

taken place in the trial court and, following our own detailed analysis of the evidence of Kramer's hostility towards Kelman, we left the trial court's determination undisturbed.” (Typd.Opn.pp.13) “Given that circumstance and the fact that only nominal damages were awarded against Kramer, the value of promoting stability in decision making far outweighs the value of any reevaluation of the merits of our prior disposition. (See *People v. Shuey*, *supra* 13 Cal.3d) (Typd.Opn.pp.12)

“We recognize that with respect to malice ‘courts are required to independently examine the record to determine whether it provides clear and convincing proof thereof.’ (*McCoy v. Hearst Corp.* (1991) 227 Cal.App.3d 1657, 1664.)” (Typd.Opn.pp.13)

This case is (*“Kelman v. Kramer”*) D047758 (anti-SLAPP 2006 Opinion), GIN044539, D054496. As evidenced for this court, every day that this court ignores Defendant and Appellant, Sharon (“Kramer’s”) uncontroverted evidence that the following sentence is perjury, *“I testified the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed”* as found in Plaintiff and Respondent, Bruce (“Kelman”)s declarations used to establish a fictitious reason for Kramer’s malice in this libel case while strategically litigating to silence Kramer of a deceit in science and policy – just like this court ignored the same evidence in it’s unpublished anti-SLAPP 2006 Opinion (App.Opn.Brf.Erta, pp.7-12,15,16)

[<http://freepdfhosting.com/c74e07c42f.pdf>]; and

every day that this court ignores that there is no evidence of Kramer even once been impeached as to her subjective belief that the words *“lay translation”* going to *“two different paper, two different activities”*, and flipping back to *“translation”* as spoken by Kelman on February 18, 2005, as evidenced by Kramer that she considers to be *“altered [his] under oath statements on the witness stand”* used by Kelman to obfuscate and to hide from a jury, who all was involved and how it became the false concept in public policy that

science holds mold does not harm – just like this court ignored the same evidence in its 2006 Opinion; (App.Opn.Brf.Erta,pp.17-23,29); is

one more day that someone, somewhere, in the United States of America is having their life devastated by the false concept that it is scientifically proven mold and their toxins do not harm, being allowed to remain in public policy, medical practices, claims handling practices and the courts;(App.Req.To.Notice.Arizona.NAA.Amicus,pp.11)  
[<http://freepdfhosting.com/7d201e1198.pdf>]; because

this court chose not do independent examination of the evidence on appeal in 2010, or of the errors of its 2006 Opinion that all courts relied upon while ignoring the evidence found in Kramer’s briefs and exhibits substantiating this litigation is Strategic Litigation Against Public Participation to silence one who has been willing to speak out of the deceit in public policy and in the courts. As such, the finding of this Opinion of libel with actual malice is not supported by evidence on appeal. (App.Repy.To.Court.Query)  
[<http://freepdfhosting.com/5b2c34d0b6.pdf>]

Directly stated, this Opinion is aiding interstate insurer unfair advantage over the mold sick and injured in medical treatment denials, claims handling practices and litigation to continue; by its stated choice to not independently examine the evidence of errors in this court’s 2006 Opinion.(App.Opn.Brf.Erta,pp.32,33) While stating no errors of trial were found, this court acknowledges the scope of the trial was predicated on the 2006 Opinion which ignored the same facts in evidence this Opinion now does; primarily on the issues of plaintiff perjury, malice, defendant subjective belief in her words and the impact of this litigation on public health. (App.Opn.Brf.Erta,pp.29,30) (App.RpyToCtQuery,pp.19)

Given that circumstance and the fact that the value of promoting stability in decision making in public health policy far outweighs the value of non-reevaluation of this court’s prior erred disposition; and litigation has cost the Kramer family well over