

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

BRUCE J. KELMAN and GLOBALTOX, INC.)	Case No. GIN044539
Plaintiffs,)	
v.)	SUPPLEMENTAL DECLARATION OF
SHARON KRAMER,)	CALVIN P. VANCE
Defendant.)	

I, Calvin P. Vance, under penalty of perjury under the laws of the State of California, hereby give this supplemental declaration for consideration in connection with the hearing on April 11, 2008.

1. I provided a declaration in support of Sharon Kramer's summary judgment motion in this case to relate the statements made in court by one of the plaintiffs, Bruce Kelman. However, I submit this supplemental declaration on my own initiative because I learned on Saturday, March 15, 2008 that Mrs. Kramer had filed a declaration dated January 24, 2008 in which she says things that I believe are misleading. For example, she states that she issued the press release which led to this lawsuit after visiting an internet chat board and talking to Mr. Haynes and me about Mr. Kelman's testimony in the *Haynes* trial. I do not frequent internet chat boards about mold or legal matters. Neither I nor Mr. Haynes posted any messages on a chat board about Mr. Kelman after the *Haynes* trial. We did not encourage the press release. In fact, I tried to talk her out of it.

2. I was unaware of what Mrs. Kramer submitted in her declaration until Saturday evening, March 15, 2008 when she sent me a copy of her declaration attached to a rather bizarre e-mail. A copy of the e-mail exchanges is attached hereto as exhibit 1. Apparently Renee Haynes sent Kramer a link to my new website. Mrs. Haynes wrote much of the content for the site and was apparently looking for feedback from people she knew. I did nothing to prompt Mrs. Kramer's rather hateful e-mail to me or the one to Renee Haynes. I avoid contact with Mrs. Kramer.

3. I was legal counsel for Paul and Renee Haynes in the Oregon case tried in February and March 2005, in which they obtained a favorable verdict. Mrs. Kramer's animosity towards me started a few days after the *Haynes* trial in March 2005 when she called me and said she was interested in putting out a press release on the case. I told Mrs. Kramer that I did not think another press release was necessary because the Oregon Trial Lawyers Association had already put one out. She said she thought the case was of national interest. Mrs. Kramer said she had heard that Mr. Kelman had testified in the *Haynes* case and had changed his testimony on the witness stand. I told her not to rely on secondhand stories about what anybody said at trial. I explained that, in my experience, two people hearing the same testimony can have different opinions about the meaning of the words used. I told her that, if she wanted to know what was said to get a transcript of the trial and told her how to contact the court.

4. I did not know anything about Mrs. Kramer when she called me. Frankly, I was suspicious of her because the company that the Hayneses had defeated in court had counter sued them for defamation in that case. Since I didn't know her, for all I knew she was trying to ensnare the Haynes family in another defamation claim brought by their builder. I wanted to be very careful that no false statements were attributed to my clients or me. My clients had been put to considerable stress by

5. I did not think that what had happened in the *Haynes* case was any of Mrs. Kramer's business and I told her so. I refused to be quoted for her release and I specifically asked Mrs. Kramer not to put out any press release. I advised her that, if she was bound and determined to send out a release despite my wishes, to at least obtain an official transcript of the trial testimony and report only what Mr. Kelman had actually said, without placing any spin on it. I thought I had dissuaded Mrs. Kramer from issuing a press release or at least had persuaded her to obtain a transcript before doing so. Unfortunately, she did not respect my wishes or take my advice.

6. After Mr. Kelman and Globaltox sued her, Mrs. Kramer began contacting me and trying to get me to see her as a crusading consumer advocate. She complained that she was in a SLAPP suit and was being punished for being a public spokesman for the cause of mold victims. I did not see her in such a heroic light. I told her that I believed she was pursuing a personal agenda and was looking to further her own reputation. I reminded her of my request that she not issue a release in the first place and of my advice to obtain a transcript and read it before telling anyone what was said at trial. I told her that, in my opinion, publishing a press release about a trial she had not attended personally and had no connection with was reckless and irresponsible. I also said that I thought she acted with malice towards Mr. Kelman as she obviously wanted to embarrass him professionally. She called me an "idiot" and told me in the most condescending way that I had no idea what the First Amendment was all about. I wasn't about to continue any further discussions with this woman. I consider her to be mean spirited and possibly mentally unstable. I asked her to stop contacting me and to leave me alone.

7. A few months later, Kramer's attorney, Mr. Aronoff, asked me for a declaration so he