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<p>1 the name of my practice.</p> <p>2 MR. VANCE: And, you're actually</p> <p>3 one of the owners of GlobalTox, aren't you.</p> <p>4 BRUCE J. KELMAN: One's normally an</p> <p>5 owner of a practice, yes.</p> <p>6 MR. VANCE: Yes. GlobalTox is an</p> <p>7 international corporation, isn't that true?</p> <p>8 BRUCE J. KELMAN: We have offices</p> <p>9 in the US and in Canada, and we work across the US.</p> <p>10 MR. VANCE: Okay. Do you have any</p> <p>11 offices --</p> <p>12 BRUCE J. KELMAN: I mean, I'm</p> <p>13 sorry, across the world.</p> <p>14 MR. VANCE: You have offices in</p> <p>15 Europe?</p> <p>16 BRUCE J. KELMAN: No. We do not.</p> <p>17 MR. VANCE: Okay. Now, this</p> <p>18 revision of the Colleges of Occupation and</p> <p>19 Environmental Medicines state --</p> <p>20 BRUCE J. KELMAN: What revision?</p> <p>21 MR. VANCE: The revision -- you</p> <p>22 said that you were instrumental in writing the</p> <p>23 statement, and then later on you said you and a</p> <p>24 couple other colleagues wrote a revision of that</p> <p>25 statement, isn't that true?</p>	<p>1 been given two pages.</p> <p>2 JUDGE VANDYK: Do you have a copy</p> <p>3 of the transcript?</p> <p>4 MR. KECKLE: I do not.</p> <p>5 MR. VANCE: Your Honor, I learned</p> <p>6 about Dr. Kelman just a --</p> <p>7 JUDGE VANDYK: How many pages do</p> <p>8 you have?</p> <p>9 MR. VANCE: I have the entire</p> <p>10 transcript from pages --</p> <p>11 JUDGE VANDYK: All right. Hand</p> <p>12 him the transcript.</p> <p>13 MR. VANCE: -- I'd be happy to</p> <p>14 give it to him, Your Honor.</p> <p>15 JUDGE VANDYK: All right.</p> <p>16 MR. VANCE: Would you read into</p> <p>17 the record the highlighted portions of that</p> <p>18 transcript, sir?</p> <p>19 BRUCE J. KELMAN: "And, that new</p> <p>20 version that you did for the Manhattan Institute, your</p> <p>21 company, GlobalTox got paid \$40,000. Correct. Yes,</p> <p>22 the company was paid \$40,000 for it."</p> <p>23 MR. VANCE: Thank you. So, you</p> <p>24 participated in writing the study, your company was</p> <p>25 paid very handsomely for it, and then you go out and</p>
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<p>1 BRUCE J. KELMAN: No, I didn't say</p> <p>2 that.</p> <p>3 MR. VANCE: Well --</p> <p>4 BRUCE J. KELMAN: To help you out</p> <p>5 I said there were revisions of the position statement</p> <p>6 that went on after we had turned in the first draft.</p> <p>7 MR. VANCE: And, you participated</p> <p>8 in those revisions?</p> <p>9 BRUCE J. KELMAN: Well, of course,</p> <p>10 as one of the authors.</p> <p>11 MR. VANCE: All right. And, isn't</p> <p>12 it true that the Manhattan Institute paid GlobalTox</p> <p>13 \$40,000 to make revisions in that statement?</p> <p>14 BRUCE J. KELMAN: That is one of</p> <p>15 the most ridiculous statements I have ever heard.</p> <p>16 MR. VANCE: Well, you admitted to</p> <p>17 it in the Killian deposition, sir.</p> <p>18 BRUCE J. KELMAN: No. I did not.</p> <p>19 MR. VANCE: Your Honor, may I</p> <p>20 approach. Would you read into the record, please,</p> <p>21 the highlighted parts of pages 905 and 906 of the</p> <p>22 trial transcript in that case.</p> <p>23 MR. KECKLE: Your Honor, I would</p> <p>24 ask that Dr. Kelman be provided the rest of the</p> <p>25 transcript under the rule of completeness. He's only</p>	<p>1 you testify around a country legitimizing the study</p> <p>2 that you wrote. Isn't that a conflict of interest,</p> <p>3 sir?</p> <p>4 BRUCE J. KELMAN: Sir, that is a</p> <p>5 complete lie.</p> <p>6 MR. VANCE: Well, your vouching for</p> <p>7 your own self [inaudible]. You write a study and you</p> <p>8 say, "And, it's an accurate study."</p> <p>9 BRUCE J. KELMAN: We were not paid</p> <p>10 for that. In fact, the sequence was in February of</p> <p>11 2002, Dr. Brian Harden, and [inaudible] surgeon</p> <p>12 general that works with me, was asked by American</p> <p>13 College of Occupational and Environmental Medicine to</p> <p>14 draft a position statement for consideration by the</p> <p>15 college. He contacted Dr. Andrew Saxton, who is the</p> <p>16 head of immunology at UC -- clinical immunology at</p> <p>17 UCLA and myself, because he felt he couldn't do that</p> <p>18 by himself. The position statement was published on</p> <p>19 the web in October of 2002. In April of 2003 I was</p> <p>20 contacted by the Manhattan Institute and asked to</p> <p>21 write a lay version of what we had said in the ACOEM</p> <p>22 paper -- I'm sorry, the American College of</p> <p>23 Occupational and Environmental Medicine position</p> <p>24 statement. When I was initially contacted I said,</p> <p>25 "No." For the amount of effort it takes to write a</p>

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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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CERTIFICATE

1
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 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
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 18

Signature	Expiration Date
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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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