

1 A. Yes.

2 MS. KUHN: And for the Court's notes, that
3 declaration was filed with our opposition and it's --
4 I thought I had it as an exhibit -- as Exhibit 2 of our
5 opposition to plaintiffs' Frye motion to preclude
6 Dr. Kelman from testifying on his rat study.

7 With the Court's request for our court
8 reporter to have a break at 2:30, let's go through this
9 kind of quickly.

10 Q. (By MS. Kuhn) With Exhibit A-O, do you recognize
11 this exhibit, this document, this article?

12 A. Yes, I do.

13 Q. And what is it?

14 A. This is a position paper from the American
15 Association of Asthma, Allergy and Immunology.

16 Q. And describe for us, basically, what this paper
17 concludes --

18 MR. HYAMS: Objection, your Honor.

19 Q. By MS. Kuhn) -- as to the medical effects of
20 mold exposure?

21 MR. HYAMS: Objection, your Honor.

22 This witness isn't qualified to talk about that.

23 THE COURT: He's not qualified to talk about

24 --

25 MR. HYAMS: The medical effects.

1 THE COURT: All right. That's overruled.

2 Q. (By M~~S~~. Kuhn) Go ahead, Dr. Kelman.

3 A. Essentially, this paper updates the allergic
4 and some of the infectious responses. It defers to the
5 A.C.O.E.M paper for toxicity issues and is, in fact,
6 references and is completely consistent with the
7 Institute of Medicine report.

8 Q. And the Institute of Medicine report is the book
9 that is Defendants' Exhibit X?

10 A. Yes.

11 Q. Does Exhibit X and Exhibit A-O represent what is
12 generally accepted in the scientific community today?

13 MR. HYAM~~S~~: Objection, your Honor,
14 no foundation.

15 THE COURT: Overruled.

16 Q. (By M~~S~~. Kuhn) Go ahead, Doctor.

17 A. Well, almost by definition, the Institute of
18 Medicine is considered the highest scientific body at
19 least in the nation. The quadruple A-I report represents
20 -- I don't know what the size of that organization is, but
21 it's an enormous organization, and the A.C.O.E.M report
22 represents the position of 6,000 physicians plus in
23 society, so that almost by definition, that defines a
24 large part of the scientific community.

25 MR. HYAM~~S~~: Objection, calls for