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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO, NORTH DISTRICT

**BRUCE J. KELMAN &
GLOBALTOX, INC.,**

Plaintiffs,

v.

**SHARON KRAMER, and DOES 1
through 20, inclusive,
Defendant.**

CASE NO. GIN044539

**DECLARATION OF MARY
MULVEY JACOBSON IN
SUPPORT OF DEFENDANT**

**[Assigned for All Purposes To
Hon. Lisa C. Schall, Department
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**Motion Hearings Date, December
12, 2008**

**1. My name is Mary Mulvey Jacobson. My place of residence is 60 Carolina Avenue,
Jamaica Plain, Massachusetts.**

**2. I was the Chief of Staff for Boston City Councillor Maura Hennigan for over twelve
and had to leave my job due to severe illness from long-term mold exposure within my
office.**

**3. Even after leaving my occupation, I have continued in my role as a public servant
in a private citizen capacity. I am the President of the West Roxbury Business and
Professional Association, the Vice Chair of the Board of Managers of the West
Roxbury YMCA and am the Vice President of the Board of Directors of Ethos, a
senior citizen/disabled agency that seeks to keep people in their homes and out of
nursing homes.**

Declaration of Ms. Mary Mulvey Jacobson

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3. For over eight years, I have been involved in publically speaking, advocating and testifying on the city, state and federal levels with regard to public policy over the mold issue. On numerous occasions, I have spoken out about the negative impacts that the ACOEM "Adverse Human Health Effects Associated With Mold In the Indoor Environment" (aka ACOEM mold statement) and the US Chamber of Commerce "A Scientific View of the Health Effects of Mold" (aka the Manhattan Institute paper) have had on the understanding of mold induced illnesses when establishing policy.

4. I am aware that the Plaintiffs in this case, Dr. Kelman and Veritox are the authors of both of these papers. I am also aware that the Plaintiffs know of my activities on this issue. Through the request for production of documents, they turned over a yellow highlighted testimony I had given before the Massachusetts Legislature's Joint Committee on Public Health on July 25, 2007, as attached. The science Plaintiffs have presented before the courts and have used to establish public policy was the subject of my presentation.

5. To my knowledge, Mrs. Kramer's public participation press release that was published on PRWeb in March 2005 and was titled "Jury Finds 'Toxic Mold' Harmed Oregon Family, Builder's Arbitration Clause Not Binding" was the first time the true relationship of the ACOEM mold statement and the Manhattan Institute paper have been written about how they are used together to establish public policy and to mislead the courts about the legitimate science of mold.

6. In August of 2008, I flew to San Diego, CA to testify as a witness on behalf of Sharon Kramer. I was in San Diego from August 18th through the 22nd in the hopes of being able to testify on Mrs. Kramer's behalf. It was my intent to testify regarding the impact these papers have had on establishing policy, determining medical treatment for the injured and the wrongful denial of workers compensation and other insurance related claims. We both have been fielding calls from residents and workers across this country made ill by mold exposures who have hit brick walls in seeking treatment because of industry dictating medicine for self-protection and not protection of the health of human beings. Mrs. Kramer and I have spent much time in Washington, DC together lobbying for change on a federal level.

7. The "science" that Plaintiffs wrote that was legitimized by ACOEM and was promoted by the US Chamber of Commerce has been used extensively by Plaintiffs

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and others when testifying before the courts that it has been scientifically proven these illnesses “could not be” which flies in the face of the reality of what adults and children are medically experiencing when exposed to indoor mold.

8. Since the “science” Plaintiffs promote before the courts was not permitted to be discussed before the jury, the testimony I was prepared to give regarding the usage and ramifications of Plaintiffs “science” also would not have been allowed before the jury.

9. The courts should know that Mrs. Kramer has been a driving force in exposing conflicts of interest of Plaintiffs and others. This has led to new public policy being established by the Federal Government Accountability Report released on October 15, 2008. The Federal government is now acknowledging mold and mold toxins may plausibly indeed cause serious illness and that the public needs to be warned. This is directly opposite of the “science” that Plaintiffs have presented before countless courts while claiming that their position of “could not be” is founded on sound science. The Federal government has so decreed.

“On the other hand, another recent review cast doubt on the health effects of mycotoxins in one set of circumstances—specifically, the review concluded that it was improbable for mycotoxins to cause negative health effects through a toxic mechanism when individuals inhale mycotoxins in nonoccupational settings (such as homes). This review, however, explicitly stated this conclusion did not address adverse health effects of mycotoxins that may be caused by immune-mediated mechanisms or stem from exposure in occupational settings or by ingestion.²³”

10. The courts should understand that Plaintiffs do not like it widely known that the supposed unbiased science of ACOEM is connected to the mass promotion of the concept by a conservative think-tank and the US Chamber of Commerce. It hurts their business interests by showing that the ACOEM mold statement was never unbiased science.

11. Mrs. Kramer and I have to work together to prevent money interest from dictating science and medicine. I applaud Sharon Kramer’s leadership and dedication

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to bringing about the truth of mold induced illness to greater government and public policy light. Every day special interests are allowed to unduly influence science and medicine is another day that more people get sick. This situation will soon change. As the October 15, 2008, Federal GAO Report has established that truth trump the protection of special interests in setting health policy over the mold issue.

1. I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and that this Declaration was executed by me on this 28th day of October, 2008 in Jamaica Plain, Massachusetts.

Respectfully submitted,

Mary Mulvey Jacobson

Mary Mulvey Jacobson

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