SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO, NORTH DISTRICT

BRUCE J. KELMAN, Plaintiff, v. SHARON KRAMER, and DOES 1 through 20, inclusive, Defendants.	CASE NO.: 37-2010-00061530-CU-DF-NC Assigned for All Purposes to: HON. THOMAS P. NUGENT DEPARTMENT: N-30 UNLIMITED CIVIL CASE [REVISED PROPOSED] ORDER AND JUDGMENT OF CONTEMPT Hearing Date: January 6, 2012 Time: 1:30 p.m. Department: N-30 Trial Date: None

In the course of proceedings in the case of Kelman v. Kramer, 37-2010-00061530-CU-DF-NC, this Court issued a preliminary injunction, filed on May 2, 2011, enjoining Defendant and Contemner Sharon Kramer from republishing a statement that had been found to be libelous in an action titled Kelman v. Kramer, San Diego Superior Court case no. GIN 044539. In relevant part, the preliminary injunction provided:

IT IS HEREBY ORDERED that, during the pendency of this action, defendant Sharon Kramer is enjoined and restrained from stating, repeating or publishing, by any means whatsoever, the following statement: **"Dr. Kelman altered his under oath statements on the witness stand" while he testified as a witness in an Oregon lawsuit.**

Contemner opposed the issuance of the preliminary injunction orally and in writing, was present during oral arguments leading to the issuance of the preliminary injunction, was served with the written preliminary injunction and at all times had actual knowledge of its existence and terms.

Contemner willfully failed to comply with the Court's order and violated the preliminary injunction as follows:

1. Contemner, with full knowledge of the preliminary injunction, republished the defamatory statement by posting it on the Internet (i) on the Katy's Exposure website on September 13, 2011; (ii) on the Yahoo Group "Sickbuildings" chatroom on November 3, 2011, which linked to an article on the Katy's Exposure website dated November 3, 2011; (iii) on the Katy's Exposure website on November 4, 2011; and (iv) on the Yahoo Group "Sickbuildings" chatroom on November 5,

2011, which linked to an article, also dated November 5, 2011, on the Katy's Exposure website.

2. The preliminary injunction is a valid order. Kramer at all times was able to comply with its terms, and she willfully chose not to.

3. Upon the application of Plaintiff, an Order to Show Cause re contempt was issued and filed on November 10, 2011. Plaintiff caused the Order to Show Cause to be personally served on Kramer on November 18, 2011, and served by mail on her counsel on November 28, 2011. The Order to Show Cause ordered her to appear before this Court on January 6, 2012 and show cause why she should not be held in contempt for violating the preliminary injunction.

4. Kramer filed written oppositions to the merits of the order to show cause on October 13, 2011 and December 23, 2011.

5. The Court offered the contemner an opportunity on January 6, 2012 to present an explanation or excuse at the Order to Show Cause hearing for her conduct, but the contemner declined to appear at that time to do so. By declaration filed by contemner on January 6, 2012, contemner stated that she would not physically appear at the hearing scheduled for that same day. Her declaration in part stated:

"10. I give Tracey Sang, Attorney at Law, authority to speak on my behalf regarding the lack of this court holding an arraignment hearing, prior to holding an unlawful Contempt of Court hearing. I have not been advised of my rights by this court, the Honorable Thomas Nugent.

"11. I do not give Ms. Sang permission to speak on my behalf at a Contempt of Court hearing should this court choose to proceed."

6. After due consideration, the Court finds, beyond a reasonable doubt:

(a) That the contemner is guilty of contempt of court in violation of section 1209(a)(5) of the Code of Civil Procedure, for disobedience of a lawful judgment, order, or process of the Court, by republishing the defamatory statement as set forth in Paragraph 1 above.

(b) That contemner had knowledge of the order, was able to comply at the time of the order and continues to have such ability, and has willfully failed to comply with the order.

(c) That the contemner is sentenced to spend a total of five days in the San Diego County jail, pursuant to C.C.P. section 1218(a), which shall be suspended upon the condition that, prior to February 6, 2012, contemner publish a retraction on the Katy's Exposure website and on the Yahoo

Group "Sickbuildings" chatroom of the defamatory statement set forth in the preliminary injunction. Further, pursuant to C.C.P. section 1218(a), contemner is ordered to pay to Plaintiff the attorney's fees and costs incurred by Plaintiff in this action in the amount of $19,343.95.

7. Contemner and her counsel are hereby ordered to appear on February 10, 2012 at 1:30 p.m. in Department N-30 of the above-entitled Court for a determination as to whether the retraction described above has been adequately published and for further proceedings consistent with this Order and Judgment.

Dated: January __, 2012

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Judge of the Superior Court

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 4640 Admiralty Way, Suite 402, Marina Del Rey, California 90292. On January 17, 2012, I served the foregoing **[REVISED PROPOSED] ORDER AND JUDGMENT OF CONTEMPT** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Sharon Kramer
2031 Arborwood Place
Escondido, CA 92029
SNK1955@AOL.COM

Tracey S. Sang, Esq.
215 South Coast Highway, Suite 205
Oceanside, CA 92054
SANGMITCHELL@ROADRUNNER.COM

[X] BY MAIL – I caused each such envelope with postage thereon fully prepaid to be placed in the United States mail at Marina Del Rey, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited in the U.S. Postal Service on that same day with postage thereon fully prepaid at Marina Del Rey, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[X] BY ELECTRONIC DELIVERY—I sent such document by electronic transmission to each of their email addresses, to and from which each of them has received and sent emails previously.

EXECUTED on January 17, 2012 at Marina Del Rey, California.

[X] (STATE) – I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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Keith Scheuer