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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

10 BRUCE J. KELMAN,) CASE NO. BC
11 GLOBALTOX, INC.,) Assigned for All Purposes to:
12 Plaintiffs,) HON.
13) DEPARTMENT
14 v.)
15) UNLIMITED CIVIL CASE
16 SHARON KRAMER, and DOES 1)
17 through 20, inclusive,) COMPLAINT FOR LIBEL
18 Defendants.)
19)
20)

21 Plaintiffs BRUCE J. KELMAN (hereafter "KELMAN") and
22 GLOBALTOX, INC. (hereafter "GLOBALTOX") complain against
23 Defendants as follows:

24 FIRST CAUSE OF ACTION
25 (Libel Against All Defendants)

26 1. Plaintiff BRUCE J. KELMAN (hereafter "KELMAN") is
27 an individual who resides in the State of Washington.

28 2. Plaintiff GLOBALTOX, INC. (hereafter "GLOBALTOX")
is a corporation organized and existing under the laws of the
State of Washington, with its principal place of business in

1 the State of Washington.

2 3. Defendant SHARON KRAMER (hereafter "KRAMER") is an
3 individual who resides in Escondido, California.

4 4. Plaintiffs are ignorant of the true names and
5 capacities of the Defendants sued herein as DOES 1 through
6 20, inclusive, and therefore sue these Defendants by these
7 fictitious names. Plaintiffs will amend this Complaint to
8 allege their true names and capacities when they are
9 ascertained. Plaintiffs are informed and believe and upon
10 that basis allege that each of the fictitiously named
11 Defendants is responsible in some manner for the acts
12 described herein and that the losses described herein were
13 proximately caused in part by these fictitiously named
14 Defendants.

15 5. Plaintiffs are informed and believe and upon that
16 basis allege that at all material times each of the
17 Defendants was a duly authorized agent, servant, employer,
18 employee, representative and/or alter ego of each of the
19 remaining Defendants. In doing the things alleged, each of
20 the Defendants was acting on her, his or its own behalf and
21 on behalf of, and within the course and scope of, said
22 agency, servitude, employment, representation, or alter ego
23 relationship with full knowledge, consent and permission of
24 each of the remaining Defendants, and each Defendant has
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1 ratified, approved and/or adopted the acts of the remaining
2 Defendants.

3 6. KELMAN is and at all relevant times has been an
4 expert in toxicology and related fields, and has enjoyed a
5 reputation as a highly regarded authority in that subject
6 matter. He holds a Ph.D. from the University of Illinois and
7 is a Diplomate of the American Board of Toxicology. He is a
8 fellow of the American Academy of Veterinary and Comparative
9 Toxicology, and a member of the Society of Toxicology,
10 American College of Occupational and Environmental Medicine,
11 American College of Toxicology, American Society for
12 Experimental Pharmacology and Therapeutics, Teratology
13 Society, American Physiological Society, Radiation Research
14 Society, and the Society for Experimental Biology and
15 Medicine. He has served as a consultant and as an expert
16 witness in numerous contexts before policy makers, government
17 regulators, citizen groups and in litigation throughout the
18 United States and Canada.

19 7. KELMAN is the president of GLOBALTOX, a business
20 that provides services in industrial hygiene, human and
21 environmental toxicology, and risk assessment. Its clients
22 include U.S., Canadian, and other national governments,
23 corporations and non-governmental organizations.

1 8. Commencing on or about March 9, 2005, Defendants
2 published and distributed written press releases that falsely
3 implied that KELMAN and GLOBALTOX provided perjurious
4 testimony in lawsuits and stated that KELMAN, while working
5 for GLOBALTOX, "altered his under oath statements" while
6 testifying on the witness stand in an Oregon lawsuit.
7 Defendants posted these statements on various online message
8 boards and internet sites, including ToxLaw.com and
9 ArriveNet.com.
10

11 9. Such statements are false, and are libelous on
12 their face. They expose Plaintiffs to hatred, contempt,
13 ridicule, and obloquy, and tend to injure Plaintiffs in their
14 business, in that such statements accuse Plaintiffs of
15 providing false testimony under oath, and engaging in
16 dishonest and criminal conduct.
17

18 10. These defamatory statements were seen and read by
19 persons across the United States and elsewhere who visited
20 the above-referenced message boards and internet sites.
21

22 11. As a proximate result of Defendants' wrongful
23 publication, Plaintiffs have suffered loss to their
24 reputation, shame and mortification, all to their general
25 damage in an amount to be proved at trial.

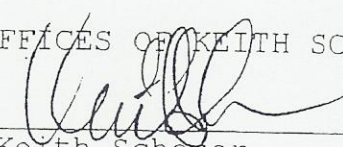
26 12. In addition, as a further proximate result of the
27 above-described publication, Plaintiffs have suffered special
28

1 5. For such other and further relief as the Court may
2 deem just and proper.

3 Dated: May 13, 2005

LAW OFFICES OF KEITH SCHEUER

By


Keith Scheuer

Attorney for Plaintiffs

BRUCE J. KELMAN and GLOBALTOX, INC.

1 damages, including injury to their business, trade,
2 profession and occupation, and amounts that Plaintiffs have
3 expended as a result of the libelous statements, in an amount
4 to be proved at trial.
5

6 13. Defendants published the defamatory statements set
7 forth above with actual malice and oppression, with ill will
8 and hatred of Plaintiffs, knowing that such statements were
9 false or with a reckless disregard for the truth of such
10 statements, in an effort to harm and injure Plaintiffs and to
11 cause them to lose business.
12

13 WHEREFORE, Plaintiffs pray for judgment against
14 Defendants, and each of them, as follows:

15 1. For general damages in an amount to be proved at
16 trial;

17 2. For special damages in an amount to be proved at
18 trial;

19 3. For punitive and exemplary damages in an amount
20 appropriate to punish Defendants and to deter such wrongful
21 conduct in the future;
22

23 4. For Plaintiffs' costs of suit incurred herein; and
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