

1 **MRS. KRAMER’S WRITING ACCURATELY STATES THE THINK-**
2 **TANK MONEY WAS FOR THE US CHAMBER MOLD STATEMENT**

3 Mrs. Kramer’s March 2005 writing accurately states Mr. Kelman admitted being paid by
4 the Manhattan Institute to author the US Chamber Mold Position Statement and that
5 ACOEM’s was “*a version of the Manhattan Institute commissioned piece*”.

6 “Upon viewing documents presented by the Hayne's attorney of Kelman's prior
7 testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the
8 witness stand. He admitted the Manhattan Institute, a national political think-tank, paid
9 GlobalTox \$40,000 to write a position paper regarding the potential health risks of toxic
10 mold exposure.....In 2003, with the involvement of the US Chamber of Commerce and
11 ex-developer, US Congressman Gary Miller (R-CA), the GlobalTox paper was
12 disseminated to the real estate, mortgage and building industries' associations. A
13 version of the Manhattan Institute commissioned piece may also be found as a position
14 statement on the website of a United States medical policy-writing body, the American
15 College of Occupational and Environmental Medicine.”

16 **THE 2006 anti-SLAPP APPELLATE OPINION FALSELY MADE IT APPEAR**
17 **MRS. KRAMER ACCUSED MR. KELMAN OF LYING ABOUT BEING PAID FOR**
18 **THE ACOEM MOLD STATEMENT**

19 While suppressing the evidence that Mrs. Kramer gave a logical and unimpeached
20 explanation of why she used the phrase, “*altered his under oath statements*” and ignoring
21 the writing accurately stated Mr. Kelman’s company was paid to author the US Chamber’s
22 Mold Statement, not ACOEM’s; in their anti-SLAPP appellate opinion of 2006 the court
23 falsely made it appear Mrs. Kramer had accused Mr. Kelman of lying about being paid to
24 author the ACOEM Mold Position Statement of 2002. From the 2006 Appellate anti-
25 SLAPP Opinion:

26 “This testimony supports a conclusion Kelman did not deny he had been paid
27 by the Manhattan Institute to write a paper, but only denied being paid by the
28 Manhattan Institute to make revisions in the paper issued by ACOEM. He
 admitted being paid by the Manhattan Institute to write a lay translation. The
 fact that Kelman did not clarify that he received payment from the Manhattan
 Institute until after being confronted with the Kilian deposition testimony could
 be viewed by a reasonable jury as resulting from the poor phrasing of the
 question rather from an attempt to deny payment. In sum, Kelman and
 GlobalTox presented sufficient evidence to satisfy a prima facie showing that
 the statement in the press release was false.”