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1 the name of my practice.  
 2 MR. VANCE: And, you're actually  
 3 one of the owners of GlobalTox, aren't you.  
 4 BRUCE J. KELMAN: One's normally an  
 5 owner of a practice, yes.  
 6 MR. VANCE: Yes. GlobalTox is an  
 7 international corporation, isn't that true?  
 8 BRUCE J. KELMAN: We have offices  
 9 in the US and in Canada, and we work across the US.  
 10 MR. VANCE: Okay. Do you have any  
 11 offices --  
 12 BRUCE J. KELMAN: I mean, I'm  
 13 sorry, across the world.  
 14 MR. VANCE: You have offices in  
 15 Europe?  
 16 BRUCE J. KELMAN: No. We do not.  
 17 MR. VANCE: Okay. Now, this  
 18 revision of the Colleges of Occupation and  
 19 Environmental Medicines state --  
 20 BRUCE J. KELMAN: What revision?  
 21 MR. VANCE: The revision -- you  
 22 said that you were instrumental in writing the  
 23 statement, and then later on you said you and a  
 24 couple other colleagues wrote a revision of that  
 25 statement, isn't that true?

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1 BRUCE J. KELMAN: No, I didn't say  
 2 that.  
 3 MR. VANCE: Well --  
 4 BRUCE J. KELMAN: To help you out  
 5 I said there were revisions of the position statement  
 6 that went on after we had turned in the first draft.  
 7 MR. VANCE: And, you participated  
 8 in those revisions?  
 9 BRUCE J. KELMAN: Well, of course,  
 10 as one of the authors.  
 11 MR. VANCE: All right. And, isn't  
 12 it true that the Manhattan Institute paid GlobalTox  
 13 \$40,000 to make revisions in that statement?  
 14 BRUCE J. KELMAN: That is one of  
 15 the most ridiculous statements I have ever heard.  
 16 MR. VANCE: Well, you admitted to  
 17 it in the Killian deposition, sir.  
 18 BRUCE J. KELMAN: No. I did not.  
 19 MR. VANCE: Your Honor, may I  
 20 approach. Would you read into the record, please,  
 21 the highlighted parts of pages 905 and 906 of the  
 22 trial transcript in that case.  
 23 MR. KECKLE: Your Honor, I would  
 24 ask that Dr. Kelman be provided the rest of the  
 25 transcript under the rule of completeness. He's only

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1 been given two pages.  
 2 JUDGE VANDYK: Do you have a copy  
 3 of the transcript?  
 4 MR. KECKLE: I do not.  
 5 MR. VANCE: Your Honor, I learned  
 6 about Dr. Kelman just a --  
 7 JUDGE VANDYK: How many pages do  
 8 you have?  
 9 MR. VANCE: I have the entire  
 10 transcript from pages --  
 11 JUDGE VANDYK: All right. Hand  
 12 him the transcript.  
 13 MR. VANCE: -- I'd be happy to  
 14 give it to him, Your Honor.  
 15 JUDGE VANDYK: All right.  
 16 MR. VANCE: Would you read into  
 17 the record the highlighted portions of that  
 18 transcript, sir?  
 19 BRUCE J. KELMAN: "And, that new  
 20 version that you did for the Manhattan Institute, your  
 21 company, GlobalTox got paid \$40,000. Correct. Yes,  
 22 the company was paid \$40,000 for it."  
 23 MR. VANCE: Thank you. So, you  
 24 participated in writing the study, your company was  
 25 paid very handsomely for it, and then you go out and

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1 you testify around a country legitimizing the study  
 2 that you wrote. Isn't that a conflict of interest,  
 3 sir?  
 4 BRUCE J. KELMAN: Sir, that is a  
 5 complete lie.  
 6 MR. VANCE: Well, your vouching for  
 7 your own self [inaudible]. You write a study and you  
 8 say, "And, it's an accurate study."  
 9 BRUCE J. KELMAN: We were not paid  
 10 for that. In fact, the sequence was in February of  
 11 2002, Dr. Brian Harden, and [inaudible] surgeon  
 12 general that works with me, was asked by American  
 13 College of Occupational and Environmental Medicine to  
 14 draft a position statement for consideration by the  
 15 college. He contacted Dr. Andrew Saxton, who is the  
 16 head of immunology at UC -- clinical immunology at  
 17 UCLA and myself, because he felt he couldn't do that  
 18 by himself. The position statement was published on  
 19 the web in October of 2002. In April of 2003 I was  
 20 contacted by the Manhattan Institute and asked to  
 21 write a lay version of what we had said in the ACOEM  
 22 paper -- I'm sorry, the American College of  
 23 Occupational and Environmental Medicine position  
 24 statement. When I was initially contacted I said,  
 25 "No." For the amount of effort it takes to write a



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1 paper I can do another scientific publication. They  
 2 then came back a few weeks later and said, "If we  
 3 compensate you for your time, will you write the  
 4 paper?" And, at that point, I said, "Yes, as a  
 5 group." The published version, not the web version,  
 6 but the published version of the ACOEM paper came out  
 7 in the Journal of Environmental and Occupational  
 8 Medicine in May. And, then sometime after that, I  
 9 think it was in July, this lay translation came out.  
 10 They're two different papers, two different activities.  
 11 The -- we would have never been contacted to do a  
 12 translation of a document that had already been  
 13 prepared, if it hadn't already been prepared.  
 14 MR. VANCE: Well, your testimony  
 15 just a second ago that you read into the records, you  
 16 stated in that other case, you said, "Yes. GlobalTox  
 17 was paid \$40,000 by the Manhattan Institute to write  
 18 a new version of the ACOEM paper." Isn't that true,  
 19 sir.  
 20 BRUCE J. KELMAN: I just said, we  
 21 were asked to do a lay translation, cuz the ACOEM  
 22 paper is meant for physicians, and it was not  
 23 accessible to the general public.  
 24 MR. VANCE: I have no further  
 25 questions for him.

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1 JUDGE VANDYK: All right. Mr.  
 2 Keckle, can you forgo any redirect with this witness  
 3 and he can be excused?  
 4 MR. KECKLE: I can, Your Honor.  
 5 JUDGE VANDYK: I'm sure he's gonna  
 6 appreciate that. All right. Thank you, Dr. Kelman.  
 7 (End of Dr. Kelman's testimony)  
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1 CERTIFICATE  
 2  
 3  
 4 I, Aimee L. Clem, do hereby certify that  
 5 the matter herein mentioned on the preceding  
 6 title page was transcribed via tape recording. I  
 7 transcribed all testimony adduced and other oral  
 8 proceedings had in the foregoing matter; and  
 9 that the foregoing transcript pages constitute a  
 10 full, true and correct record of such testimony  
 11 adduced and oral proceeding had and of the  
 12 whole thereof.  
 13  
 14 IN WITNESS HEREOF, I have hereunto set  
 15 my hand this 15th day of March, 2005.  
 16  
 17  
 18  
 19 Signature \_\_\_\_\_ Expiration Date \_\_\_\_\_  
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