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7 BRUCE J. KELMAN and GLOBALTOX, INC.

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

10	BRUCE J. KELMAN,	)	CASE NO. BC
11	GLOBALTOX, INC.,	)	Assigned for All Purposes to:
		)	HON.
12	Plaintiffs,	)	DEPARTMENT
		)	
13	v.	)	UNLIMITED CIVIL CASE
		)	
14	SHARON KRAMER, and DOES 1	)	
15	through 20, inclusive,	)	COMPLAINT FOR LIBEL
		)	
16	Defendants.	)	

17 Plaintiffs BRUCE J. KELMAN (hereafter "KELMAN") and  
18 GLOBALTOX, INC. (hereafter "GLOBALTOX") complain against  
19 Defendants as follows:

20 FIRST CAUSE OF ACTION  
21 (Libel Against All Defendants)

22 1. Plaintiff BRUCE J. KELMAN (hereafter "KELMAN") is  
23 an individual who resides in the State of Washington.

24 2. Plaintiff GLOBALTOX, INC. (hereafter "GLOBALTOX")  
25 is a corporation organized and existing under the laws of the  
26 State of Washington, with its principal place of business in  
27  
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1 8. Commencing on or about March 9, 2005, Defendants  
2 published and distributed written press releases that falsely  
3 implied that KELMAN and GLOBALTOX provided perjurious  
4 testimony in lawsuits and stated that KELMAN, while working  
5 for GLOBALTOX, "altered his under oath statements" while  
6 testifying on the witness stand in an Oregon lawsuit.  
7 Defendants posted these statements on various online message  
8 boards and internet sites, including ToxLaw.com and  
9 ArriveNet.com.  
10

11 9. Such statements are false, and are libelous on  
12 their face. They expose Plaintiffs to hatred, contempt,  
13 ridicule, and obloquy, and tend to injure Plaintiffs in their  
14 business, in that such statements accuse Plaintiffs of  
15 providing false testimony under oath, and engaging in  
16 dishonest and criminal conduct.  
17

18 10. These defamatory statements were seen and read by  
19 persons across the United States and elsewhere who visited  
20 the above-referenced message boards and internet sites.  
21

22 11. As a proximate result of Defendants' wrongful  
23 publication, Plaintiffs have suffered loss to their  
24 reputation, shame and mortification, all to their general  
25 damage in an amount to be proved at trial.

26 12. In addition, as a further proximate result of the  
27 above-described publication, Plaintiffs have suffered special  
28



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7 BRUCE J. KELMAN

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

BRUCE J. KELMAN,	)	CASE NO.:
	)	37-2010-00061530-CU-DF-NC
Plaintiff,	)	
	)	Assigned for All Purposes to:
v.	)	HON. THOMAS P. NUGENT
	)	DEPARTMENT: N-30
SHARON KRAMER, and DOES 1	)	
through 20, inclusive,	)	UNLIMITED CIVIL CASE
	)	
Defendants.	)	[PROPOSED] PRELIMINARY
	)	INJUNCTION

Hearing Date: March 25, 2011  
Time: 1:30 p.m.  
Department: N-30

On proof made to the Court's satisfaction, and good cause appearing:

IT IS HEREBY ORDERED that, during the pendency of this action, the above-named Defendants, and each of them, and all persons acting under their instructions or in concert with them or any of them, are enjoined and restrained from stating, repeating, publishing or paraphrasing, by any means whatsoever, any statement that

1 was determined to be libelous in an action titled Kelman v.  
2 Kramer, San Diego Superior Court case no. GIN 044539. The  
3 libelous passage of the press release states:

4 "Dr. Bruce Kelman of GlobalTox, Inc., a Washington  
5 based environmental risk management company, testified  
6 as an expert witness for the defense, as he does in  
7 mold cases throughout the country. Upon viewing  
8 documents presented by the Hayne's [sic] attorney of  
9 Kelman's prior testimony from a case in Arizona, Dr.  
10 Kelman altered his under oath statements on the witness  
stand. He admitted the Manhattan Institute, a national  
political think-tank, paid GlobalTox \$40,000 to write a  
position paper regarding the potential health risks of  
toxic mold exposure."

11 IT IS FURTHER ORDERED that, before this order may take  
12 effect, Plaintiff must file a written undertaking in the sum  
13 of \$ \_\_\_\_\_, as required by C.C.P. § 529, for the  
14 purpose of indemnifying Defendants for the damages they may  
15 sustain by reason of the issuance of this preliminary  
16 injunction if the Court finally decides that Plaintiff is  
17 not entitled to it. The preliminary injunction shall issue  
18 on Plaintiff's filing of such written undertaking.

19  
20 The Court reserves jurisdiction to modify this  
21 injunction as the ends of justice may require.  
22

23  
24 \_\_\_\_\_  
Judge of the Superior Court  
25  
26