph.D., DABT
Principal

BJK/bmw

Enclosures

032803bjk1.doc

Accepted by: Lawrence More

Date: 4/8/03

1 A. No. I mean -- no, I did not. I made them
2 aware of it, and then when they publish it, I mean, they
3 published it.

4 Q. When the lay version of the ACOEM paper was
5 printed by the Institute For Legal Reform, the ACOEM
6 again did not have any conflict-of-interest waiver on
7 your part, did it?

8 A. I have no idea. I've never seen that version.
9 I'll call it the nonscientific piece that has my name on
10 it.

11 Q. From your view, did you make any efforts,
12 despite anyone calling you or anything else, to make
13 sure that a conflict-of-interest waiver was included
14 with the lay version put out by the Institute For Legal
15 Reform?

16 A. No, because I didn't even know my name was on
17 it.

18 Q. The ACOEM paper was also given an iteration in
19 the Manhattan Institute document. You were aware of
20 that?

1 A It didn't occur to us.

2 Q Did you get Dr. Saxon's permission to list
3 him as a co-author in the Manhattan Institute
4 paper?

11 :00:42 5 A We did.

6 Q You asked for it and he said yes?

7 A He said he had no objection.

8 Q So when Dr. Saxon testified in a separate
9 matter that he did not know his name was on it, do
11 :01:00 10 you believe he was not testifying truthfully?

11 MR. SCHEUER: Objection; assumes a fact
12 not in evidence. There's no evidence at all that
13 Dr. Saxon said that.

14 MS. KRAMER: This is testimony from
11 :01:36 15 Mr. Saxon saying he didn't know his name was on it.
16 BY MR. BANDLOW:

17 Q I'm looking at trial testimony from the
18 case, looks like it was in Nevada, involving
19 Dr. Saxon. He was -- and I will represent for the
11 :01:52 20 record, based on this transcript, he was asked a
21 question, quote, "When the lay version of the ACOEM
22 paper was printed by the Institute for Legal
23 Reform, the ACOEM again did not have any conflict
24 of interest waiver on your part, did it?"

11 :02:08 25 And he answered, quote, "I have no idea.

GlobalTox, Inc.

18372 Redmond-Fall City Road
Redmond, WA 98052

EIN 91-1877454

BILL TO

The Manhattan Institute
Paul Howard
52 Vanderbilt Avenue
New York, NY 10017

Invoice

DATE	INVOICE #
4/30/2003	5258

DUE DATE	TERMS
5/30/2003	Net 30

FOR PERIOD ENDING
April 18, 2003

PROJECT

6257 - Manhattan Institute Project

DESCRIPTION	SERVICE	HOURS OR UNITS	TYPE	AMOUNT
Write article; teleconferences with client and other authors	Kelman, B	5.5	Labor	1,925.00
	Hardin	8	Labor	2,800.00
	Admin Support	1	Labor	60.00
Copying Fee	Copy	5	Non-labor	0.75

Tel: (425) 556-5555

Fax: (425) 556-5556

This invoice may not include other project expenses unavailable at invoice date. Interest of 2% per month charged on accounts outstanding.

Total	\$4,785.75
--------------	-------------------

PLEASE REMIT PAYMENT TO:
GLOBALTOX, INC.

2 of 11

GlobalTox, Inc.

18372 Redmond-Fall City Road
Redmond, WA 98052

EIN 91-1877454

BILL TO

The Manhattan Institute
Paul Howard
52 Vanderbilt Avenue
New York, NY 10017

Invoice

DATE	INVOICE #
5/30/2003	5412

DUE DATE	TERMS
6/29/2003	Net 30

FOR PERIOD ENDING
May 16, 2003

PROJECT

6257 - Manhattan Institute Project

DESCRIPTION	SERVICE	HOURS OR UNITS	TYPE	AMOUNT
Compose and edit paper; consultations with Dr. Hardin	Kelman, B	5	Labor	1,750.00
	Admin Support	0.25	Labor	15.00

Tel: (425) 556-5555
Fax: (425) 556-5556

This invoice may not include other project expenses
unavailable at invoice date. Interest of 2% per month
charged on accounts outstanding.

Total	\$1,765.00
--------------	-------------------

PLEASE REMIT PAYMENT TO:
GLOBALTOX, INC.

3 of 11

GlobalTox, Inc.

18372 Redmond-Fall City Road
Redmond, WA 98052

EIN 91-1877454

BILL TO

The Manhattan Institute
Paul Howard
52 Vanderbilt Avenue
New York, NY 10017

Invoice

DATE	INVOICE #
6/12/2003	5493

DUE DATE	TERMS
7/12/2003	Net 30

FOR PERIOD ENDING
May 30, 2003

PROJECT

6257 - Manhattan Institute Project

DESCRIPTION	SERVICE	HOURS OR UNITS	TYPE	AMOUNT
Revise and edit manuscript	Kelman, B	4	Labor	1,400.00
Revise and edit draft manuscript	Hardin	27	Labor	9,450.00
Find references; review paper	Technical Spt	4.75	Labor	405.50
Library services	Library Spt	6	Labor	600.00
	Admin Support	1.75	Labor	105.00
Copying Fee	Copy	48	Non-labor	7.20

Tel: (425) 556-5555

Fax: (425) 556-5556

This invoice may not include other project expenses unavailable at invoice date. Interest of 2% per month charged on accounts outstanding.

Total **\$11,967.70**

PLEASE REMIT PAYMENT TO:
GLOBALTOX, INC.

9.11

GlobalTox, Inc.

18372 Redmond-Fall City Road
Redmond, WA 98052

EIN 91-1877454

BILL TO

The Manhattan Institute
Paul Howard
52 Vanderbilt Avenue
New York, NY 10017

Invoice

DATE

7/24/2003

INVOICE #

5759

DUE DATE

8/23/2003

TERMS

Net 30

FOR PERIOD ENDING

July 11, 2003

PROJECT

6257 - Manhattan Institute Project

DESCRIPTION	SERVICE	HOURS OR UNITS	TYPE	AMOUNT
Edit manuscript; write biosketches	Kelman, B	6.25	Labor	2,187.50
Assist manuscript edit; verify references	Technical Spt	7	Labor	580.50
Library services	Library Spt	8	Labor	800.00
	Admin Support	0.25	Labor	15.00
Copying Fee	Copy	6	Non-labor	0.90

Tel: (425) 556-5555

Fax: (425) 556-5556

This invoice may not include other project expenses
unavailable at invoice date. Interest of 2% per month
charged on accounts outstanding.

Total

\$3,583.90

PLEASE REMIT PAYMENT TO:
GLOBALTOX, INC.

5 of 11

GlobalTox, Inc.

18372 Redmond-Fall City Road
Redmond, WA 98052

EIN 91-1877454

BILL TO

The Manhattan Institute
Paul Howard
52 Vanderbilt Avenue
New York, NY 10017

Invoice

DATE	INVOICE #
8/6/2003	5869

DUE DATE	TERMS
9/5/2003	Net 30

FOR PERIOD ENDING
July 25, 2003

PROJECT

6257 - Manhattan Institute Project

DESCRIPTION	SERVICE	HOURS OR UNITS	TYPE	AMOUNT
Prepare for and attend Chamber of Commerce meeting	Hardin	7	Labor	2,450.00
Consultation with Dr. Hardin	Kelman, B	0.25	Labor - NC	0.00
Library services	Library Spt	4	Labor	400.00
	Admin Support	0.25	Labor	15.00
Postage	Postage		Non-labor	6.96
Document retrieval	Other		Non-labor	25.30
Travel expenses - airfare	Travel		Non-labor	692.30
Travel expenses	Travel		Non-labor	401.07
Credit given for travel expenses	Travel		Non-labor	-1,092.98

Tel: (425) 556-5555

Fax: (425) 556-5556

This invoice may not include other project expenses unavailable at invoice date. Interest of 2% per month charged on accounts outstanding.

Total	\$2,897.65
--------------	-------------------

PLEASE REMIT PAYMENT TO:
GLOBALTOX, INC.

6 of 11

MANHATTAN INSTITUTE FOR POLICY
RESEARCH, INC.
52 VANDERBILT AVENUE
NEW YORK, NY 10017

THE CHASE MANHATTAN BANK
NEW YORK, NY 10021

0006724

Check No.

1-2/210

GLOBALTOX, INC
Four Thousand Seven Hundred Eighty-Five Dollars and 75/100-----AMOUNT
DATE 06/01/03 \$4,785.75

PAY
TO THE
ORDER
OF

Michael Baneris
Lawrence M me

⑈006724⑈ ⑆021000021⑆ ⑆21501045865⑈

MANHATTAN INSTITUTE FOR POLICY
RESEARCH, INC.
52 VANDERBILT AVENUE
NEW YORK, NY 10017

THE CHASE MANHATTAN BANK
NEW YORK, NY 10021

0006890

Check No.

1-2/210

GLOBALTOX, INC.
Thirteen Thousand Seven Hundred Thirty-Two Dollars and 70/100---
DATE AMOUNT
07/01/03 \$13,732.70

PAY
TO THE
ORDER
OF

Michael Baran
Lawrence M. one

⑈006890⑈ ⑆021000021⑆621501045865⑈

MANHATTAN INSTITUTE FOR POLICY
RESEARCH, INC.
52 VANDERBILT AVENUE
NEW YORK, NY 10017

THE CHASE MANHATTAN BANK
NEW YORK, NY 10021

0007170

Check No.

1-2/10

GLOBALTOX, INC.

Six Thousand Four Hundred Eighty-One Dollars and ⁵⁵/₁₀₀-----AMOUNT

09/01/03

\$6,481.55

PAY
TO THE
ORDER
OF

Michael J. Barone
Laurence M. M...

⑈007170⑈ ⑆021000021⑆ ⑆621501045865⑈

The Growing Hazard of Mold Litigation



Papers commissioned by the U.S. Chamber Institute for Legal Reform and the Center for Legal Policy at The Manhattan Institute

Released July 17, 2003



About The Authors

Dr. Bryan D Hardin GLOBALTOX

Bryan D. Hardin, Ph.D., holds positions as a senior consultant with GlobalTox and Adjunct Assistant Professor at the Rollins School of Public Health, Emory University. He was commissioned into the US Public Health Service and began his public health career with the National Institute for Occupational Safety and Health (NIOSH) in 1972, where he served in research, policy, and management roles, culminating as Deputy Director of NIOSH and Assistant Surgeon General in the Public Health Service.

Dr. Hardin holds a Ph.D. in Environment Health Sciences from the University of Cincinnati. Dr. Hardin is a full member of the American Association for the Advancement of Science, the American Industrial Hygiene Association, the American Public Health Association, and the Teratology Society. He has served on working groups of the World Health Organization, the International Labor Office, and the International Agency for Research on Cancer.

Coreen A. Robbins, Ph.D., C.I.H. GLOBALTOX

Coreen A. Robbins, M.H.S., Ph.D., CIH, holds a position with GlobalTox, Inc. as a consulting Industrial Hygienist for projects in field investigations and in litigation support activity. She has approximately 13 years of experience in industrial hygiene and has served as a consultant in many investigations throughout the U.S.

Dr. Robbins holds a master's degree in Occupational Safety and Health (1989), and a Ph.D. (1995) in Environmental Science from the Johns Hopkins University. Dr. Robbins is also a Certified Industrial Hygienist (CIH). Dr. Robbins has extensive practical experience in conducting industrial hygiene surveys in areas including indoor air quality, mold, asbestos and man-made mineral fibers, chemical exposure assessment and industrial noise exposure. Dr. Robbins is a full member of the American Academy of Industrial Hygiene and the American Industrial Hygiene Association (AIHA), and an affiliate member of the American Conference of Governmental Industrial Hygienists. She is currently serving on the AIHA's Task Force on Microbial Growth as the representative for the AIHA Toxicology Committee.

Andrew Saxon

Chief, Division of Clinical Immunology and Allergy
UCLA School of Medicine

Andrew Saxon, MD, is a professor and Chief of the Division of Clinical Immunology and Allergy at the UCLA School of Medicine. Dr. Saxon has over 25 years of experience in immunology, he has published approximately 165 peer-reviewed research articles, and he has three patents in the immunology field. Since 1999, Dr. Saxon has served as editor-in-chief of the journal *Clinical Immunology*.

Dr. Saxon received his MD from Harvard Medical School. He is board-certified in Internal Medicine, Allergy and Immunology, and Diagnostic Laboratory Immunology. He is a member of the American Academy of Allergy and Immunology, where he serves on the Research Awards Committee, the Nominating Committee, the Primary Immunodeficiency Disease Committee and the Clinical and Diagnostic Immunology Committee; and where has served in the past as Chairman of the Basic and Clinical Immunology Section.

Dr. Bruce J. Kelman

GLOBALTOX

Bruce J. Kelman, Ph.D., D.A.B.T., holds positions as Principal and President of GlobalTox, Inc. Dr. Kelman has approximately 25 years experience in toxicology and has served as a consultant and expert in numerous investigations across North America. He has evaluated numerous claims of personal injury and health impacts from many chemicals and drugs, and has presented a variety of health risk concepts to policy makers, government regulators, citizen groups, and individuals involved in all aspects of the legal process.

Dr. Kelman holds a Ph.D. from the University of Illinois (1975) and is certified in toxicology by the American Board of Toxicology (original certification in 1980 with recertifications in 1985, 1990, 1995 and 2000). Dr. Kelman is a member of the Society of Toxicology, American College of Occupational and Environmental Medicine, American College of Toxicology, American Society for Experimental Pharmacology and Therapeutics, Society for Experimental Biology and Medicine, and Teratology Society.

A SCIENTIFIC VIEW**OF THE HEALTH EFFECTS OF MOLD**

Nevertheless, except for persons with severely impaired immune systems, indoor mold is not a source of fungal infections, and current scientific evidence does not support the idea that human health has been adversely affected by inhaled mold toxins in home, school, or office environments. Thus, the notion that “toxic mold” is an insidious, secret “killer,” as so many media reports and trial lawyers would claim, is “junk science” unsupported by actual scientific study.



U.S. Chamber Institute for Legal Reform

The U.S. Chamber Institute for Legal Reform was founded in 1998 as a 501(c)(6) tax-exempt, separately incorporated affiliate of the U.S. Chamber of Commerce. The mission of ILR is simple: to make America's legal system simpler, fairer and faster for everyone. ILR's multi-faceted program seeks to promote civil justice reform through legislative, political, judicial and educational activities at the national, state and local levels.

Center for Legal Policy at the Manhattan Institute

The Center for Legal Policy at the Manhattan Institute is a leading voice for reform of America's civil justice system. The Center's mission is to communicate thoughtful ideas on civil justice reform to real decision-makers through books, publications, conferences and public or media appearances. Founded in 1986, hundreds of news reports have cited the Center's work, with The Washington Post going so far as to call Senior Fellows Peter Huber and Walter Olson the "intellectual gurus of tort reform."

