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3 CASE No. 50 180 T 00150 05

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5 SCOTIA PRINCE CRUISES,)
LIMITED,)

6 Claimant)

7 vs.)

8 THE CITY OF PORTLAND, MAINE,)

9 Respondent.)

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12 VIDEOTAPED DEPOSITION OF BRYAN D. HARDIN, Ph.D.,
13 taken before Sheri DeBlieux, Notary Public, pursuant to
14 notice, at the offices of Petruccelli, Martin & Haddow,
15 LLP, 50 Monument Square, Portland, Maine, on December
16 20, 2006, commencing at 9:00 a.m.

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18 APPEARANCES:

19 _____ James B. Haddow, Esq.
Clifford H. Ruprecht, Esq.

8:12,9,10:17

12 What was your involvement in the field of mold and
13 mycotoxins prior to June of 2001?

14 A. None. Well, in my capacity as -- as a supervisor at
15 NIOSH, I had the opportunity to -- to have a supervisory
16 position relative to activities within NIOSH and at
17 C.D.C., but no -- no personal direct involvement.

18 Q. How did you come to begin working more personally and

19 directly in the field of mold and mycotoxins?

20 A. As a freelance consultant, it was -- it was apparent
21 that there was a lot of consulting work to be done in
22 the field, so I began to study it. And I was approached
23 by an industrial hygienist I knew in Atlanta whose
24 company put on periodic training seminars, three-day
25 seminars on mold remediation. And the industrial

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1 hygienist asked me if I'd be interested in presenting a
2 one-hour lecture on health effects of molds, which I
3 did.

4 Q. So is it fair to say that you became active in mold and
5 mycotoxin research and evaluation because that was an
6 area in which your consulting business had an
7 opportunity to expand?

8 A. I think so, yes. It was -- it was an area where
9 consultants were needed and so I -- I began to -- to
10 study and develop an expertise.

11 Q. In your capacity as a consultant starting in July of
12 2000 -- strike that.

13 Were the clients of your consulting business who were
14 looking for experts to work with them in the field of
15 mold and mycotoxins primarily individuals or primarily
16 businesses or a mix?

17 MR. RUPRECHT: Object to the form.

18 A. Well, the first -- the first engagement was as a
19 lecturer in this periodic training course. As result of
20 that, I began to get inquiries from people who
21 considered engaging me.

10

22 Q. BY MR. HADDOW: And is it possible for you to say
23 whether those inquiries were predominantly from
24 employers who were concerned about mold in their
25 workplaces or predominantly from insurers or
1 predominantly from any particular segment of the
2 business population?

3 MR. RUPRECHT: Objection.

4 A. I can't say. My recollection is -- and it probably
5 isn't an exclusive representation. But my recollection
6 is that the majority of those who inquired were
7 plaintiff attorneys.

8 Q. BY MR. HADDOW: And of the plaintiff attorneys who
9 inquired, for how many did you end up performing
10 consulting services?

11 A. None. Because in the course of the conversation I guess
12 they didn't -- they decided they didn't -- couldn't use
13 my opinion and there was never a follow-up retention.

14 Q. And up to this point today, have you ever been retained
15 to provide consulting services in the field of mold or
16 mycotoxins by a plaintiff's lawyer?

17 A. I personally have not.

13:17 14:3

17 Q. Other than the letter that -- the letter to the editor
18 that you described to me earlier that hasn't been listed
19 on your C.V. as yet, are those four items all of the
20 publications on which you are an author that address
21 issues related to mold and mycotoxins?

22 A. Yes. Well, I -- we also -- we also wrote another -- we

23 were asked to write something that would be more
24 generally accessible and less technical for the
25 Manhattan Institute. I don't list that on my C.V.

14

1 Q. Is that derived from one of the other publications that
2 is listed on your C.V.?

3 A. Yes. It's derivative from the A.C.O.E.M. statement.

15:20-16

20 Q. If you look further down the page, the third one up from
21 the bottom, July 17th, 2003, there's a presentation to
22 or presentation at a what looks like a seminar sponsored
23 by the U.S. Chamber of Commerce (sic) Institute for Legal
24 Reform and the Manhattan Institute Center for Legal
25 Policy. Do you see that one?

1 A. Yes.

2 Q. Can you explain to me what that presentation concerned?

3 A. That was basically a press conference that -- that they
4 held to roll out the publication of two documents, one
5 of which was the one that we had written that was a
6 derivative of the A.C.O.E.M. statement.

7 Q. What is the U.S. Chamber of Congress Institute for Legal
8 Reform?

9 A. I don't know very much about them. I'm familiar with
10 the Chamber of Congress of course, but I had never
11 previously heard of the Institute for Legal Reform.

7 Q. What is the U.S. Chamber of Commerce(sic)Institute for
8 Legal Reform?

9 A. I don't know very much about them. I'm familiar with
10 the Chamber of Commerce (sic) of course, but I had never
11 previously heard of the Institute for Legal Reform.

12 Q. And do you know what the Manhattan Institute Center for
13 Legal Policy is?

14 A. Again, I had never heard of them until we were retained
15 by them to do the work. I don't know very much about
16 them.

17 Q. Are you under the impression that they are lobbying
18 groups of some sort?

19 A. Yes.

20 Q. And are you under the impression that they lobby for --
21 well, let me strike that.

22 Is it your impression that the written work that you
23 prepared for them was used by them as part of their
24 lobbying efforts?

25 A. I would assume so, yes.