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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

Court of Appeal Fourth District
FILED

OCT 13 2010

Stephen M. Kelly, Clerk
DEPUTY

BRUCE KELMAN et al.,

D054496

Plaintiffs and Respondents.

v.

(Super. Ct. No. GIN044539)

SHARON KRAMER,

NO CHANGE IN JUDGMENT

Defendant and Appellant.

THE COURT:

The nonpublished opinion filed September 14, 2010, is modified as follows:

At Discussion I, last paragraph beginning with "Finally, because" delete

"Finally, "; begin sentence with "Because" (slip opn., p. 13)

At Discussion I, after last paragraph, last sentence ending with "that
determination." insert two new paragraphs (slip opn., p. 13):

"We also recognize that the trial court gave "Plaintiff's Special Jury Instruction -
Proof of Actual Malice," which stated: "Actual malice may be proved by circumstantial
evidence. Although personal ill will by itself is not sufficient to prove actual malice, a

combination of Kramer's anger, hostility toward the Plaintiffs, failure to investigate or subsequent conduct may all constitute circumstantial evidence that actual malice existed. Evidence alone of Kramer's animosity, hatred, spite or ill will toward Kelman or Globaltox does not establish actual malice." !(AA 1213)! Contrary to Kramer's argument on appeal, this instruction did not require that the jury find that she acted with malice.

"Finally we reject Kramer's contention that reversible error occurred because exhibit 53, which *she* offered into evidence, included e-mails from a third party accusing her of cyberstalking and the jury had access to the e-mails. The record is clear that before the exhibits were admitted into evidence and provided to the jury, the parties and their counsel had met with respect to them and agreed that exhibit 53 would be admitted. The trial court was entitled to rely on the agreement of the parties with respect to the propriety of the exhibits."

There is no change in the judgment.

The petition for rehearing is denied.

A handwritten signature in cursive script, appearing to read "Benke", is written above a horizontal line.

BENKE, Acting P. J.

1 SHARON NOONAN KRAMER, PRO PER
2 2031 Arborwood Place
3 Escondido, CA 92029
4 (760) 746-8026
5 (760) 746-7540 Fax
6

7 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF SAN DIEGO, NORTH DISTRICT**
9

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11
12 **BRUCE J. KELMAN,**

13 **Plaintiff**

14 **v.**

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17 **SHARON KRAMER,**

18 **Defendant.**
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CASE NO. GIN044539

Declaration of Lincoln D. Bandlow

**[Assigned for All Purposes To Hon. Lisa
C. Schall, Department 31]**

Hearing Date: December 12, 2008

Declaration of Lincoln D. Bandlow

I, Lincoln D. Bandlow, hereby declare as follows:

1. I am a partner in the law firm Spillane Shaeffer Aronoff Bandlow LLP and I am licensed to practice law in the State of California. I have personal knowledge of the facts set forth herein and if sworn as a witness I could and would testify competently thereto.

2. In August of 2007, I was retained by Defendant Sharon Kramer to represent her in this action. I represented her from that period until on or about September 12, 2008, when Mrs. Kramer substituted into the case to act on her own behalf. I represented Mrs. Kramer at the trial of this matter which took place from August 18, 2008 through August 26, 2008.

3. On numerous occasions throughout the trial of this matter, I attempted to present evidence of Mrs. Kramer's state of mind when she wrote the press release that was the subject of the litigation. In particular, Mrs. Kramer's understanding of (1) the science that formed the basis of plaintiff Bruce Kelman's frequent testimony and writings on the issue of the dangers of mold exposure and (2) the relationship between the ACOEM Paper and the Manhattan Institute Report and the effect of that relationship on the testimony of Bruce Kelman in not only the *Haynes* case, but any future testimony that Kelman might provide. Her understanding of these two crucial points directly and materially effected her state of mind when she wrote the press release and why she wrote the words "altered his under oath statements" that were the entire basis for plaintiffs' claims in this action. The Court, however, over my strenuous objections, consistently prevented me and Mrs. Kramer from presenting this crucial evidence to the jury.

4. I am now aware that two documents were submitted to the jury in this matter that were never introduced, authenticated or discussed in any manner during the trial and which were highly prejudicial. During the trial, I introduced Exhibit 53 and had it authenticated by Kelman. My understanding of Exhibit 53 as I presented it at trial was that it was a one page letter from Globaltox to the Manhattan Institute followed by five pages of invoices that evidenced work performed by Globaltox for the Manhattan Institute in connection with the preparation of the Manhattan Institute Report (collectively the "Institute Information"). I introduced the Institute

1 Information during the cross examination of Kelman, who authenticated it and I then moved to
2 have the Institute Information admitted into evidence. There was no objection and the Institute
3 Information was admitted. I later questioned Coreen Robbins about the Institute Information
4 during my cross examination of her.

5 5. What I did not learn until after the trial was over when I was speaking with juror
6 Shelby Stuntz was that three additional documents were attached to this exhibit (unbeknownst to
7 me) and submitted to the jury, two of which had never been authenticated or discussed. The first
8 attached document was a one page email from Michael Holland to Bruce Kelman (the “Holland
9 Email”). The Holland Email, however, was in fact introduced and admitted into evidence **as**
10 **Exhibit 59** just prior to closing arguments (Kelman’s attorney stipulated to its admission without
11 the need for testimony to authenticate it). The fact that I introduced this document after Exhibit
12 53 had been entered into evidence underscores how I was not aware that this document was part
13 of Exhibit 53 because, obviously, if I was aware that this document was part of an exhibit
14 already admitted, there would have been no need to separately admit it as Exhibit 59.

15 6. The second document that went to the jury as part of Exhibit 53 was an email
16 from Daniel Sudakin to Bruce Kelman, which forwarded another email from Daniel Sudakin to
17 Bruce Kelman about “Sharon Kramer and Renata Zilch” (the “Sudakin Email”). The Sudakin
18 Email was never introduced, authenticated, discussed or referenced in any way during the trial,
19 nor was any information about an article written under the name “Renata Zilch” ever remotely
20 discussed in the case. Not only is the Sudakin Email inadmissible hearsay, but it includes highly
21 prejudicial (and false) statements that Mrs. Kramer was engaging in “harassment and
22 cyberstalking” and disseminating “misinformation” and “attacks.”

23 7. The third document was a letter from James Schaller to Sudakin (which Sudakin
24 had attached to the Sudakin Email) (the “Schaller Letter”). The Schaller Letter was never
25 introduced, authenticated, discussed or referenced in any way during the trial, nor was any
26 information about Schaller or the matters discussed in his letter ever remotely discussed in the
27 case. The Schaller Letter is inadmissible hearsay and prejudicial.

1 8. I never intended for the Sudakin Email or the Schaller Letter to be allowed into
2 evidence in this case or go to the jury (in fact, I would have objected to them being introduced in
3 the case on the grounds that they are hearsay, irrelevant and prejudicial). I am not sure how the
4 Sudakin Email and Schaller Letter became part of Exhibit 53, although I am aware that that these
5 documents were at one time all marked together with the Institute Information as a separate
6 deposition exhibit for Kelman's deposition. When it came to trial exhibits, however, my copy of
7 the trial exhibits that I used during the trial did not have the Holland Email as part of Exhibit 53
8 (as mentioned, it was separately marked as Exhibit 59), the Sudakin Email (which was also
9 separately included in the Exhibit binders as Exhibit 60 but never introduced or admitted at trial)
10 or the Schaller letter (which I do not believe was included as a separate exhibit). Rather, my
11 copy of the exhibits simply showed Exhibit 53 being the Institute Information, which I spent
12 considerable time on during the trial. Thus, when Exhibit 53 was admitted into evidence, I
13 believed that it only included the Institute Information.

14 9. After the trial was over, I spoke to a juror on the case, Shelby Stuntz. She
15 informed me that numerous jurors were unsure if plaintiffs had met their burden to demonstrate
16 actual malice in the case but that a number of them had then relied on the Sudakin Email and
17 Schaller Letter, particularly the language in the Sudakin Email about "harassment and
18 cyberstalking" to reach the conclusion that actual malice had been shown. Thus, it appears that
19 the Sudakin Email and the Schaller Letter played a substantial, if not determinative, role in the
20 verdict that was rendered against Mrs. Kramer. Moreover, it also demonstrates that the jury
21 misunderstood the concept of actual malice, mistaking it for simple "personal malice" which
22 they improperly concluded existed due to the Sudakin Email.

23 I declare under penalty of perjury of the laws of the State of California that the
24 foregoing is true and correct and that this Declaration was executed by me on this 30th day
25 of October, 2008, in Los Angeles, California.

26 

27 _____
28 LINCOLN BANDLOW

1 **SHARON KRAMER, PRO PER**
2 **2031 Arborwood Place**
3 **Escondido, CA 92029**
4 **(760) 746-8026**
5 **(760) 746-7540 Fax**

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **FOR THE COUNTY OF SAN DIEGO**

8 **BRUCE KELMAN, GLOBALTOX, INC.,**)

Case No.: GIN 044539

9 **Plaintiffs,**)

DECLARATION OF SHELBY STUNTZ,
JUROR NUMBER 5

10 **v.**)

11 **SHARON KRAMER, and DOES 1 through**)
12 **20, inclusive,**)

[Assigned for All Purposes To Hon.
Lisa C. Schall, Department 31]

13 **Defendants.**)

Trial Date: August 18, 2008

14 _____)
15
16 1. My name is Shelby Stuntz. I am an attorney licensed to practice law in the State of
17 California.

18 2. In August 2008, I served as a juror in the defamation case brought by Bruce Kelman and
19 Veritox, Inc. against Sharon Kramer (Case No. GIN044539).

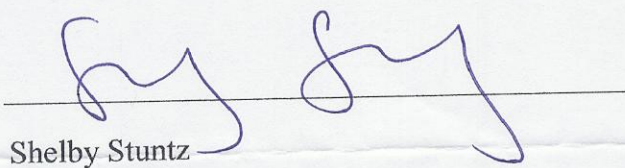
20 3. During deliberations Exhibit #53 was included in the evidence. As I recall, Exhibit #53
21 included the invoices submitted by Dr. Kelman for work on a paper titled "*A Scientific View Of*
22 *The Health Effects of Mold*" that his company was paid to do for the US Chamber of Commerce
23 and the Manhattan Institute.
24

1 4. A number of additional pages were attached to the invoices in Exhibit #53 that appeared
2 to be unrelated to the invoices and as I recall were never discussed in the trial proceedings.

3 5. Those additional pages were not introduced as evidence during the trial. They included
4 emails between a physician, Veritox employees, and Dr. Kelman. I recall one of the
5 communications described Ms. Kramer as a "cyberstalker". These emails were read aloud in the
6 jury room on the second day of deliberations.

7 6. It was not until these emails which described Ms. Kramer as a "cyberstalker" were read
8 aloud that the vote of the jurors changed from 8 to 4 (in favor of Dr. Kelman) to 10 to 2 (in favor
9 of Dr. Kelman). Up until that point, the jury spent a number of hours discussing whether Ms.
10 Kramer acted with malice. After the "cyberstalker" email was read, jurors #11 and #1 changed
11 their votes in favor of Dr. Kelman and Veritox. These two jurors both stated these emails
12 illustrated Ms. Kramer acted with malice.

13
14 I declare under penalty of perjury of the laws of the State of California that the foregoing
15 is true and correct and that this Declaration was executed by me on this 25th day of October,
16 2008 in Long Beach, California

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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 Jury Foreman, Roy
Litzenberg**

**[Assigned for All Purposes To
Hon. Lisa C. Schall, Department
31]**

Trial Date: August 18, 2008

1. My name is Roy Litzenberg. In August of 2008, I was the Jury Foreman in the trial of Kelman and GlobalTox vs. Kramer.

2. On day two of deliberation, the jury issued a written question to the judge. My recollection of the question is: "If we find that Ms. Kramer acted with actual malice as defined in the Plaintiff's Special Jury Instruction – Proof of Actual Malice (included as Attachment A) is this equivalent to answering "Yes" to Question 5 of the Special Verdict Form? (included as Attachment B)"

3. The response received from the Judge was "Yes".

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 20th day of December, 2008, in San Marcos, California.



Declaration of Jury Foreman, Mr. Roy Litzenberg

ATTACHMENT A

**PLAINTIFF'S SPECIAL JURY INSTRUCTION –
PROOF OF ACTUAL MALICE**

PLAINTIFFS' SPECIAL JURY INSTRUCTION

Proof of Actual Malice

Actual malice may be proved by circumstantial evidence. Although personal ill will by itself is not sufficient to prove actual malice, a combination of Kramer's anger, hostility toward the Plaintiffs, failure to investigate or subsequent conduct may all constitute circumstantial evidence that actual malice existed. Evidence alone of Kramer's animosity, hatred, spite or ill will toward Kelman or Globaltox does not establish actual malice.

ATTACHMENT B

SPECIAL VERDICT FORM NO. 1

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8 **Superior Court of the State of California**
9 **County of San Diego, North County Division**
10

11 BRUCE J. KELMAN, GLOBALTOX, INC.,) CASE NO. GIN044539
12)
13 Plaintiffs,) **SPECIAL VERDICT FORM NO. 1**
14) **DR. KELMAN**
15 v.)
16 SHARON KRAMER, and DOES 1 through 20,)
17 inclusive,)
18 Defendants.)
19

20 Plaintiff Bruce J. Kelman claims that Defendant Sharon Kramer acted wrongly by
21 making the following statement: "Dr. Kelman altered his under oath statements on the
22 witness stand" while he testified as a witness in an Oregon lawsuit.

23 1. Did Kramer make the above statement to persons other than Kelman?

24 ☐ Yes ☐ No

25 If the answer to question 1 is yes, then proceed to question 2. If you answered no,
26 stop here, answer no further questions, and have the presiding juror sign and date this
27 form.

28 ///

1 2. Did the persons to whom the statement was made reasonably understand
2 that the statement was about Bruce Kelman?

3 — Yes — No.

4 If the answer to question 2 is yes, then proceed to question 3. If you answered no,
5 stop here, answer no further questions, and have the presiding juror sign and date this
6 form.

7
8 3. Could persons who read the statement reasonably have understood it to
9 mean that Kelman had committed the crime of perjury or testified falsely while on the
10 witness stand?

11 — Yes — No.

12 If the answer to question 3 is yes, then proceed to question 4. If you answered no,
13 stop here, answer no further questions, and have the presiding juror sign and date this
14 form.

15
16 4. Was the statement false?

17 — Yes — No.

18 If the answer to question 4 is yes, then proceed to question 5. If you answered no,
19 stop here, answer no further questions, and have the presiding juror sign and date this
20 form.

21
22 5. Did Kelman prove by clear and convincing evidence that Kramer knew the
23 statement was false, or had serious doubts about the truth of the statement?

24 — Yes — No.

25 If the answer to question 5 is yes, then proceed to question 6. If you answered no,
26 stop here, answer no further questions, and have the presiding juror sign and date this
27 form.
28

1
2 6. If you checked yes to all of questions 1-5 above, you may award Plaintiff
3 Kelman a monetary sum up to but not exceeding \$1.00 (one dollar and no cents).

4 Sum awarded to Plaintiff Bruce J. Kelman: _____

5
6 After all verdict forms have been signed, deliver all forms to the Judge, clerk , or
7 bailiff.

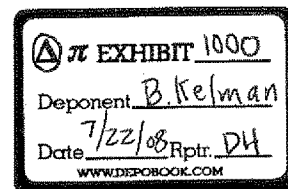
8
9 Date: _____, 2008

10 Presiding Juror



GLOBALTOX

SEATTLE • PORTLAND • GUELPH



March 28, 2003

Our ref: 6257

Paul Howard
The Manhattan Institute
52 Vanderbilt Avenue
New York, NY 10017

RE: Manhattan Institute Project

Dear Mr. Howard:

We are pleased to confirm The Manhattan Institute has retained GLOBALTOX, Inc. to investigate the above-referenced matter on an hourly rate-plus-expenses basis, unless otherwise specified. GLOBALTOX's retention on this case is solely with your firm and, as such, all fees and expenses incurred by GLOBALTOX will be the responsibility of The Manhattan Institute.

GLOBALTOX's services are offered only in accordance with our current Terms and Conditions agreement. Our charges will be billed according to our current Schedule of Rates and Charges, with professional fees at our current commercial rates. To ensure that you are apprised of the technical efforts expended on your project, periodic invoices will be provided. Payment of each billing is due upon receipt.

GLOBALTOX's charges for this activity will not exceed \$25,000 without prior approval of The Manhattan Institute.

Please indicate your acceptance and understanding of the contents of this letter by signing and returning the enclosed copy. Copies of our current Terms and Conditions and Schedule of Rates and Charges are enclosed and made a part hereof by reference. If you have any questions regarding any of the above terms, please do not hesitate to contact me.

Thank you again for your interest in GLOBALTOX, Inc. We look forward to working with you.

Sincerely,

GLOBALTOX, INC.

Bruce J. Kelman, Ph.D., DABT
Principal

BJK/bmw

Enclosures

032803bjk1.doc

Accepted by: Lawrence More

Date: 4/8/03

GlobalTox, Inc.

18372 Redmond-Fall City Road
Redmond, WA 98052

EIN 91-1877454

BILL TO

The Manhattan Institute
Paul Howard
52 Vanderbilt Avenue
New York, NY 10017

Invoice

DATE	INVOICE #
4/30/2003	5258
DUE DATE	TERMS
5/30/2003	Net 30
FOR PERIOD ENDING	
April 18, 2003	

PROJECT

6257 - Manhattan Institute Project

DESCRIPTION	SERVICE	HOURS OR UNITS	TYPE	AMOUNT
Write article; teleconferences with client and other authors	Kelman, B	5.5	Labor	1,925.00
	Hardin	8	Labor	2,800.00
	Admin Support	1	Labor	60.00
Copying Fee	Copy	5	Non-labor	0.75

Tel: (425) 556-5555
Fax: (425) 556-5556

This invoice may not include other project expenses unavailable at invoice date. Interest of 2% per month charged on accounts outstanding.

Total	\$4,785.75
--------------	-------------------

PLEASE REMIT PAYMENT TO:
GLOBALTOX, INC.

2 of 11

GlobalTox, Inc.

18372 Redmond-Fall City Road
Redmond, WA 98052

EIN 91-1877454

BILL TO

The Manhattan Institute
Paul Howard
52 Vanderbilt Avenue
New York, NY 10017

Invoice

DATE	INVOICE #
5/30/2003	5412

DUE DATE	TERMS
6/29/2003	Net 30

FOR PERIOD ENDING
May 16, 2003

PROJECT

6257 - Manhattan Institute Project

DESCRIPTION	SERVICE	HOURS OR UNITS	TYPE	AMOUNT
Compose and edit paper; consultations with Dr. Hardin	Kelman, B	5	Labor	1,750.00
	Admin Support	0.25	Labor	15.00

Tel: (425) 556-5555
Fax: (425) 556-5556

This invoice may not include other project expenses unavailable at invoice date. Interest of 2% per month charged on accounts outstanding.

Total	\$1,765.00
--------------	-------------------

PLEASE REMIT PAYMENT TO:
GLOBALTOX, INC.

3 of 11

GlobalTox, Inc.

18372 Redmond-Fall City Road
Redmond, WA 98052

EIN 91-1877454

BILL TO

The Manhattan Institute
Paul Howard
52 Vanderbilt Avenue
New York, NY 10017

Invoice

DATE	INVOICE #
6/12/2003	5493

DUE DATE	TERMS
7/12/2003	Net 30

FOR PERIOD ENDING
May 30, 2003

PROJECT

6257 - Manhattan Institute Project

DESCRIPTION	SERVICE	HOURS OR UNITS	TYPE	AMOUNT
Revise and edit manuscript	Kelman, B	4	Labor	1,400.00
Revise and edit draft manuscript	Hardin	27	Labor	9,450.00
Find references; review paper	Technical Spt	4.75	Labor	405.50
Library services	Library Spt	6	Labor	600.00
	Admin Support	1.75	Labor	105.00
Copying Fee	Copy	48	Non-labor	7.20

Tel: (425) 556-5555

Fax: (425) 556-5556

This invoice may not include other project expenses
unavailable at invoice date. Interest of 2% per month
charged on accounts outstanding.

Total **\$11,967.70**

PLEASE REMIT PAYMENT TO:
GLOBALTOX, INC.

4.0111

GlobalTox, Inc.

18372 Redmond-Fall City Road
Redmond, WA 98052

EIN 91-1877454

BILL TO

The Manhattan Institute
Paul Howard
52 Vanderbilt Avenue
New York, NY 10017

Invoice

DATE

INVOICE #

7/24/2003

5759

DUE DATE

TERMS

8/23/2003

Net 30

FOR PERIOD ENDING

July 11, 2003

PROJECT

6257 - Manhattan Institute Project

DESCRIPTION	SERVICE	HOURS OR UNITS	TYPE	AMOUNT
Edit manuscript; write biosketches	Kelman, B	6.25	Labor	2,187.50
Assist manuscript edit; verify references	Technical Spt	7	Labor	580.50
Library services	Library Spt	8	Labor	800.00
	Admin Support	0.25	Labor	15.00
Copying Fee	Copy	6	Non-labor	0.90

Tel: (425) 556-5555

Fax: (425) 556-5556

This invoice may not include other project expenses
unavailable at invoice date. Interest of 2% per month
charged on accounts outstanding.

Total

\$3,583.90

PLEASE REMIT PAYMENT TO:
GLOBALTOX, INC.

5 of 11

GlobalTox, Inc.

18372 Redmond-Fall City Road
Redmond, WA 98052

EIN 91-1877454

BILL TO

The Manhattan Institute
Paul Howard
52 Vanderbilt Avenue
New York, NY 10017

Invoice

DATE	INVOICE #
8/6/2003	5869

DUE DATE	TERMS
9/5/2003	Net 30

FOR PERIOD ENDING
July 25, 2003

PROJECT

6257 - Manhattan Institute Project

DESCRIPTION	SERVICE	HOURS OR UNITS	TYPE	AMOUNT
Prepare for and attend Chamber of Commerce meeting	Hardin	7	Labor	2,450.00
Consultation with Dr. Hardin	Kelman, B	0.25	Labor - NC	0.00
Library services	Library Spt	4	Labor	400.00
	Admin Support	0.25	Labor	15.00
Postage	Postage		Non-labor	6.96
Document retrieval	Other		Non-labor	25.30
Travel expenses - airfare	Travel		Non-labor	692.30
Travel expenses	Travel		Non-labor	401.07
Credit given for travel expenses	Travel		Non-labor	-1,092.98

Tel: (425) 556-5555

Fax: (425) 556-5556

This invoice may not include other project expenses unavailable at invoice date. Interest of 2% per month charged on accounts outstanding.

Total	\$2,897.65
--------------	-------------------

PLEASE REMIT PAYMENT TO:
GLOBALTOX, INC.

6 of 11

Kelman, Bruce

From: Holland, Michael
Sent: Saturday, February 05, 2005 4:24 PM
To: Kelman, Bruce
Subject: FW: One is judged by the company they keep. GlobalTox

Attachments: GlobalTox with NIOSH added.doc



GlobalTox with
IOSH added.doc.

Bruce:

Mystery solved. I Googled the aol address and it came up: Sharon Kramer, a mold advocate/victim from California (no surprise!) She wrote the document and I looked at the properties and author came up "Kramer". See the link:
<http://www.schoolmoldhelp.org/breakingnews.html>
Go to the line Surgeon General's Workshop on Health Indoor Environments scroll down and see where she mentions GlobalTox, and takes a dig at Occupational Physicians, probably why she singled me out to send the email to.
Mike

-----Original Message-----

From: SNK1955@aol.com [mailto:SNK1955@aol.com]
Sent: Sun 1/30/2005 10:41 PM
To: Holland, Michael
Subject: One is judged by the company they keep. GlobalTox

No virus found in this incoming message.
Checked by AVG Anti-Virus.
Version: 7.0.300 / Virus Database: 265.8.5 - Release Date: 2/3/2005

From: Daniel L. Sudakin, M.D., M.P.H. [mailto:sudakind@peak.org]
Sent: Tuesday, March 25, 2008 2:39 PM
To: Kelman, Bruce
Subject: FW: Sharon Kramer and Renata Zilch

Daniel L. Sudakin, MD, MPH, FACMT, FACOEM
310 NW Fifth Street, Suite 107
Corvallis, OR 97330
phone: (541) 753-8845
fax: (541) 753-8850
www.medicaltox.com

From: Daniel L. Sudakin, M.D., M.P.H. [mailto:sudakind@peak.org]
Sent: Sunday, December 23, 2007 1:15 PM
To: 'bkelman@veritox.com'; 'fhonore@veritox.com'
Subject: Sharon Kramer and Renata Zilch

Sharon Kramer has (in various forums on the internet, as well as her "report" to the Government Accountability Office) communicated that I authored some paper on mold litigation, under a false name (Renata Zilch), on a website called "Skeptics Report." A copy of that article is attached ("Renata Zilch: Panic First, Investigate Later"). Sharon is fond of quoting the last paragraph of that article, and then linking some way to me. I have no idea how she came to the inaccurate conclusion that I wrote this article. I have never written anything under the name Renata Zilch.

I have attached some of Sharon's postings to the Yahoo sickbuildings group discussion board (see highlighted sections), which documents her interest in learning more about who Renata Zilch is. At some point, she came to the conclusion that I am Renata Zilch, and then you can see some additional harassment and cyberstalking of me

Wednesday, July 02, 2008 AOL: Kscheuer

8/11

in her subsequent postings.

I have also attached some of Sharon's postings to the Toxlaw website, where she again implies that I am Renata Zilch, and goes on to imply that I am an "anonymous expert" who is somehow responsible for the current allegations against William Rea's medical license in Texas. Again, I have no idea what would make her think this. I have no involvement in that.

She repeatedly alleges (in various forums, as well as her report to the GAO) that I have failed to disclose a contract for technical writing that I previously had with the CDC. That contract had absolutely nothing to do with mold or mycotoxins. It was for my work as a technical writer on the CDC Third Report on Human Exposure to Environmental Chemicals. All of that work was related to pesticides and their toxicology.

The site where all of this was previously assembled (including links to various documents, as well as testimony) was located at a website address that is no longer active (it went offline about a month ago):

<http://www.science4sale.info/cdcoutsourced>

Her dissemination of this misinformation has led to people from across the country contacting me, as they believe that I am somehow trying to do them harm. As an example, I have attached a letter I received from Dr. James Schaller in Florida. Dr. Schaller is the co-author of Ritchie Shoemakers book "Mold Warriors." Dr. Schaller had contacted me because he was under the impression that I was working with the CDC to target physicians who had alternative beliefs about health effects from mold. As you can see from the letter he sent me, he also wants to know about Renata Zilch and the contract I had as a technical writer for the CDC.

If the attorney who will be deposing Sharon Kramer has any questions about any of this, please have them give me a call. I have had enough of the harassment, cyberstalking, and attacks on my Veritox affiliation.

Thanks,

Dan

Daniel L. Sudakin, MD, MPH, FACMT, FACOEM
310 NW Fifth Street, Suite 107
Corvallis, OR 97330
phone: (541) 753-8845
fax: (541) 753-8850
www.medicaltox.com

Wednesday, July 02, 2008 AOL: Kscheuer

9.011

James L. Schaller, MD, MAR, DABPN, PA
Professional Medical Services of Naples

October 21, 2007

Daniel L. Sudakin, MD, MPH, FACMT, FACOEM

Dear Dan,

Thank you for your helpful letter of September 21st.

I appreciate the time you took to write and I apologize if I caused any unsettled feelings due to comments that you explained are not true. Thanks for the sacrifice of time.

When I expressed your comments as you requested, the information was appreciated. Yet I was also asked about the purpose of a "CDC contract (2/06)" and someone raised the name of a writer, "Renata Zilch." (I believe these are in the context of the effects of mycotoxins on people beyond the IOM conclusions). I have no knowledge about either issue, but you did mention if some future questions arose from others to pass along.

I know you have a life, but perhaps best to put these other matters to rest, which I personally am utterly clueless about, but I might learn something.

For myself, I wonder if you are aware of any Internet home study toxicology programs ideally at the Masters level.

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Sorry to trouble you again.

Have a good week.



James

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