THE STATE BAR
OF CALIFORNIA

OFFICE OF THE CHIEF TRIAL COUNSEL
AUDIT & REVIEW

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May 21, 2009

PERSONAL AND CONFIDENTIAL

Mrs. Sharon Noonan Kramer
2031 Arborwood Place
Escondido, CA 92029

RE: Case No.: 09-2006
Respondent: Keith Scheuer

Dear Mrs. Kramer:

Your complaint and all supplemental documents and/or information you provided in your letter dated May 7, 2009, and other correspondence have been reexamined as part of the internal review process of the Office of the Chief Trial Counsel. After carefully analyzing the facts, the law, the high standard of proof in State Bar matters, and the likelihood of successful prosecution, it has been determined that your matter will remain closed.

You informed us that respondent represents plaintiffs in a libel matter against you, *Bruce J. Kelman, et al. v. Sharon Kramer, et al.*, San Diego County Superior Court, Case No. GIN044539, filed on or about May 16, 2005, and in related appellate matters. You complained, among many other complaints, that respondent suborned perjury by his client, made misrepresentations to the court, and engaged in other misconduct. Further, you requested in part that the State Bar compel respondent to provide proof that his client testified to certain statements in another civil matter, *Mercury Casualty Company v. Michael Kramer, et al.*., San Diego County Superior Court, Case No. GIN024147, filed on or about September 17, 2002.

The State Bar has the burden of proving by clear and convincing evidence that an attorney committed misconduct warranting discipline. We have reviewed your complaint file and determined that it does not demonstrate sufficient grounds for further investigation or prosecution of respondent for ethical misconduct, or establish an abuse of discretion in closing the complaint. Since we would not be able to meet our high burden of proof, your matter will remain closed.

Your complaints are more appropriately addressed with the civil court. It appears that the court of appeal affirmed the trial court's decision in the libel matter in about 2006, the Supreme Court denied your petition for review in about 2007, and your current appeal filed on or about January 14, 2009 is pending before the court of appeal. There is no evidence that any court found that respondent engaged in misconduct. You may also wish to consult with legal counsel for advice regarding your other available civil remedies. In the event that a court makes *specific findings* that respondent engaged in misconduct, please provide that information together with any relevant court documents.

Please be advised that the State Bar cannot represent you, give you legal advice, or provide any other legal assistance to you in your civil matter. You will need to consult with your own legal counsel for advice and assistance regarding such matters. Your request that respondent be compelled to provide proof of his client's prior testimony must also be addressed with the civil court; the State Bar cannot assist you with that request.

In order to seek review of this decision that your matter will remain closed, you must file a verified accusation against the attorney with the California Supreme Court, pursuant to rule 9.13, subsections (d) through (f), California Rules of Court, within **60 days** of the date of this letter.

The Clerk of the Supreme Court has instructed us to advise you that no specific form is used by the Supreme Court for the filing of a verified accusation against an attorney. You may obtain specific information by contacting the Clerk's office in Los Angeles or in San Francisco. The addresses and phone numbers of the respective offices are listed below.

California Supreme Court
Clerk's Office
300 South Spring Street
Second Floor, Room 2752
Los Angeles, CA 90013
(213) 830-7570

California Supreme Court
Clerk's Office
350 McAllister Street
San Francisco, CA 94102
(415) 865-7000

Please be aware that if you file a verified accusation against the attorney, the Office of the Chief Trial Counsel will only reopen its file in this matter if the California Supreme Court issues an order granting your request.

You may also wish to consult with legal counsel for advice regarding any other civil, criminal, or administrative remedies available to you. If you seek representation, you may contact your local or county bar association to obtain the names of attorneys who might assist you further in this matter.

As stated above, this matter will remain closed and the State Bar will take no further action at this time.

Very truly yours,

A & R

OFFICE OF THE CHIEF TRIAL COUNSEL/AUDIT & REVIEW

June 17, 2009
Mrs. Sharon Kramer
2031 Arborwood Place
Escondido, CA 92029

The State Bar of California
Office of the Chief Trial Counsel
Audit and Review Department
1149 South Hill Street
Los Angeles, California 90015-2299

Re: Case No: 09-2006 Respondent: Keith Scheuer
State Bar's denial to request for investigation.

Dear Sir or Madam,

Thank you for your reply to my request that you investigate and take action for intentional suborning of perjury by licensed California Attorney, Keith Scheuer, in the case of Kelman and GlobalTox vs. Kramer, Case No. GIN044539. I am perplexed by the State Bar's response of declining to take action. From my perspective, I asked the State Bar to intercede to stop a crime in progress, ie, perjury and suborning of perjury in an attempt to silence a whistleblower in furtherance of an enterprise that is detrimental to the health and safety of the US public. Clarification from the Bar for their decision not to act would be helpful to me and greatly appreciated.

An overview of info sent to the State Bar in my requests for help: I am a whistleblower and an effective advocate over a matter of national deception in US public health policy involving the plaintiffs in this case. My writing in the libel action was the first to publicly expose an unholy union between a medical association with a history of being in service to industry, a think-tank and the US Chamber of Commerce Institute for Legal Reform.

As noted in my complaint to the Bar, the purported sole cause of action in the libel case is the claim that my use of the phrase "*altered his under oath statements*" was a maliciously false accusation of perjury. (Kelman was altering his under oath statements in an attempt to distance the now Federally deemed unscientific medical association policy paper from it's think-tank/US Chamber mass marketing version; but simultaneously had to admit their close connection and monies for the think-tank/Chamber version by a prior testimony of his being allowed into the trial proceedings.) From my writing:

> "Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the witness stand. He admitted the Manhattan Institute, a national political think-tank, paid GlobalTox $40,000 to write a position paper regarding the potential health risks of toxic mold exposure. Although much medical research finds otherwise, the controversial piece claims that it is not plausible the types of illnesses experienced by the Haynes family and reported by thousands from across the US, could

> be caused by "toxic mold" exposure in homes, schools or office buildings.
>
> In 2003, with the involvement of the US Chamber of Commerce and ex-developer, US Congressman Gary Miller (R-CA), the GlobalTox paper was disseminated to the real estate, mortgage and building industries' associations. A version of the Manhattan Institute commissioned piece may also be found as a position statement on the website of a United States medical policy-writing body, the American College of Occupational and Environmental Medicine."

In the actual testimony of Kelman, he was calling the controversial policy papers "two different papers, two different activities" while having to admit the think-tank/Chamber paper was merely a "translation" of ACOEM's. This forced discussion came about by a prior testimony being allowed into the trial proceedings. I am responsible for the Haynes'attorney having the prior testimony in his possession.

As noted in my complaint to the State Bar, my writing was later followed up by a front page Wall Street Journal expose' titled, *"Court of Opinion, Amid Suits Over Mold Experts Wear Two Hat, Authors of Science Paper Often Cited by Defense Also Help in Litigation".* This and other efforts on my part on a Federal level have helped change the face of mold litigation and health policy nationwide to the benefit of the public and the courts. (More mold cases –civil and workers comp- settle before trial today than they did four years ago. More doctors know how to recognize and treat these illnesses early)

To reiterate the documentation I provided to the Bar regarding the suborning of perjury. I provided the Bar with documentation showing that seven judges and justices have refused to acknowledge evidence that they have been relying on perjury as to the reason for malice. Judges Michael Orfield, Lisa Schall, Joel Pressman, William Dato and Justices Judith McConnell, Cynthia Aaron, J. McDonald. This is a case where perception bias has been allowed to run deep with multiple judges, caused by changes in the courts, with each judge relying on prior judges' rulings and each assuming the prior judge would have surely caught such an egregious error.

The direct evidence that I provided to the Bar clearly proves that a California licensed attorney has indeed repeatedly suborned perjury on an issue central to a libel action. I provided evidence to the State Bar that the following statements were submitted to the courts by Mr. Scheuer in the subject libel litigation of Kelman and GlobalTox vs Kramer no less than three times under penalty of perjury. This was done via the declarations of his client, Bruce J. Kelman and regarding a purported prior testimony Kelman gave in 2003 in the case of Mercury vs. Kramer:

> "She [Kramer] apparently felt that the remediation work had been inadequately done, and that she and her daughter had suffered life-threatening diseases as a result. I testified that the type and amount of mold in the Kramer house could not have caused the life-threatening illnesses that she claimed."

I provided to the Bar the statements made in Keith Scheuer's briefs in support of the above Kelman declarations that were submitted in the libel case of Kelman and

GlobalTox vs Kramer. This was the purported reason I would harbor malice for Kelman and his company stemming from the Mercury case:

> "Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not have caused the life threatening illnesses that Kramer claimed. Apparently furious that the science conflicted with her dreams of a remodeled house, Kramer launched an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox."

I then provided the Bar with the direct evidence, via the entire transcript of Kelman's actual deposition in the Mercury case proving that Kelman gave no such testimony in the Mercury case; and thus proving the reason provided for malice in the Kelman and GlobalTox vs Kramer libel case was perjury.

I provided documentation of the impact the perjury and suborning of perjury has had on rulings, the framing of the scope of the trial, and thus the trial itself in the libel case of Kelman and GlobalTox vs. Kramer . This, along with affidavits from attorneys involved in the cases substantiating that Kelman and Scheuer have been providing perjury on the issue of malice. In addition, I provided approximately 20 other exhibits proving the suborning of perjury. And that the benefiting from the suborning of perjury has been willful and continues while causing me to be injuriously affected in an immediate, pecuniary, and substantial way.

Maybe I have not been clear, but I think I have. The point is not whether the perjury is proven or not within the documentation I sent to the State Bar. It is proven. The point is to stop a licensed California attorney from remaining mum before the courts about the suborning of perjury and continuing to benefit from it, while the courts will ask no questions. The point is, the courts would likely listen to the State Bar.

I think it would help much if someone other than myself verified for the courts that they have been relying on perjury as to the reason for malice. This was my sole request of the State Bar. They do not seem interested in direct evidence when I and my prior attorneys tell them.

As this matter has already cost me over one half of a million dollars to defend speech with national significance beneficial to the US public, I can no longer afford legal counsel. However, I am not willing to see my rights or the first amendment of the Constitution trampled. I turned to the State Bar for help of simply asking one of their licensees to verify statements that were submitted by him to the courts, under oath and under penalty of perjury. Then inform the courts if he cannot substantiate. I have already proven to the Bar with undisputable documentation that he cannot substantiate. It is perjury.

Yet the Bar now seems to me to have taken the same stance as the judges and justices in this case. No one, even when provided irrefutable direct evidence and directly requested, will even ask Keith Scheuer to corroborate his client's declaration statements that were submitted under penalty of perjury.

As I understand it, "The California Rules of Professional Conduct are intended to regulate professional conduct of members of the State Bar through discipline. They have

been adopted by the Board of Governors and approved by the California Supreme Court pursuant to statute to protect the public and to promote respect and confidence in the legal profession. The rules and any related standards adopted by the Board are binding on all members of the State Bar." and "The State Bar of California investigates complaints of attorney misconduct. If the State Bar determines that an attorney's actions involve probable misconduct, formal charges are filed with the State Bar Court by the bar's prosecutors (Office of Chief Trial Counsel)." What am I missing or not understanding?

With all due respect, if the State Bar does not act on direct evidence of an attorney's willful suborning of perjury and willful continuation of benefiting from this suborning of perjury - then what licensee violations do they act upon? What more proof beyond direct and irrefutable evidence does the Bar require before they work to curtail deceptive practices before the courts by a licensed California attorney?

I understand that the Bar does not typically like to act until a case is completed, but I have provided documentation to the Bar that the judges in this case have been multiple with each judge relying on prior judge's rulings. I need help to break a court perception bias that has caused an egregious violation of the First Amendment. I am not hopeful that I will be able to file an effective, rule abiding, appellate brief while now being Pro Per.

So, I will take your suggestion and file with the California Supreme Court. But, it would help me much as I file to understand on what legal basis the State Bar chose not to verify and inform the courts involved that they have been relying on perjury as the case was handed off from one judge to the next to the next. Can you please tell me what laws govern the State Bar's refusal to even ask a licensee to corroberate declarations he has submitted to the courts?

To reiterate what would be helpful for me to understand as I file with the California Supreme Court over this matter of the State Bar refusing to intercede:

> What laws govern that the State Bar does not act when provided direct evidence of such a nature that it cannot be disbelieved, that one of their licensees is continuing to willfully benefit from willful subordination of perjury?
>
> What laws govern that the State Bar does not ask questions or address suborning of perjury by one of their licensees until the lawsuit is completed?

Thank you for your assistance with this matter. Thank you for the preliminary directions of how to file with the California Supreme Court. And thank you in advance for clarification of the California laws the State Bar is following when choosing not to intercede in a case where direct evidence proves continuing benefits borne from suborning of perjury by a licensed California attorney.

Sincerely,

Mrs. Sharon Noonan Kramer

cc: Mr. Scott Drexel, Chief Trial Counsel, The State Bar of California
Enclosed: Denial by the Office of Chief Trial Counsel, Audit & Review, May 20, 2009

TIMELINE OF PERJURY AND SUBORNING OF PERJURY

May 2005 Scheuer files a complaint for defamation of character on behalf of his clients, Kelman and GlobalTox. The sole cause of action in the case was that the phrase "altered his under oath statements" was a maliciously false accusation of perjury.

July 2005 Brown files an anti-SLAPP motion on behalf of Kramer. Kramer's declaration goes into great detail of the deceit in public health policy.

September 2005 Scheuer files a response in which he includes Kelman's false declaration stating,

> "She [Kramer] apparently felt that the remediation work had been inadequately done, and that she and her daughter had suffered life-threatening diseases as a result. I testified that the type and amount of mold in the Kramer house could not have caused the life-threatening illnesses that she claimed."
> (See Exhibit 1 of original complaint)

Scheuer states within his brief:

> "Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not have caused the life threatening illnesses that Kramer claimed. Apparently furious that the science conflicted with her dreams of a remodeled house, Kramer launched an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox."

September 2005, Brown does not submit a reply brief but does submit another declaration by Kramer in which she wrote,

> 21. Mr Shurer has attempted to paint me as a vengeful woman who has an obsession to get back at Kelman for testimony he gave in our case in December, 2003. Shurer states that my daughter and I claimed we acquired life threatening illnesses as a result of mold when what I really wanted was for my insurance company to pay for my house to be remodeled. He also states I was furious when Kelman testified that the science did not support what I wanted.
> 22. I am surprised at Mr Shurer's lack of verification of facts before making these false and malicious statements, which are oddly not backed up with any support documentation attached. We were not

even in litigation in December of 2003. But given the obvious lack of fact checking, I am not surprised at this answer. This would be a boilerplate scenario for Kelman to step into. Many people have life threatening illnesses after excessive exposure to mold and mycotoxins. It is a complaint that is quite common. In regard to these illnesses, it would be also be a boilerplate response for Kelman to say the science does not support this, based on the ACOEM Statement. 23. However, the boilerplate family Shurer and Kelman describe is not our family. I do not know how Kelman could have testified in our case in December of 2003. We settled in October of 2003. Although very sick, I never claimed I had a life threatening illness. My daughter has always had the life threatening illness of CF. We ultimately received a fairly sizable settlement from all three defendants in the case. If we had chosen to correct the cross contamination that occurred during the remediation process, we received enough money to do so. Attached hereto collectively as Exhibit 5 are true and correct copies of the mutual release of Case #GIN024147; documentation of Erin Kramer's condition of Cystic Fibrosis.

October 2005, the court rules that the case can go forward. The above portions of my declaration are stricken from the record by motion of Scheuer.

NOTE: By September of 2005, Scheuer was made aware that his client had provided false reason given for malice and actively motioned to have that portion of my declaration stating so, stricken from the record.

April 2006, Brown files a brief to the Appellate Court 425.16 anti-SLAPP, forgets to mention the perjury, attempts to argue first amendment freedom speech.

May 2006, Scheuer files a reply again stating, "Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not have caused the life threatening illnesses that Kramer claimed."

June 2006, Brown files a request for judicial notice complete with documentation of Kelman's testimony from the Mercury case proving that no such testimony as

stated above was ever given by Kelman. The courts were being provided false reasoning for malice. He also provides documents from a court case in Sacramento where Kelman and GlobalTox's theory for determining illness is not plausible to occur from mold toxins was thrown out as unscientific.
(See Exhibit 4 of Original Complaint)

NOTE: This was the second time that Scheuer was made aware that his client was presenting false declaration statements on the issue of malice.

November 2006, The Appellate court makes the ruling that this is not Strategic Litigation Against Public Participation. They refuse to take judicial notice of the documents proving that Scheuer was providing them false declarations as to the reason for malice, stating because it was not presented in the lower court. (As noted above, it was presented to the lower court. Scheuer just got it thrown out.) They also claim they fail to see what the science has to do with the phrase "altered his under oath statements". They hated Brown's brief and refused to sift through the exhibits...in other words, I had no defense in the Appellate Court. Brown misses the deadline to request reconsideration. Files one late. The Appellate Court denies to hear a reconsideration. The Appellate Court found that a reasonable jury could conclude I had malice for Kelman stemming from the Mercury case, even though not one shred of evidence was ever presented to support this. Only the false declarations of Kelman, submitted by Scheuer supported this concept. Scheuer remained mum of the Court's error caused by his suborned perjury.
(See Exhibit 4 of Original Complaint)

December 2006, Brown files a brief to the California Supreme Court. Several non-profits sent Amicus Letters on my behalf. (by this time, many people understood what Kelman was trying to hide by altering his under oath statements.) The Supreme Court declines to hear it.(This was expected. The odds of having this when the Appellate Court was not properly requested to reconsider are slim.) Brown does not mention the perjury or suborning of perjury in his brief.

January 2007, the Wall Street Journal expose' is published.

Kelman and GlobalTox's expert witnessing enterprise takes a major hit in credibility. But it is too late for me to show the courts with regard to this being a SLAPP suit. The rulings on the matter were already made. On my advocacy front, Kennedy knew the WSJ article was coming out. In October of 2006, the GAO audit was ordered. (See Exhibits 16 & 21 of Original Complaint)

Spring 2007, the remittitur is issued by the Appellate Court and the case goes back to Judge Orfield in the North County.

June 2007, Brown sends a letter to Scheuer asking what is it going to take to end this litigation. Scheuer sends back a response with the following required statements of apology:

> "…I was wrong and my accusations were unfounded. Dr. Kelman and other personel from Veritox provide testimony and scientific advice in a variety of contexts. To my knowledge, their testimony and advice are based on their expertise and objective understanding of the underlying scientific data. I sincerely regret any harm or damage that my statements may have caused."
> (See Exhibits 8 & 9 of Original Complaint)

I couldn't sign such a statement even if I wanted to. It is a lie. To my extensive knowledge over the matter, the object of their expertise is based on lying unscientific data. And the damage my many statements, published in medical journals and other places, have done to their business is because I have effectively outed the deceit in public policy science they rely on for their expert witnessing enterprise. Had I signed the above, I would have been effectively silenced. One cannot sign a statement in a court proceeding and then tell the Federal government the exact opposite. At great personal expense to my family caused by this litigation, I refused to endorse Kelman and GlobalTox's pseudo-science.

July 2007 Brown steps aside, Lincoln Bandlow steps in. Lots of motions and battles over documents. Kelman is claiming emotional distress from the word "altered" in a press release of two years earlier. (never mind the distress of the WSJ article, I guess), etc.

December 2007 Kelman is deposed with Scheuer present. Kelman can't remember what testimony he gave in the Mercury case.

NOTE: This is now the third time Scheuer was made aware his client had provided false declaration statements on the issue of malice.

January 2008 I am deposed. Scheuer and I discuss in detail the impact the lies on the issue of malice had on the anti-SLAPP ruling and would most likely have on Orfield. (See Exhibit 10 of Original Complaint)

NOTE: This is now the fourth time Scheuer was made aware his client was providing false declaration statements on the issue of malice.

January 2008 Bandlow files a motion for summary judgment. I attach a declaration that, this time, in greater detail explains that Kelman was providing false declarations on the issue of malice.

NOTE: This is now the fifth time Scheuer was made aware of his client's false declarations of reason for malice.

March 2008 Scheuer files an opposition to the MSJ. He attaches a new declaration of Kelman that again makes the false statements of,

"She [Kramer] apparently felt that the remediation work had been inadequately done, and that she and her daughter had suffered life-threatening diseases as a result. I testified that the type and amount of mold in the Kramer house could not have caused the life-threatening illnesses that she claimed." (See Exhibit 11 of Original Complaint)

June 2008, Orfield denies the MSJ. The tentative ruling came out the morning of oral arguments. Bandlow was already driving from LA. He did a beautiful job of getting rid of the emotional distress and puntitive damages claims, holding the potential award to $1. But he forgot to mention the perjury and suborning of pejury. Again the judge found *I could have* had malice

stemming from the Mercury case based on no evidence besides the false declarations. Scheuer remains mum while the propostion of malice stemming from the Mercury case is being discussed.

July 2008, Kelman is disposed again. Once again, he cannot remember what testimony he gave in the Mercury case. Bandlow even asks the reason of the decrepancies between his depos and decs. He gives no clear explanation. Scheuer is present for the deposition. (See Exhibits 11 & 12 of Original Complaint)

NOTE: This is now the sixth time Scheuer was made aware his client was presenting false reason for malice in his declarations, and thus now the sixth time Scheuer was made aware he had suborned perjury when defeating all motions.

August 2008, Orfield, who had presided over the case for three years determines that the case must go to trial but that he will not be available to preside over the trial. Judge Lisa Schall steps in about one week before trial. Unbeknownst to us at the time, she is moving to Family Court and has a highly published admonishment looming in her future for her third abuse of judicial discretion. It is her first and last libel trial. She makes statements to the effect of, "I always like it when the Appellate Court gives me direction". In violation of 425.16(3)the trial is framed on the concept that I had reason for malice stemming from the Mercury case and that the science of Kelman and GlobalTox was not relevant to the phrase "altered his under oath statements." Scheuer encourages this through his pretrial motions. He remains mum of the matter of his client's false declarations presented as the reason for malice. Bandlow did the best he could in trial considering he was basically arguing with one hand tied behind his back and a gag in his mouth.

Lots of judicial errors in the trial proceedings. One Example regarding Kelman's perjury and noted in Exhibit 5 of my original complaint: My expert, who would have testified to Kelman's inability as a PhD toxicologist to give the expert testimony he

claimed he did in the Mercury case. My attempted discussing of it was stopped because the science of Kelman's expert witness enterprise was excluded from the trial. As a result, the jury never got to hear about the perjury on the issue of malice.(See Exhibits 3 & 6 of Original Complaint)

August 2008 Kelman prevailed against me. I prevailed against GlobalTox. I am appealing. GlobalTox is not.

September 2008 Schall's public admonishment hits all the local papers and statewide judicial papers. One week later Schall issues the judgment. She awards cost to Kelman as the prevailing party but not me as the prevailing party. Scheuer wrote the judgment she used. It does not even acknowledge that I am a prevailing party. Reads like Kelman won and GlobalTox did not lose. (See Exhibit 22 of Original Complaint)

Septemer 2008 I substitute in as my own attorney. Out of money from the approximate $500,000 this has now cost me to defend myself in this malicious litigation meant to chill speech regarding a deception in national public health policy.(See Exhibits 16, 17, 18, 19, 20, 21 of Original Complaint; Exhibit 3 of Supplemental Complaint)

September 2008 I send a registered letter to Scheuer regarding his clients perjury and his suborning of perjury, reminding him that he has a duty as a licensed officer of the court to inform the courts of the perjury. No reply. MUM. (See Exhibit 2 of Supplemental Complaint)

NOTE: This is now the seventh time Scheuer has been made aware of the perjury and suborning of perjury.

October 2008 to January 2009, no less than 6 times I have documented the perjury and suborning of perjury to the courts with Scheuer being noticed on the motions. The courts do nothing and Scheuer just remains mum. I am still fighting for my costs as a prevailing party. An amended ruling was made that reflects I am a prevailing party. However, the court reentered the original judgment on December 18, 2008, not an amended one reflective of the amended ruling, made of December 12, 2008.

NOTE: This is no less than 12 times, Scheuer has been made aware of his client's perjury.

December 12, 2008 Prior to entering Dept 31 for oral arguments of JNOV, New Trial, etc, I personally handed Scheuer a copy of the complete transcript of the deposition of Bruce J. Kelman taken in October of 2003 in the Mercury case. He accepted it, smirked and said nothing. (See Exhibit 2 of Original Complaint)

NOTE: This means that no less than 13 times, not even including my complaint to the State Bar, Scheuer has now been made aware of his client's perjury, his suborning of perjury and the impact all rulings, the framing of the scope of the trial the outcome of the case.

SILENCE IS NOT A DEFENSE, NOR DOES IT RECTIFY A WRONG.

February 2009, I filed a complaint with the State Bar. If Scheuer is not willing to inform all courts *himself* of the perjury and his suborning of perjury on the issue of malice and request that the courts set aside any improvidently entered orders based on false reasoning given for malice;

then it is the California State Bar's responsibility to assist one of their licensees, Keith Scheuer Esq, State Bar No. 82797,in fulfilling his affirmative duty as a licenced officer of the Court in the State of California. It is the California State Bar's responsibility to assure all courts be informed of Scheuer' client's perjury and Schueuer's own suborning of the perjury.

SHARON NOONAN KRAMER
2031 Arborwood Place
Escondido, CA 92029
(760) 746-8026
(760) 746-7540 Fax

OFFICE OF THE CHIEF TRIAL COUNSEL INTAKE

THE STATE BAR OF CALIFORNIA

In the matter of: BRUCE J. KELMAN & GLOBALTOX, INC., Plaintiffs, (Keith Scheuer, Plaintiff Counsel) v. SHARON KRAMER, and DOES 1 through 20, inclusive, Defendant. CASE NO. GIN044539 FILED, MAY 6, 2005 NORTH SAN DIEGO COUNTY SUPERIOR COURT, CIVIL CASE, LIBEL ACTION	COMPLAINT FILED AGAINST KEITH SCHEUER, ESQ, CALIFORNIA BAR NO. 82797 VIOLATIONS OF BUSINESS AND PROFESSIONS CODES 6068(c)(d)(f)(g)

I.

Background

This complaint against Keith Scheuer, Esq, ("Scheuer") California Bar No. 82797 stems from a libel action in which there are two plaintiffs, Bruce J. Kelman ("Kelman") and Global Tox, Inc., ("GlobalTox"); and one defendant, Sharon Kramer ("Kramer"). Scheuer is the legal counsel for Kelman and GlobalTox. The sole cause of action in this case is that Kramer's use of the phrase "altered his under oath statements" in an internet press release she authored in March of 2005 was a purported defaming accusation of perjury. Kelman is the President of the corporation, GlobalTox. GlobalTox generates a large portion of their income by serving as expert defense witnesses in toxic tort litigations. One of these litigation testimonies in the state of Oregon was the subject of Kramer's public participation press release.

In a jury trial of August 2008, the jury found that Kelman prevailed against Kramer and Kramer prevailed against GlobalTox. Because of many irregularities in the case, trial proceedings, jury instructions and violations of duties to the court on the part of Scheuer, Kramer is appealing the

verdict of $1. (This case is now on its fourth superior court judge in a matter of months with the trial judge reassigned to family court after a publicized admonishment for drunk driving – her third offense of abuse of judicial discretion).

GlobalTox is a litigation defense support corporation heavily involved in toxic torts throughout the United States. The small company generates annual income in the multi-millions by providing expert defense witnessing services and litigation risk management for insurers, builders, school districts and even the U.S. Department of Justice under the prior Attorney General, Alberto Gonzalas, when defeating liability for illnesses caused by environmental exposures. Their president, Bruce Kelman PhD, began his expert defense witnessing career by witnessing for Big Tobacco approximately 20 years ago. Kelman and other principals of GlobalTox (there are six) are widely known for selling doubt of causation of a variety of environmental illness before the courts.

The corporation, the questionable science they rely on to deny causation of illness from the toxins of mold, and the method by which this questionable science was legitimized have been written about by many, in numerous publications. They were even the subject of a January 2007 front page Wall Street Journal (WSJ) article. It was titled, "*Court of Opinion, Amid Suits Over Mold, Experts Wear Two Hats, Authors of Science Paper Often Cited by Defense Also Help In Litigation*". As such, the notorious reputation of Scheuer's clients, GlobalTox (changed to VeriTox shortly after filing this widely written about lawsuit) is nationally recognized.

Kramer, who has an education in marketing, is an effective whistleblower regarding the mass marketing of GlobalTox's pseudoscience they rely on for their expert witnessing enterprise. (In published writings, GlobalTox claims that they have been able to scientifically determine illnesses from indoor mold toxins are "highly unlikely at best". When before the courts they go farther to claim the illnesses "could not be". No one has ever duplicated the calculation they use to form these conclusions. The "science" of GlobalTox belongs in the Journal of Irreproducible Results.)

Because of Kramer's understanding in how information flows through the use of marketing, she grasped the deceit of the mass promotion of the pseudoscience and its impact on public health policy. She played a large part in the WSJ writing of the subject. (The WSJ article was based on a 2006 paper Kramer wrote titled "American College of Occupational and Environmental Medicine, *ACOEM, Exposed, A Case Study In Sham Peer Review And Conflicts of Interest*." Her paper, that gained the WSJ's interest of the mold issue, was an edit from her declarations in this case.) She was also instrumental in causing a Federal Government Accountability Office ("GAO") to audit the

current state of the health science of the mold issue. Senator Edward Kennedy's Health, Education, Labor and Pension Committee ordered the audit at Kramer's request. (Kramer has spent much time in Washington DC in the past few years, even moderating a Senate Staff Briefings over the mold issue at the request of the Senate HELP Committee.) The resulting GAO report has changed public policy to the detriment of GlobalTox's expert witnessing enterprise. As such, no longer can GlobalTox principals stand before the courts while claiming it is current accepted science that serious mold illnesses "could not be".

The first time that Kramer wrote of the marketing of GlobalTox's pseudoscience and conflicts of interest driving erroneous public policy over the mold issue was her internet press release in question in this case, March of 2005. This was the first time anyone had publicly written of the questionable legitimizing and marketing of GlobalTox's pseudoscience.

The gist of her press release was of how an expert defense witness, Kelman, got caught on the witness stand having to discuss the true relationship of a purported unbiased medical association, ACOEM) policy paper and one promoted by the industry friendly US Chamber of Commerce Center for Legal Policy and a think-tank. This forced discussion of the two papers' true relationship was caused by a prior Kelman testimony from another case being allowed into the court proceedings. (Kramer was responsible for the plaintiff attorney in the case having the prior testimony.) Like Kramer, the jury grasped the conflicts of interest surrounding Kelman's testimony in conjunction with the science papers he relies on as a legitimizing factor. They grasped this by Kelman attempting to simultaneously describe the two policy papers as separate works; but being forced to acknowledge they were connected, with one even being paid for by a think-tank. Thus, altering statements. The jury was able to see through Kelman's obfuscating testimony. They awarded the mold injured family a half of a million dollars.

In an effort to silence Kramer from speaking out further about the mass marketing of a deceit in public policy science, GlobalTox and Kelman hired Scheuer to sue Kramer for libel claiming the term "altered his under oath statements" was a false accusation of perjury. Then, in an effective but deceptive maneuver to distract the San Diego courts' attention from the fact that Kramer was writing about a significant deceit in public policy science; they repeatedly presented false declarations under penalty of perjury to the San Diego courts as to why Kramer would have reason to harbor personal malice for Plaintiff GlobalTox and its President. This successful maneuver made

the courts, who are not savvy to the politics of the mold issue, perceive that Kramer's writing was a personal vendetta – not an outing of a serious deceit in public policy science.

Specifically, GlobalTox's President presented the following false declaration statements before the San Diego courts no less than three times while under penalty of perjury:

> "She [Kramer] apparently felt that the remediation work had been inadequately done, and that she and her daughter had suffered life-threatening diseases as a result. I testified that the type and amount of mold in the Kramer house could not have caused the life-threatening illnesses that she claimed."

Scheuer then used the purported testimony to mislead the courts that Kramer would have persoanl reason to harbor malice for Plaintiff GlobalTox and its President. Specifically within his briefs, Scheuer wrote:

> "Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not have caused the life threatening illnesses that Kramer claimed. Apparently furious that the science conflicted with her dreams of a remodeled house, Kramer launched an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox."

However, no such testimony was ever given by GlobalTox's President in the Kramer family's mold litigation with their insurer, Mercury. No legitimate evidence was ever presented to any San Diego court that Kramer would have personal reason to harbor malice for GlobalTox and its President. Only the manufactured reason for malice in declarations made under penalty of perjury and attached to Scheuer's briefs supported the personal vendetta theme that impacted all rulings, the framing of the scope of the trial and thus the outcome of the trial itself. The anti-SLAPP motion was defeated by Plaintiffs through the use of perjury, allowing the case to continue without the legitimate establishment of probable cause. The trial judge, presiding over her first libel action, relied on the appellate ruling when framing the scope of the trial and in violation of Code of Civil Procedures 425.16(3) which states, "*..no burden of proof or degree of proof otherwise applicable shall be affected by that determination [sic anti-SLAPP] in any later stage of the case or in any subsequent proceeding"*.

Below are excepts of the transcript of the trial, August 18, 2008, 4:16-28, 5:8-24, 6:13-18, 7:18-20, 8:15-18, in which the scope of the trial was being determined by the Court and Scheuer knowinging encouraged the misdirection of the trial. The Court stated,

> "So although I think there is, realistically, the need to play for the benefit of the jury how it is, and I think the Fourth did a great job. That's why I like reading their rulings

because I know what I'd do. I won't upset them if I follow their guidance to start with they did a pretty good job on pointing to the kind of evidence they considered in the anti-SLAPP, which is key because it's the same thing that was adopted in the motion for summary judgment ruling that was made by Judge Orfield considering in denying the anti-SLAPP.

……

Okay. They spoke to the kinds of things that could give rise to a finding of actual animosity, ...so I can only reference it by noting it's the second full paragraph, and it references that one, to start with, is Dr. Kelman was an expert in her own lawsuit. They reference that she was seeking damages for the presence of mold in the home. Dr. Kelman gave an opinion of a – speaking to- to the effect that did not appear to have greatly increased level of risk of mold inside the home. Case was settled and, quote A reasonable jury could infer that Kramer harbored some animosity toward Kelman. Seemed to me the facts surrounding that lawsuit that would support or contract a claim of any reasonable animosity would be something relevant for this jury.

……..

So that's kind of the way I look at this case. I think the fourth district has done a very clean job of focusing, and I think they're right. So I am concerned about as to what extent you plan to bring in Dr. Amman.

.....

Scheuer: "...without just being grossly brown-nosing here, I've been in this case for three and a half years. You've been in it for about two hours, and I think you have grasped what this case is about. I think this is really a simple, really straightforward case. I think we can do this case in two days of testimony. It needs to be limited. I think, just as you suggested. We don't have any intention of –First, of going into the science that lies behind the A.C.O.E.M.Statement"

The scope of the trial was framed on the anti-SLAPP ruling. The anti-SLAPP ruling was made as a result of perjury on the issue of malice. The resultant expenses to Kramer have been well over one half of a million dollars in litigation expenditures alone. Yet, Kramer has refused to be silenced on a matter adversely impacting the health a safety of US citizens.

Clearly, for GlobalTox's President to repeatedly present false declarations under penalty of perjury on a matter central to the case ie, malice, qualifies as bad faith actions completely without merit and for the sole purpose of harassing the opposing party through strategic litigation against public participation in furtherance of an enterprise with national significance affecting public health policy. Clearly for Scheuer to continue to *knowingly* present his clients' false declarations long after

knowing they were false are bad faith actions completely without merit for the sole purpose of harassment through strategic litigation against public participation in furtherance of an enterprise.

Plaintiffs and Scheuer defeated Kramer's anti-SLAPP motion through bad faith actions of false declarations on the issue of malice. Code of Civil Procedures 425.16 states "*(a) The Legislature finds and declares that there has been a disturbing increase in lawsuits brought primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances. The Legislature finds and declares that it is in the public interest to encourage continued participation in matters of public significance, and that this participation should not be chilled through abuse of the judicial process. To this end, this section shall be construed broadly... (e) As used in this section, "act in furtherance of a person's right of petition or free speech under the United States or California Constitution in connection with a public issue" includes: (1) any written or oral statement or writing made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law; (2) any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law; (3) any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest; (4) or any other conduct in furtherance of the exercise of the constitutional right of petition or the constitutional right of free speech in connection with a public issue or an issue of public interest."*

Clearly Scheuer used bad faith tactics meant to harass and silence Kramer's constitutional rights to free speech on an issue of public interest as stipulated under CCP 425.16 (e)(1)(2)(3) and (4). To allow Scheuer to benefit, not only from filing a lawsuit meant to chill first amendment speech of national significance, but to suborn perjury while chilling the speech are not actions the California State Bar should tolerate or encourage.

Business and Professions Code 6068 (c)(d)(f)(g) states *"It is the duty of an attorney to do all of the following:..(c) To counsel or maintain those actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense.(d) To employ, for the purpose of maintaining the causes confided to him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.(f) To advance no fact prejudicial to the honor or reputation of a party or*

witness, unless required by the justice of the cause with which he or she is charged.(g) Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest.

Clearly for a attorney, licensed by the State of California, to *knowingly* present the courts with a client's repeated false declarations under penalty of perjury on an issue central to the case could not appear to the attorney to be *"legal or just"*; "*consistent with the truth*"; non *"misleading [to the] the judge or judicial officer by an artifice or false statement of fact or law*"; non "*prejudicial to the honor or reputation of a party"*; or non "*encourage[ing] the commencement or the continuance of an action or proceeding from any corrupt motive or passion of interest*." In addition, it has long been established by case law that "*Counsel should not forget that they are officers of the court, and while it is their duty to protect and defend the interests of their clients, the obligation is equally imperative to aid the court in avoiding error and in determining the cause in accordance with justice and the established rules of practice.*" Furlong v. White 51 Cal.App. 265, 271 [196 P. 903]. (1921)

As such, Scheuer should not be permitted to generate income at the expense of the victim of violations of Business and Professions Codes 6068 (c)(d)(f)(g). Datig v. Dove Books, 73 Cal.App 4th, 964, 980, 981 (1999) states "*We therefore find it is necessary to state, explicitly, that although a misrepresentation to the court may have been made negligently, not intentionally, it is still a misrepresentation, and once the attorney realizes that he or she has misled the court, even innocently, he or she has an affirmative duty to immediately inform the court and to request that it set aside any orders based upon such misrepresentation; also, counsel should not attempt to benefit from such improvidently entered orders." [Emphasis added]*

To date, Schueuer has made no effort to correct the known misrepresentations or request the court set aside any orders based on the well documented misrepresentations before the courts. He has benefited repeatedly from improvidently entered orders. "*Honesty in dealing with the courts is of paramount importance, and misleading a judge is, regardless of motives, a serious offense.*" Paine v. State Bar 14 Cal.2d 150, 154 (1939).

Tellingly, Scheuer has remained mum on the subject in his responses to post trial motions in which Kramer has documented the perjury numerous times complete with undisputable evidence. Scheuer's silence should confirm for the California State Bar that Scheuer knows he has been

suborning of perjury throughout this case and has no intention of correcting serious errors in rulings and judgment borne from deceiving the courts. Even with these bad faith tactics, Kramer prevailed against his client, GlobalTox. As such and by law, Kramer is requesting that the California State Bar investigate the violations of Business and Professions Codes 6068(c)(d)(f)(g).

II.

Documentation Of Such A Nature That It Cannot Be Disbelieved Proving Suborning Of Perjury And Attempted Coercion By Keith Scheuer, Esq.

While misleading the courts through the use of perjury and suborning of perjury to believe that this case had nothing to do with the science that GlobalTox relies on for their expert witnessing enterprise, they and Scheuer were simultaneously attempting to use this case to coerce Kramer to endorse their science before they would cease with the litigation. They were using this lawsuit to attempt to force Kramer into silence over an issue with broad significance in public health policy. (One cannot sign an endorsement of a science under penalty of perjury and then continue to tell the Federal government the exact opposite about the science.)

A. On The Matter Of Perjury Regarding False Reason Given For Kramer To Harbor Malice For GlobalTox:

Attached hereto as Exhibit 1 is the September 13, 2005 false declaration, made under penalty of perjury, of GlobalTox's President,1,5:3-14,7, stating that in deposition in the case of Mercury vs. Kramer, he testified "that the type and amount of mold in the Kramer house could not have caused the life-threatening illnesses that she claimed." This was the manufactured reason given to all courts why Kramer would harbor malice for GlobalTox.

Attached hereto as Exhibit 2 is the entire October 2003 deposition testimony of Scheuer's client, Kelman, in the Mercury case. It is undisputable proof that no such testimony as claimed above was ever given by Kelman**.** (Kramer cannot cite for the court to a specific line and page as one cannot cite to something that does not exist.)

Attached hereto as Exhibit 3 is the October 28, 2008 Declaration of Attorney John Richards who took the deposition of Kelman in the Mercury case as legal counsel for Kramer. Mr. Richards states this was the only deposition of Kelman in the case. He is not aware that Kramer has ever "launched into an obsessive campaign" to destroy the reputation of any of the other seven expert defense witnesses involved in the Mercury case. Kramer never claimed to have acquired a life threatening

illness. (The case settled at nearly a half a millions for Kramer and her family. Thus, she had no reason to be a sour grapes litigate who was then out to "destroy the reputations of Kelman and GlobalTox.")

Attached hereto as Exhibit 4 is the September 9, 2008 Declaration of William J. Brown, III, Kramer's co-counsel in the Mercury case and original attorney in this case, stating that the Appellate Court refused to take judicial notice of documentation proving Kelman's perjurious declarations before them and while ruling GlobalTox had met a prima facie burden of proof that Kramer had reason to harbor malice stemming from the Mercury case. This anti-SLAPP ruling was based on no evidence besides Kelman's perjurious declaration before them. Exhibit 4 serves as proof that no later than June 29, 2006, Scheuer was made aware no such testimony was ever given by GlobalTox's President.

Attached hereto as Exhibit 5 is the Declaration of Dr. Harriet Ammann dated October 21, 2008. Dr. Ammann was going to testify in trial that as a PhD toxicologist, Kelman would not have been qualified to testify about the Kramer families immunological illnesses in the Mercury case as he claimed. Dr. Ammann was excluded from testifying at trial. Anything having to do with the science of Plaintiffs was excluded based on the anti-SLAPP ruling in violation of CCP 425.16(3).

B. On The Matter Of Scheuer's Attempted Coercion Of Kramer Into Silence While Misleading The Court That GlobalTox's Science Was Not Relevant To Kramer's Defense:

Attached hereto as Exhibit 6 is Plaintiff's motions filed by Scheuer to exclude the science and thereby the testimony of Dr. Ammann from the trial, dated August 7, 2008.

Attached hereto as Exhibit 7 is Scheuer misleading the trial judge (who was new to the lawsuit approximately one week before trial and a bit distracted with an impending change of employment and public admonishment forthcoming) that the science was not relevant to the case. August 18, 2008 Trial Transcript 34:20-28.

Attached hereto as Exhibit 8 is what Plaintiffs and Scheuer were requiring Kramer sign commencing on June 21, 2007, before they would cease with the litigation. This while as noted above, they were misleading the courts that the science of GlobalTox was not relevant to the case. This tactic began after they defeated the anti-SLAPP motion by ill gotten means. It was an attempt to force an endorsement of the validity of GlobalTox's testimony as expert defense witnesses

directly contradictory to what Kramer was telling the Senate Health, Education, Labor and Pension Committee ("HELP Committee").

Attached hereto as Exhibit 9 is the July 22, 2008, deposition testimony of Kelman, 211:18-25,212,213,214, with Scheuer present discussing the attempted forcing of Kramer to endorse GlobalTox's science.

C. On The Matter Of Known Suborning Of Perjury By Scheuer And Benefiting From Resultant Improvidently Entered Orders.

As noted in Exhibit 4, no later than June 29, 2006, Scheuer knew he and his clients were presented false declarations before the courts on the issue of malice. With the anti-SLAPP ruling in November of 2006, he also knew he had benefited from an improvidently entered ruling.

Attached hereto as Exhibit 10 is the January 3, 2008 deposition testimony of Kramer 91:18-25,92,93,94:1-9, taken by Scheuer. It is a discussion of how GlobalTox' president and Scheuer's lies on the issue of malice were impacting the case. Again, proof that Scheuer was made aware of the perjury and suborning of perjury and knew he and his clients were benefiting from it.

Less than three months later and attached hereto collectively as Exhibit 11 is the March 24, 2008 6:3-12 Declaration of Kelman again making the false claim as reason for malice and the MSJ brief filed by Schueuer on March 26, 2008,6:12-20,22 referencing the known false declaration as a reason for malice.

Attached hereto as Exhibit 12 is the deposition testimony of Kelman, July 22, 2008 321:18-25,322,323,324,330:11-25 (three weeks before trial), discussing he does not remember what testimony he gave in the Mercury case. As noted above, this was just 4 months after a March 2008 declaration filed under penalty of perjury and attached to Scheuer's brief in which Kelman claimed he specifically remembered and it was a reason for Kramer to harbor malice for GlobalTox. Also discussed is the fact that his deposition testimonies do not match his declaration testimonies. Scheuer was present and also involved in this line of questioning

D. On The Matter Of Why GlobalTox and Scheuer Were Seeking To Chill Kramer's Speech:

Attached as Exhibit 13 are two principals of GlobalTox serving as paid expert witnesses on behalf of the Department of Justice under former Attorney General Alberto Gonzales. They are Coreen Robbins, February 15, 2006, pg 7 and Kelman, February 15, 2006 pg.8-14. They relied on the ACOEM Mold Statement they authored as scientific reference to defeat claims of illness in a

mold injured military family while claiming mold toxins could not reach a level to cause the symptoms claimed...according to ACOEM.

Attached hereto as Exhibit 14, is the testimony of GlobalTox's President in the case of which Kramer wrote about, the Haynes case. Kelman stated under oath that it is his expert opinion that, according to accepted science, the families illnesses "could not be" caused by the mycotoxins in their home. Again he relied on his own calculations and theory legitimized by ACOEM. This conclusion formed from these calculations has never been duplicated by anyone in any peer reviewed published writing. The error of this "science" has been written about in peer reviewed published medical journals numerous times since Kramer first brought it to greater light.

Attached hereto as Exhibit 15 is an October 2008, peer reviewed, medical journal publishing detailing how Plaintiff's deceptive science became pubic policy in the first place with the endorsement of ACOEM. Two of Kramer's journal publishings are cited as reference for this paper, References 111 and 120. "*Nondisclosure of Conflicts of Interest Is Perilous To The Advancement of Science*" J.Allergy Clin Immunolo. 2006;118;766-767 and "*American College of Occupational and Environmental Medicine (ACOEM): A Professional Association in Service to Industry*". Int J Occup Environ Health 2007;13:404-426.

Attached hereto as Exhibit 16, is the summary of the Federal Government Accountablity Office Report issued on September 30, 2008. Contrary to Plaintiffs' prior expert witnessing for the Department of Justice, the Federal government has now determined serious mold toxin illnesses are indeed plausible to occur from exposure within an indoor setting. This audit was ordered by Senator Kennedy's HELP Committee, October 2006, at the request of Kramer. This is what GlobalTox and Scheuer were trying to stop from happening with the filing and malicious pursuance of this litigation. Kramer has effectively shut GlobalTox's pseudoscience out of public policy thereby curtailing the furtherance of an enterprise.

E. Why It Is Important In Protection Of Freedom Of Speech Under The First Amendment Of the Constitution Of The United States For The California State Bar To Investigate Keith Scheuer's Bad Faith Tactics

This lawsuit has been written about in many different venues and in many different forms, with most favorable to Kramer's outing of the deceit in public policy science. But because this case has been allowed to continue and taken the path it has, many fear retribution from GlobalTox for speaking out about the deceit. GlobalTox is well connected with one of its principals being a retired Deputy Director of the CDC, National Institute of Occupational Safety and Health, assistant Surgeon General. From witnessing the hardship this case has caused for Kramer and her family,

this case has chilled many from speaking out of the impact the deceit has had on mold litigation for fear of GlobalTox and their influential associates.

Attached hereto collectively as Exhibit 17 is an LA Weekly article, published three weeks before trial and titled "*The Toxic Mold Rush: California Mom Fuels An Obsession*" along with its follow ups published after trial. It is a horrid false light writing of Kramer, her family, and those that have been made ill from mold but have been unable to obtain viable medical treatment because of the deceit in public policy science. The LA Weekly article is full of false statements, false light statements and misquoted interviewees. It has caused Kramer to be fearful for the safety of her daughter who lives in LA and was held out, complete with picture, as the "starring victim" of a multi-billion dollar issue where emotions and anger run high on many levels. It has sent chills down the spine of physicians, researchers and advocates who dare to speak out of the deceit of GlobalTox, ACOEM and the US Chamber of Commerce and the U.S. Department of Justice. As noted in the follow up, they are using the verdict in favor of GlobalTox's President in this case to continue to market that it is scientifically proven mold toxins do no cause illness. This, while the science was not even permitted to be discussed in trial because of bad faith tactics used by Scheuer. In the court halls after the trial, Scheuer suggested to approximately 10 of the jurors present that they all read the horrid false light article.

Attached hereto as Exhibit 18, is a publishing in the Indoor Environment Connections, a trade newspaper for the Indoor Air Quality industry. It writes of no one but Kramer being willing to speak out about Scheuer's clients' deceptive science in furtherance of an enterprise, because of the "fear of retribution".

Attached hereto as Exhibit 19, is a letter in which GlobalTox is threatening to sue an attorney for libel for speaking out about their deceit in public policy science that is necessary for them to continue their enterprise.

Attached hereto as Exhibit 20, is an email from an author of a journal published writing that details the deceit of GlobalTox and ACOEM. He is discussing that he cannot credit Kramer for her research that was used extensively for the paper. The reason he gives is politics over the issue. The politics would be this case where Scheuer's bad faith tactics of suborning of perjury and misleading the courts have allowed Kramer to be falsely labeled a malicious liar for the truthful use of the phrase "altered his under oath statements". This case is having an effective impact on discrediting Kramer's ability to effectively speak out of the deceit of GlolbalTox's science. Even though the courts were misled to believe this lawsuit had nothing to do with a deceit in public health policy over the mold issue, the rulings and judgments – that were obtained by ill gotten means – are working to chill Kramer's speech and thus others, as others fear denigration of their reputations by

being associated with one labeled a "malicious liar". They fear the financial hardship they have witnessed Kramer experience.

Attached hereto as Exhibit 21 is the January 2007, front page Wall Street Journal article, "Count of Opinion, Amid Suits Over Mold Experts Wear Two Hats, Science Papers Often Help Defense In Litigation". This will give the State Bar a good overview of what Sheuer and his clients were trying to keep from coming to greater public light with the malicious filing and pursuing of this litigation.

Attached hereto as Exhibit 22 is a North County Times writing of what the trial judge, the Honorable Lisa C. Schall, was experiencing at the time of trial. She had already been informed of the reassignment to Family Court at the time of trial. This case was her last trial as a Superior Court Judge.

For the foregoing reasons supported by the **undisputable and vast evidence of suborning of perjury by Keith Scheuer, Esq**., in a case of national significance impacting public health policy and first amendment freedom of speech, it is of the utmost importance that the State Bar of California take action.

Dated February 2, 2009

Respectfully submitted

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Sharon Noonan Kramer