

Declaration of Sharon Kramer July 7, 2005

4. Kelman chose not to clarify the payment from the Manhattan Institute at that time in his testimony. Only after the Kilian transcript was permitted into the court record, which allowed the line of questioning to continue, did he attempt to explain the relationship between the ACOEM Statement and the Manhattan Institute Version.

5. In his attempted explanation, Kelman altered back and forth in describing the relationship of the two papers. Vance made the statement, "Well, your vouching for your own self (inaudible). You write a study and you say, 'And, it's an accurate study'." Kelman responded, "We were not paid for that". In fact the sequence was in February of 2002, Dr. Brian Harden, and (inaudible) surgeon general that works with me, was asked by American College of Occupational and Environmental Medicine to draft a position statement for consideration by the college. He contacted Dr. Andrew Saxton, who is the head of immunology at UC—clinical immunology at UCLA and myself, because he felt he couldn't do that by himself. The position statement was published on the web in October of 2002. In April of 2003 I was contacted by the Manhattan Institute and asked to write a lay version of what we had said in the ACOEM paper—I'm sorry, the American College of Occupational and Environmental Medicine position statement. When I was initially contacted I said, 'No. For the amount of effort it takes to write a paper I can do another scientific publication'. They then came back a few weeks later and said, 'If we compensate you for your time, will you write the paper?' And, at that point, I said, 'Yes, as group.' The published version, not the web version of the ACOEM paper came out in the Journal of Environmental and Occupational Medicine in May. And then sometime after that, I think it was in July, this lay translation came out. They're two different papers, two different activities. The—we would have never been contacted to do a translation of a document that had already been prepared, if it hadn't already been prepared". Vance: "Well, your testimony just a second ago that you read into the records, you stated in that other case, you said, 'Yes, GlobalTox was paid \$40,000 by the Manhattan Institute to write a new version of the ACOEM paper.' Isn't that true, sir?" Kelman "I just said, we were asked to do a lay translation, cuz the ACOEM paper is meant for physicians, and it was not accessible to the general public."

6. Within the prior sentences, Kelman testified "We were not paid for that...", not clarifying which version he was discussing. There was no question asked of him at that time. He went on to say GlobalTox was paid for the "lay translation" of the ACOEM Statement. He then altered to say "They're two different papers, two different activities." He then flipped back again by saying, "We would have never been contacted to do a translation of a document that had already been prepared, if it hadn't already been prepared." By this statement he verified they were not two different papers, merely two versions of the same paper. And that is what this lawsuit is really all about.

7. The rambling attempted explanation of the two papers' relationship coupled with the filing of this lawsuit intended to silence me, have merely spotlighted Kelman's strong desire to have the ACOEM Statement and the Manhattan Institute Version portrayed as two separate works by esteemed scientists.

8. In reality, they are authored by Kelman and Hardin, the principals of a corporation called GlobalTox, Inc. – a corporation that generates much income denouncing the illnesses of families, office workers, teachers and children with the purpose of limiting the financial liability of others. One paper is an edit of the other and both are used together to propagate biased thought based on a scant scientific foundation.

9. Together, these papers are the core of an elaborate sham that has been perpetrated on our courts, our medical community and the American public. Together, they are the vehicle used to give financial interests of some indecent precedence over the lives of others.

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Further, in determining whether there was a prima facie showing of malice, the trial court also relied on the general tone of Kramer's declarations. These declarations reflect a person, who motivated by personally having suffered by mold problems, is crusading against toxic mold and against those individuals and organizations who, in her opinion, unjustifiably minimized the dangers of indoor mold. Although this case involves only the issue of whether the statement "Kelman altered his under oath statements on the witness stand" was false and made with malice, Kramer's declarations are full of language deriding the positions of Kelman, GlobalTox, ACOEM and the Manhattan Institute. [sic, the Appellate Court neglected to mention the **US Chamber of Commerce and Congressman Gary Miller**] For example, Kramer states that people "were physically damaged by the ACOEM Statement itself" and that the ACOEM Statement is a document of scant scientific foundation; authored by expert defense witnesses; legitimized by the inner circle of an influential medical association, whose members often times evaluate mold victims o[n] behalf of insurers and employers; and promoted by stakeholder industries for the purpose of financial gain at the expense of the lives of others."

(Appellant Appendix Vol.1 Ex.12:256, 257)

