

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4

IN THE CIRCUIT COURT OF COOK COUNTY,
COUNTY DEPARTMENT, LAW DIVISION

5

6 CHARLES AND PAULETTE PETERS,)
7 on behalf of their minor son,)
8 CHARLES, JR.,)
9 Plaintiffs,)

10 vs.)

No. 83 L 22441

11 DR. HAROLD MANNER,)
12 DR. ROBERT E. BALDWIN,)
13 GERRY PHILLIPS, BETTY PHILLIPS,)
14 G. PHILLIPS & ASSOCIATES, FREEDOM)
15 MARKETING CORPORATION, as successor)
16 to G. PHILLIPS & ASSOCIATES, THE)
17 METABOLIC RESEARCH FOUNDATION,)
18 and JOHN DOE(S),)
19 Defendants.)

20 The deposition of DR. HAROLD MANNER, called
21 by the Plaintiff, herein, taken pursuant to notice
22 and in accordance with the applicable provisions of
23 the Illinois Code of Civil Procedure and the Rules
24 of the Supreme Court, thereof, before Sharon Koziol,
a notary public within and for the County of Cook
and State of Illinois, at Three First National Plaza,
Suite 1880, Chicago, Illinois, on Tuesday, October 9,
1984, commencing at the hour of 10:30 a.m.

1 APPEARANCES:

2 Mr. Steven P. Handler
3 Hannafan & Handler, Ltd.
4 Three First National Plaza
5 Suite 1880
6 Chicago, Illinois 60602
7 appearing on behalf of the Plaintiffs,
8 Charles and Paulette Peters;

9 Mr. Dennis M. Gronek
10 Dilling, Dilling, and Gronek
11 150 North Wacker Drive
12 Chicago, Illinois 60606
13 appearing on behalf of the Defendant,
14 Dr. Harold Manner.
15
16
17
18
19
20
21
22
23
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

WITNESS PAGE

Harold Manner

Examination By Mr. Handler 3

Examination By Mr. Gronek 30

E X H I B I T S

MANNER'S DEPOSITION EXHIBITS FOR ID.

No. 1 15

1 MR. HANDLER: Would you swear the witness,
2 please.

3 (Witness duly sworn.)

4 HAROLD MANNER,
5 called as a witness herein, having been first duly
6 sworn, was examined and testified as follows:

7 EXAMINATION

8 By Mr. Handler:

9 Q Would you state your full name and your
10 address, please.

11 A Harold W. Manner, M-a-n-n-e-r, 3800 South
12 Ocean Drive, Hollywood, Florida.

13 Q Let the record show that this is the
14 deposition of Dr. Manner, taken pursuant to the Illinois
15 Code of Civil Procedure and pursuant to notice and
16 continued to this date by agreement.

17 Dr. Manner, what is your business or occupation?

18 A At the present time, I am retired. I
19 was the president of The Metabolic Research Foundation
20 in Glenview, Illinois.

21 Q When did you retire?

22 A Two months ago.

23 Q What was the reason for your retirement?

24 A Age.

1 Q How old are you?

2 A 60.

3 Q Who is currently the president of The
4 Metabolic Research Foundation?

5 A The board of directors is now searching
6 for a new one. It is in the hands of one of the
7 directors, Dale Eseyana, E-s-e-y-a-n-a.

8 MR. HANDLER: Dennis, do you represent The
9 Metabolic Research Foundation?

10 MR. GRONEK: Yes, I do.

11 By Mr. Handler:

12 Q Would you summarize for me your educational
13 background.

14 A I got my bachelor's degree in biology from
15 John Carroll University in Cleveland, Ohio. I went
16 on to Northwestern University in Evanston, Illinois,
17 where, in 1950, I received my master's of science in
18 biology and my PhD in 1952 in biology from the
19 same institution.

20 I went from there, for one year, to Kenyon
21 College in Ohio and for the next 17 years I was the
22 chairman of the biology department at Syracuse
23 University in upstate New York.

24 For three years, from 1969 to 1972, I was

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 chairman of the biology department at St. Louis
2 University in St. Louis, Missouri. Then, for 11
3 years, I was chairman of the biology department of
4 Loyola University here in Chicago, and I retired from
5 that position in 1982.

6 Q What was the reason for your retirement?

7 A To put more time in for the last couple of
8 years on the Foundation.

9 Q When was The Metabolic Research Foundation
10 founded?

11 A 1979, in the State of Illinois.

12 Q By whom?

13 A By me.

14 Q Is that a not-for-profit corporation?

15 A Yes, sir.

16 Q Where is it located?

17 A 518 Zenith Drive, Glenview, Illinois.

18 Q Who are the current board of directors of
19 The Metabolic Research Foundation?

20 A Dr. Harold Butrum, M.D., in Quakertown,
21 Pennsylvania; Dr. Daniel Clark, M.D., Ormond Beach,
22 Florida; Dr. Donald Cole, M.D., in New York City; Dale
23 Eseyana, and myself.

24 Q How long has Dr. Butrum been associated with

1 The Metabolic Research Foundation?

2 A Since 1979. All of them.

3 Q So, this has been the board from 1979 to
4 the present?

5 A Yes.

6 Q What is Dr. Butrum's field of specialization?

7 MR. GRONEK: I fail to see the relevancy to
8 that question. Can you explain to me what it is?

9 MR. HANDLER: I don't think I have to. Are
10 you instructing him not answer, or can he answer
11 subject to whatever objection you want to make?

12 MR. GRONEK: I instruct him not to answer.

13 THE WITNESS: By the advice of my attorney, I
14 won't answer that.

15 MR. HANDLER: The Metabolic Research Foundation
16 is a defendant in this case, correct?

17 MR. GRONEK: That's correct.

18 MR. HANDLER: I am asking about the board of
19 directors, people who might have knowledge. You
20 are instructing him not to answer that?

21 MR. GRONEK: But the issue in the case has nothing
22 to do with the board of directors of The Metabolic
23 Research Foundation, as far as I am aware of. The
24 matter pertains to Charles, Jr. --

1 MR. HANDLER: You are instructing him not to
2 answer? This is a discovery deposition.

3 MR. GRONEK: That's right, that's right.

4 MR. HANDLER: You are aware that --

5 MR. GRONEK: I am aware.

6 MR. HANDLER: We will go into court.

7 Q What is Dr. Clark's field of specialization?

8 A I think I will have to refuse to answer
9 that one just the same as I did to the previous one.

10 MR. GRONEK: Yes, it is basically the same
11 question. Number one, I fail to see the relevancy
12 to the question, and secondly, as you may or may not
13 be aware, Dr. Manner is presently the subject of a
14 Grand Jury investigation.

15 MR. HANDLER: He can assert his Fifth Amendment
16 right to any question he wants.

17 MR. GRONEK: I am aware of that.

18 MR. HANDLER: He has not asserted his Fifth
19 Amendment right to any question I have asked him so
20 far.

21 MR. GRONEK: Well, my objection to the question is
22 based on two-fold objections. Number one, relevancy,
23 and number two, the Fifth Amendment.

24 MR. HANDLER: He has got to assert his Fifth

1 Amendment privilege.

2 MR. GRONEK: That's correct.

3 By Mr. Handler:

4 Q Are you asserting your Fifth Amendment
5 privilege?

6 A On the grounds it may tend to incriminate
7 me.

8 Q That would refer to Dr. Butrum, correct?

9 A Yes.

10 Q Dr. Clark, correct?

11 A Yes, sir.

12 Q Dr. Cole?

13 A Yes, sir.

14 Q Dale Eseyana?

15 A Yes, sir.

16 Q Have you discussed the facts of this case
17 with any of the members of the board?

18 A No, sir, I haven't.

19 Q What was your official title with The
20 Metabolic Research Foundation?

21 A President.

22 Q What were your duties as president?

23 A To carry out the amendments of the state
24 charter. One, to collect data relative to The

1 Metabolic Research Foundation and metabolic diseases,
2 and secondly, to disseminate that data as widely as
3 possible, which I did through periodic lectures around
4 the country.

5 Q Do transcripts exist of any of these lectures,
6 transcripts or tapes?

7 A No, sir, not that I have.

8 Q What is the source of funding for The
9 Metabolic Research Foundation?

10 A Basically, income from seminars, memberships
11 of doctors who belong to the Foundation, and
12 memberships of laypeople who choose to support the
13 Foundation.

14 Q So, there are doctors and laypeople who
15 are members of the Foundation?

16 A Yes, sir.

17 Q Other than yourself, who are the other officers
18 of The Metabolic Research Foundation?

19 A I'm sorry, I didn't hear that.

20 Q I want the officers of The Metabolic Research
21 Foundation from 1979 to the present.

22 A When it was first chartered, it was myself,
23 and a secretary. Her name -- she was at Loyola
24 University because our office was at the university at

1 that time, Britta Bolen, B-r-i-t-t-a, B-o-l-e-n.

2 Q How long did she remain with The Metabolic
3 Research Foundation?

4 A Just for about six months. At that time,
5 we moved out -- we moved into separate offices in
6 Niles, Illinois, and at that time, Dale Eseyana
7 came in as secretary/treasurer.

8 Q Had there been any other officers?

9 A No, sir.

10 Q Have there been any other employees of The
11 Metabolic Research Foundation?

12 A Yes, there have been secretaries.

13 Q You are distinguishing that from a corporate
14 secretary? You are saying that these are typists --
15 people who do clerical work?

16 A Yes.

17 Q Other than typists, secretaries who do
18 clerical work, has The Metabolic Research Foundation
19 had any other employees?

20 A No, sir.

21 Q Are there, presently, any other lawsuits
22 pending against you?

23 MR. GRONEK: By "you," are you referring to Harold
24 Manner or the Foundation?

1 MR. HANDLER: We will take one at a time. "You"
2 means him.

3 THE WITNESS: I think there is one against me.

4 By Mr. Handler:

5 Q Where was that filed?

6 A I don't know. Can I ask my attorney? He
7 would know.

8 MR. GRONEK: If you don't know, say that you
9 don't know.

10 THE WITNESS: I just don't know.

11 MR. HANDLER: Where is it filed?

12 MR. GRONEK: Are you taking my deposition?

13 MR. HANDLER: If you want, I'll do it by
14 interrogatories.

15 MR. GRONEK: Do it by interrogatories. That will
16 be fine.

17 By Mr. Handler:

18 Q What is the nature of the charges in that
19 lawsuit?

20 A I don't know those either. I just know there
21 is one pending somewhere.

22 Q Did you ever file an answer to that lawsuit?

23 A I'm sure that my attorney has. I haven't,
24 personally, filed an answer to that, no.

1 Q Between 1979 and the present, have any
2 other lawsuits been filed against you, personally?

3 A No, sir.

4 Q Let's take it for The Metabolic Research
5 Foundation. Have any lawsuits been filed against
6 The Metabolic Research Foundation?

7 A No, sir, except I think they may be involved
8 in the one we just mentioned.

9 Q Have you ever seen a copy of the complaint
10 in the lawsuit you have mentioned?

11 A I am sure that it passed through my hands.
12 It must have been delivered to me.

13 MR. GRONEK: I will be delighted to provide you
14 with a copy of the complaint and the answer if you
15 desire.

16 MR. HANDLER: That will be fine. I would like
17 to see that.

18 Q How long have you held seminars on metabolic
19 research?

20 A Since, about, 1978.

21 Q Did you speak at a health convention on
22 or about November 12, 1978?

23 A I'm sure that I have, yes, sir.

24 Q On that occasion, did you meet Paulette

1 Peters?

2 A If I met her, she came up at the end, as
3 many people do.

4 Q During your speech at this convention, did
5 you advocate the use of laetrile and vitamins in
6 treating cancer?

7 A I indicated it was part of the metabolic
8 therapy, yes, sir.

9 Q During that speech, did you state the
10 traditional therapy for treating cancer should be
11 abandoned in favor of your metabolic therapy?

12 A Never. All my writings indicate that it
13 can coexist and should coexist with conventional
14 therapy.

15 Q Do you recall meeting with Mrs. Peters?

16 A I do. She came up, I think, at the end of
17 that meeting.

18 Q What did she say to you, and what did
19 you say to her?

20 A I think she, basically, said how much she
21 enjoyed it. If I recall, she asked me to autograph
22 a book that she purchased. She mentioned that her son
23 had leukemia, and did I think that he could benefit
24 from metabolic therapy, and I suggested that she discuss

1 it with a physician who was, at that time, affiliated
2 with the association and who was, then, at the American
3 National Hospital up in Zion.

4 Q Who was that?

5 A Dr. Davis. I forget his first name, now.

6 Q Did she discuss with you the use of a
7 vitamin A emulsion in the treatment of her son's
8 condition?

9 A I don't recall her asking about vitamin A,
10 specifically, no.

11 Q Are you saying that you don't recall one
12 way or the other, or are you saying it never occurred?

13 A Well, usually, I don't discuss specific
14 elements of it with individuals after the speech is
15 over. I'm sure she came up, and she probably asked
16 questions about metabolic therapy, but I don't
17 recall specifically what her questions were or my
18 answers were.

19 Q Are you familiar with a vitamin A emulsion
20 and its use in the treatment of cancer?

21 A Sure, it is a definite part of our protocol.

22 Q Is this something you would have discussed
23 during your speech?

24 A Yes, sir.

1 Q At this time, did you recommend that the
2 Peters cease chemotherapy for their son in favor of
3 the metabolic treatment?

4 A No, sir, I would never suggest that to
5 anybody.

6 MR. HANDLER: Let me have marked as Manner's
7 Deposition Exhibit No. 1, which purports to be a
8 book written by Dr. Manner called "The Death of
9 Cancer."

10 (The document above-referred to was
11 marked as Manner's Deposition Exhibit
12 No. 1 for identification.)

13 By Mr. Handler:

14 Q Let me show you, Dr. Manner, what has been
15 marked as Manner's Deposition Exhibit No. 1 and ask
16 you if that is a book you authored?

17 A (Examining document.) Yes, sir, it is.

18 MR. GRONEK: Just a minute. The book, on its
19 face, says it is authored by Dr. Manner, Steven
20 Vicenti, and Thomas Michaelson.

21 THE WITNESS: Right. It was a triply authored
22 book, but I was one of them.

23 By Mr. Handler:

24 Q Did you sell this book at your lectures and

1 seminars?

2 A No, I never sell the book. It is usually
3 sold by the people who are putting on the seminars.

4 Q Was this sold on November 12, 1978?

5 A I'm not sure is this particular copy was.
6 She must have had it with her to have me sign it.
7 This is definitely mine.

8 Q Were you aware these books were on sale on
9 occasions that you spoke?

10 A Yes, sir.

11 Q Did you receive any of the proceeds from
12 that?

13 A I received royalties from the proceeds of
14 the book, yes, sir.

15 Q You didn't attempt to stop the sale of it,
16 did you?

17 A No, sir, I did not.

18 Q On the inside of the book, next to the inside
19 title page, there is a handwritten inscription with
20 dat 11/12/78. Did you write that?

21 A (Examining document.) Yes, sir.

22 Q Did you write that at the time of your
23 conversation with Paulette Peters?

24 A Yes, if that was the date of the seminar,

1 that's when I wrote it, yes.

2 Q What date did you put on there?

3 A 11/12/78.

4 Q In the chapter on the use of vitamin A
5 in cancer therapy, you state that to avoid the problem
6 of toxic liver due to high amounts of vitamin A,
7 the vitamin A used in cancer treatment is used
8 in emulsified form.

9 MR. GRONEK: Can you show us the page and place
10 where that is stated?

11 THE WITNESS: What was the question, sir? I
12 didn't get the question.

13 MR. HANDLER: Would you read back the question.

14 MR. GRONEK: Where is it in the book? It
15 is not a quote --

16 MR. HANDLER: He can read. He has got the book.
17 It is his book.

18 THE WITNESS: It says "to avoid the problem
19 of toxic liver due to high amounts of vitamin A,
20 the vitamin A used in cancer treatment is used in
21 emulsified form." That is true.

22 By Mr. Handler:

23 Q What is the basis for that statement?

24 A The basis for that is that there is so much

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 published literature that even the United States
2 government in 1980 came out with their own guidelines
3 for the use of vitamin A. It was called "Vitamin
4 A in Cancer Biology" put out by the United States
5 government printing office.

6 Vitamin A is known to be a stimulant of the
7 immune system. In the emulsified form, vitamin A
8 is less toxic than the normal oil form because it
9 is absorbed from the digestive tract by a different
10 system of vessels, lymphatic vessels, which bypass
11 the liver.

12 Q What is the basis for your statement that
13 the emulsified form is less toxic than the oil-base
14 form?

15 A That it bypasses the liver whereas the
16 oil-base form goes directly to the liver.

17 Q Do you have any studies or any publications
18 upon which you base that statement?

19 A I just indicated the statements are, basically,
20 government studies.

21 Q You mentioned one government study.

22 A That was a compilation of all the research --
23 I think there was something like 258 individual papers
24 of which one was mine.

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 Q This was published in 1980?

2 A I think it was 1979.

3 Q Do you have a copy of it?

4 A No, sir, I don't.

5 Q Your book was published before this government
6 study came out, correct?

7 A Yes, but I knew of these studies. These
8 studies were not in 1979. The studies were out before
9 that. As a scientist, I was pretty well aware of
10 what had been done in the field.

11 Q At the time you wrote the book, upon what
12 studies did you rely on or what research did you rely
13 in stating that vitamin A, in a emulsified form, was
14 less toxic than vitamin A in the oil-base form?

15 A I studied under some of the clinical
16 leaders around the world at that particular time.
17 I studied under Dr. Hans Napier in Germany.

18 Q Can I have his spelling of his name?

19 A N-a-p-i-e-r,

20 Q Who else?

21 A Dr. Marco Brown in Jamaica.

22 Q Anyone else?

23 A Dr. Ernesto Contreras, C-o-n-t-r-e-r-a-s, in
24 Tijuana.

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 Q Anyone else?

2 A Dr. Wolf, who is now deceased and Dr.
3 Ransburger, who worked in Germany and who supplied
4 the original vitamin A for my mouse studies.

5 Q Did you conduct any studies of your own
6 to determine whether the vitamin A in emulsified form
7 was less toxic than vitamin A in oil-base form?

8 A Yes, sir. We did studies on mice in our
9 laboratories.

10 Q Did you summarize that study and that
11 research in a written paper?

12 A It was presented orally at the -- I guess
13 it was in 1980 at a meeting of the transactions of
14 the Illinois Academy of Science.

15 Q Do you have any written documents relating
16 to that study?

17 A No, sir, I don't.

18 Q Dr. Napier is a medical doctor?

19 A Yes, sir.

20 Q What is his area of specialization?

21 A Oncology.

22 Q Where in Germany is he located?

23 A Hanover.

24 Q Has he published any papers on the question

1 of whether vitamin A in emulsified form was less
2 toxic than vitamin A in oil-basd form?

3 A I don't know.

4 Q What about Dr. Brown? Is he a medical
5 doctor?

6 A Yes, sir.

7 Q What's his area of specialization?

8 A Oncology, cancer specialist.

9 Q He is located in Jamaica?

10 A Jamaica, Montigo Bay.

11 Q Has he published any papers --

12 A I don't know.

13 Q -- on this subject?

14 A I don't know.

15 Q How about Dr. Contreras? Is he a medical
16 doctor?

17 A Yes, sir. He is an oncologist, too. He
18 has published them, but I don't have copies of the
19 papers.

20 Q Dr. Wolf, what type of doctor was he?

21 A He was a medical doctor and Dr. Ransburger
22 was a PhD.

23 Q What field was his PhD in?

24 A In biochemistry.

1 Q Has either Dr. Wolf or Dr. Ransburger published
2 any papers or studies on their questions?

3 A Yes, sir, numerous studies, but they were
4 all in Germany. I don't have copies of them.

5 Q Do you speak German or read German?

6 A No, sir.

7 Q Do you read German?

8 A No, sir, I can't.

9 Q Did you ever read any English translations
10 of his studies?

11 A I did, and I can't tell you where I read them,
12 but I have read them. In fact, many of them are
13 cited, I think, in the back of the chapter on vitamin A.

14 Q I believe there is a statement in the same
15 chapter that says that the emulsified form of vitamin A
16 allows for rapid and complete absorption in the lymphatic
17 system and then into the blood.

18 A Absolutely true.

19 Q Do you base that on the same teachings that
20 we have just discussed?

21 A No, sir. That is just an established
22 physiological fact that can be found in any basic
23 textbook in physiology that emulsified fats, unlike oil,
24 leave the digestive tract through the lacteals of

1 the lymphatic system.

2 Q Are you claiming that the emulsified form
3 of vitamin A acts differently in this regard than
4 the oil-base form?

5 A Yes, sir, it does.

6 Q You say that can be found in any basic
7 textbook in physiology?

8 A Right.

9 Q Do you have a name of such a basic textbook?

10 A You can use Gidan's Medical Physiology.
11 There are, perhaps, dozens of physiology books.
12 Every one will say the same. I taught it for 35 years.

13 Q I believe there is a statement in that
14 chapter that says "When a person has cancer, it does
15 not make sense to destroy or fight the immune system
16 through chemotherapy or radiation." Is that correct?

17 A Basically -- I am not sure. Let me see the
18 book.

19 Here is the statement, on page 78. It
20 says, "When a person has cancer, it does not make
21 sense to destroy or fight the immune system through
22 chemotherapy and radiation." Yes, that's true.

23 Q What is the basis for that statement?

24 A Any chemotherapist or radiologist will tell

1 you that one of the side effects of both chemotherapy
2 and radiation is a destruction of the immunity system.

3 Q Are you, then, saying that chemotherapy
4 should not be used to fight cancer?

5 A No, sir, I am not saying that. I am saying
6 that that is one of the side effects. The basis of
7 metabolic therapy is to help the chemotherapist when
8 they are using chemotherapy to keep that immune system
9 from being destroyed.

10 Q You view your metabolic therapy as something
11 to work hand-in-hand with chemotherapy?

12 A As a juncture, yes, sir. All of my writings
13 have indicated that.

14 Q Did you speak with Mrs. Peters on the telephone
15 after you autographed this book for her?

16 A I probably did.

17 Q Do you recall what was said in that conversation
18 or conversations?

19 A She probably followed up what she started
20 there and asked for the name and address of the
21 American Hospital which I undoubtedly gave to her.

22 Q Did she contact you after her son had been
23 hospitalized at Wyler's Children's Hospital for blood
24 poisoning?

1 A She asked me if vitamin A could be toxic.
2 I said that it could be toxic. I said that the
3 important thing is that a medical physician be on
4 hand at all times during the administration of vitamin
5 A.

6 Q Did you consider vitamin A -- let me
7 withdraw that.

8 Did you consider 120,000 international
9 units of vitamin A in emulsified form per day to be
10 toxic to a seven-year-old boy?

11 A Yes, sir, I would.

12 MR. GRONEK: Could you repeat that, please.

13 (The record was read.)

14 THE WITNESS: I would like to adjust that a
15 little bit. If it is continued over a period of time.
16 There are physicians that would use that for short
17 periods of time to stimulate the immune system,
18 but that would be a toxic level if it is continued
19 over any period of time.

20 By Mr. Handler:

21 Q What would you consider to be a short period
22 of time in which it would be acceptable?

23 A That would depend on the individual case. I
24 am not a physician so I don't know. It would depend

1 upon the degree of suppression of that immune system
2 and how far they have to bring it back up again.

3 There is no specific answer you can give
4 to that. That is why we are very careful in everything
5 we do to say this is not a do-it-yourself program.
6 You have got to have a physician monitoring it.

7 Q If that amount were given for a year,
8 would you consider that to be too long?

9 A I think, in general, yes, even for an
10 adult.

11 Q Are you familiar with a vitamin A emulsion
12 called Bio AE Emulsion?

13 A Yes, sir, I am.

14 Q How are you familiar with that?

15 A Just that a lot of the doctors seem to be
16 using that because it appears to be one of the better
17 and more finely homogenized products on the market.

18 MR. GRONEK: Can I ask a question? Do you know
19 the spelling of that name? Are we talking about a
20 specific product here? He said Bio AE Emulsion,
21 E-m-u-l-s-i-o-n.

22 THE WITNESS: No, I don't know that one. Mulsion,
23 that's what I am saying, not emulsion, no.
24

1 By Mr. Handler:

2 Q Okay, so, the one that you are familiar
3 with is Bio AE Mulsion. Who manufactures that?

4 A It is the Biotic Laboratory in Houston,
5 Texas.

6 Q Who runs the Biotic Laboratory in Houston,
7 Texas?

8 A I don't really know who the owners are of
9 the Biotic Laboratory. It is a corporation. It
10 is probably run by corporate officers.

11 Q Do you have an address for that?

12 A No, I don't. Houston, Texas, is the best I
13 can do.

14 Q How long have they produced the Bio AE
15 Mulsion?

16 A I don't know. I would assume --

17 MR. GRONEK: Don't guess, Harold. If you don't
18 know, you don't know.

19 THE WITNESS: I just don't know. I know I have
20 seen it around.

21 By Mr. Handler:

22 Q Have you seen it back in the 1970's?

23 A Yes.

24 Q Did Mrs. Peters tell you that the doctors

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 at Wyler's Children's Hospital told her that the
2 ingestion of vitamin A in the quantities that her son
3 was taking it could be dangerous?

4 A Yes, and I agreed with them.

5 Q You are saying that you did not tell her that
6 the doctors were wrong?

7 A No, I did not tell her that they were wrong.
8 I asked her if she was seeing Dr. Davis. She said
9 that she wasn't. I assumed she was doing self-
10 medicating which is a very dangerous thing.

11 Q You told her the doctors at Wyler's Children's
12 Hospital were right?

13 A They could have been right, yes. I hadn't
14 seen the boy so I would have to say that they could
15 have been right. There was a very good chance of it.

16 Q Did you tell her that her son should continue
17 the vitamin A program that he had been taking?

18 A No, sir, I did not.

19 Q Are you currently still giving seminars or
20 speaking at health conventions?

21 A Not at health conventions, but I do give
22 seminars at the average of about once a month, but
23 that's cutting down gradually, now, too.

24 Q Are you still receiving any compensation from

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 The Metabolic Research Foundation?

2 A Yes, sir, as an advisor.

3 Q Are you currently involved in a Federal
4 grand jury investigation?

5 A Yes, sir.

6 Q What is the nature of that investigation?

7 A I have no idea. I really don't.

8 Q Have you testified before a grand jury?

9 MR. GRONEK: Mr. Handler, what is the purpose
10 of this line of questioning?

11 MR. HANDLER: Depending upon what it is investigating,
12 maybe it is related to matters at issue in this
13 lawsuit.

14 THE WITNESS: I really don't know what they are
15 investigating.

16 By Mr. Handler:

17 Q Have you testified before the grand jury?

18 A Just once.

19 Q When was that?

20 A About a year ago.

21 MR. HANDLER: I have no further questions.

22 MR. GRONEK: I just have a couple.
23
24

EXAMINATION

By Mr. Gronek:

Q Have you ever heard of a company called Cytotex?

A No, never.

Q Have you ever heard of a company Cytotec, C-y-t-o-t-e-c?

A No, sir.

Q Have you ever seen Charles Peters, Jr.?

A No, I never have.

Q Have you ever discussed Charles Peters, Junior's leukemia or physical condition with a Gerry Phillips?

A No, I have not.

Q Have you ever met Gerry Phillips?

A No.

Q Have you ever discussed Charles Peters, Jr., with Gerry Phillips?

A No.

Q Have you ever discussed Charles Peters, Jr., with Dr. Davis at American Hospital?

A No, I have not.

MR. GRONEK: I have no further questions.

Signature is waived.

(Deposition concluded.)

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)

3 I, Sharon Koziol, a notary public within
4 and for the County of Cook and State of Illinois, do
5 hereby certify that heretofore on, to wit, the 9th
6 day of October at Three First National Plaza, Suite
7 1880, Chicago, Illinois, HAROLD MANNER, called as a
8 witness for examination in a cause now pending and
9 undetermined in the Circuit Court of Cook County,
10 County Department, Law Division, wherein Charles and
11 Paulette Peters, on behalf of their minor son,
12 Charles, Jr., are the Plaintiffs, and Dr. Harold
13 Manner, et al., are the Defendants, No. 83 L 22441.

14 I further certify that the said HAROLD
15 MANNER was by me first duly sworn to testify the truth,
16 the whole truth and nothing but the truth in the cause
17 aforesaid before the taking of his deposition; that
18 the testimony given was stenographically recorded
19 by me in the presence of said witness, and afterwards
20 reduced to typewriting, and that the foregoing is
21 a true and correct transcript of said testimony.

22 I further certify that there were present
23 at the taking of this deposition Mr. Steven P. Handler,
24 of the firm Hannafan & Handler, Ltd., appearing on

LEON M. GOLDING AND ASSOCIATES, CHICAGO

behalf of the Plaintiffs, Charles and Paulette Peters,
on behalf of their minor son, Charles, Jr.; and
Mr. Dennis M. Gronek, of the firm Dilling, Dilling,
and Gronek, appearing on behalf of the Defendant,
Dr. Harold Manner.

I further certify that I am not counsel for
nor in any way related to any of the parties to this
suit, nor am I in any way interested in the outcome
thereof.

IN TESTIMONY WHEREOF, I have hereunto set
my hand and seal this 23rd day of October A.D.,
1984.

Sharon Fozil
Notary Public, Cook County, Illinois