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6 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
7 **FOR THE COUNTY OF SAN DIEGO, NORTH DISTRICT**

8 BRUCE J. KELMAN and Does 1-20 inclusive,,
9
10 Plaintiffs,
11
12 v.
13
14 SHARON KRAMER, and DOES 1 through 20,
15 inclusive,
16 Defendant.
17

CASE NO. 37-2010-00061530-CU-DF-NC

Ex Parte Application: To Stay The Case
Pending Outcome Of Defendant's Demand
for Damages, Deliberate Indifference of State
Bar, Commission on Judicial Performance &
San Diego County District Attorney

[Assigned for All Purposes To The Honorable
Judge Thomas Nugent, Department 30]

Hearing Date, March 25, 2011

Ex Parte Date: January 27, 2011, 9:00am.

18 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

19 On January 27, 2011 at 9:00 am, Sharon ("Kramer"), Defendant Pro Per, will apply to the Court
20 ExParte to stay the case pending her January 24, 2011, Demand for Damages, Deliberate Indifference
21 of the California Commission on Judicial Performance, the California State Bar and the San Diego
22 County District Attorney Office failures to intercede to stop a malicious litigation adversely impacting
23 public health; and carried out by the crimes of willful perjury, suborning of perjury and the court's
24 ignoring the irrefutable evidence of the perjury and suborning of perjury to establish mllice.

25 Good cause exists for this application in that the State of California now has a vested interest in
26 seeing Sharon ("Kramer") gagged from being able to publicly write of Case No. D054496 Kelman v.
27 Kramer, and how a California citizen was deemed a malicious liar with i.) no evidenced able to be
28 cited by the court impeaching that she did not believe the subjective truth in the validity of her
purportedly libelous words; and, ii.) ignored irrefutable evidence of six year worth of perjury; and the
suborning of perjury on the issue of malice in Bruce ("Kelman's") Reply Brief of September 5, 2009.

This application is supported by:

1. a memorandum of points and authorities; and
2. declaration of Sharon Kramer, Pro Per; and
3. Kramer's Demand for Damages for state legal policing agencies Deliberate Indifference

The address and telephone number for Counsel of all known parties is as follows:

Keith Scheuer, Esq (310) 577-1170
4640 Admiralty Way, Suite 402
Marina Del Rey, CA 90292

Dated January 26, 2011

Sharon Kramer, Defendant Pro Per

Memorandum of Points & Authorities

I. INTRODUCTION

1. This litigation is the latest in the ongoing saga of Bruce ("Kelman") abusing the judicial process while trying to have Sharon ("Kramer") gagged from writing of a fraud that was mass marketed into US health policy in the early 2000's, i.e., that Kelman and co-owner, Brian ("Hardin") of VeriTox, Inc, formerly known as ("GlobalTox" Inc.), could apply math to a single rodent study and scientifically prove people claiming illness from the toxic components of contaminants found in water damaged building ("WDB") were simply liars out to scam the insurance industry.

2. In 2002, the inner circle of a workers comp physician trade association, the American College of Occupational and Environmental Medicine ("ACOEM"), legitimized the false science by making it their position statement portrayed to be the scientific understanding of thousands of learned physicians.

3. In 2003, the US Chamber of Commerce and the Manhattan Institute think-tank paid Kelman & Hardin to write a lay translation of ACOEM's mold position statement because they wanted something for judges to understand.

4. To educate judges of the science of mold, the two men wrote for the US Chamber of Commerce and the think-tank, *"Thus the notion that 'toxic mold' is an insidious secret killer as so many media and trial lawyers would claim is 'Junk Science' unsupported by actual scientific study"*.

5. Kramer, who has a degree in the science of marketing, called them on the marketing of the fraud in policy. In March of 2005, she was the first to publicly write of how it became a false concept in US health policy that scientists had proven moldy buildings do not harm. While she told the tale through a mold litigation in Oregon, she named the names of those involved: Kelman; , GlobalTox, the Manhattan Institute, the US Chamber of Commerce, Congressman Gary Miller (R-CA) and the "United States medical policy-writing body", ACOEM.

6. She also wrote of how Kelman had *"altered his under oath statements on the witness stand"* in the trial when he was forced to discuss the close ties of the US Chamber's paid for hire, "trial lawyers, media and Junk Science" paper to that of the purportedly unbiased science of the US medical policy-writing body, ACOEM, after a prior testimony he had given in Arizona was permitted into the Oregon trial over the defense counsel's objections. (Kelman was made to read from the Arizona bench trial transcript about being paid by a think-tank to write a lay translation of ACOEM's "science").

1 7. Although one will never see it mentioned in any ruling or Opinion from the San Diego courts in six
2 years time; the evidence on record is that Kramer cited from the Oregon trial transcript of the exact
3 words of Kelman's, written in black and white, that she finds to be "*altered under oath statements*" and
4 why she knows he had reason to alter. As taken from Kramer's Petition for Rehearing:

5 "Declaration of Kramer submitted to the courts, July 2005: 'Within the prior sentences, Kelman
6 testified 'We were not paid for that...' , not clarifying which version he was discussing. There was no
7 question asked of him at that time. He went on to say GlobalTox was paid for the 'lay translation' of
8 the ACOEM Statement. He then altered to say 'They're two different papers, two different activities.'
9 He then flipped back again by saying, 'We would have never been contacted to do a translation of a
10 document that had already been prepared, if it hadn't already been prepared.' By this statement he
11 verified they were not two different papers, merely two versions of the same paper. And that is what
12 this lawsuit is really all about.

13 The rambling attempted explanation of the two papers' relationship coupled with the filing of this
14 lawsuit intended to silence me, have merely spotlighted Kelman's strong desire to have the ACOEM
15 Statement and the Manhattan Institute Version portrayed as two separate works by esteemed
16 scientists...Together, these papers are the core of an elaborate sham that has been perpetrated on
17 our courts, our medical community and the American public. Together, they are the vehicle used to
18 give financial interests of some indecent precedence over the lives of others.'(Appellant Appendix
19 Vol.1 Ex.8:157-158) (Response to Court's Query, pp.10-11)" (Appellant Petition For Rehearing,
20 September 30, 2010 Pg. 10-11)

21 8. As one will never see Kramer's evidence for her logic for her words mentioned in Opinions and
22 rulings, one will also not see any evidence of her truthful logic for her truthful words ever being
23 impeached, in trial or at any other time in the past six years of litigation.

24 9. Additional irrefutable evidence in the court record but never mentioned in Opinions or rulings is
25 that in a litigation where the (US Chamber author) plaintiff's sole claim of the case is that the (whistle
26 blower of fraud in policy) defendant maliciously accused the plaintiff of perjury; the whistleblower
27 defendant has been providing undisputed evidence to the courts for *six years* that the US Chamber
28 author plaintiff committed perjury to establish false reason for malice three times in his declarations;
and his legal counsel suborned it for the umpteenth time in his Appellate Reply Brief of September 5,
2009. As taken from Kramer's Petition for Rehearing:

"Not mentioned in the Opinion, the following is perjury by Kelman to establish a false reason for
malice: Declarations of Kelman submitted to the courts, 2005, 2006 and 2008: "*I first learned of*
Defendant Sharon Kramer in mid-2003, when I was retained as an expert in a lawsuit between her, her
homeowner's insurer [Mercury Casualty] and other parties regarding alleged mold contamination in her
house. She 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 never met
Ms. Kramer." (App.Opn.Brff.Erta,pp.7)

Not mentioned in the Opinion, the following is suborning of perjury by Scheuer when establishing needed external circumstances of malice to inflame the courts: "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." (App.Opn.Brff.Erta,pp.8)" (Appellant Petition for Rehearing, September 30, 2010 Pg 21-23)

10. As such, new and dangerous stealth case law has been established with this case:

This court should recognize that one cannot use criminal perjury to inflame the courts by making up a reason for the other party's malice when strategically litigating to silence a whistleblower; even if one is an author of policy papers for the US Chamber of Commerce and the American College of Occupational and Environmental Medicine. (AppRplyToCtQuery,pp.23-25) This Opinion ignores Kramer's uncontroverted evidence provided since September of 2005; Kelman has been committing perjury of his "role as a defense expert in Kramer's own lawsuit". (App.Opn.Brff.Erta,pp.8-22)" (Appellant Petition for Rehearing, September 30, 2010 Pg 21-23)

11. The courts deemed Kramer to be a malicious liar while not being able to cite any impeaching evidence. They ignored Kramer's undisputed evidence of Kelman's perjury and suborning of perjury. They also failed to mention the evidence that Kramer is responsible for causing a Federal Government Accountability Office audit that has removed Kelman's, Hardin's, ACOEM's and the US Chamber's litigation defense science from US public health policy. Excerpt of the book by Dr. Ritchie Shoemaker "Surviving Mold", published December 15, 2010:

The arguments about health effects caused by exposure to the interior environment of water-damaged buildings were brought to the U.S. Senate Health Education Labor and Pension Committee (HELP) in January 2006, largely through the tireless efforts of Sharon Kramer. She'd provided Senator Ted Kennedy's office with an overwhelming amount of data to show that the current U.S. government approach to mold illness was not only shortsighted and biased, it was plain wrong. Senator Kennedy of HELP and Senator Jeffords of the Senate Public Works Committee called for a legislative staff briefing, with invitations provided to all Senate members. The meeting was held in the Dirksen Building in January 2006.

Panelists were Vincent Marinkovich, MD; Chin Yang, PhD; David Sherris, MD; and Ritchie Shoemaker, MD, with Mrs. Kramer organizing and moderating the briefing. The EPA, CDC and HHS were supposed to send speakers as well so that an informed dialog could take place for the benefit of the Senate legislative staffers, and therefore the U.S. citizens. The agencies cancelled their appearance at the last minute...

That area of enquiry subsequently led to a request from Senator Kennedy's office in October 2006 to the General Accountability Office for a review of the Federal effort. Again, Sharon Kramer's incredible effort was instrumental in the GAO request that led in turn to the 2008 US GAO report that completely destroyed the defense or government Nay-sayers' credibility in mold illness issues. Thanks to Sharon and Senator Kennedy's staff, the longstanding idiotic arguments about mycotoxins alone being the problem from WDB have now been put to rest, with the exception of some really primitive defense attorneys who don't know that the old ACOEM-quoting defense and the old AAAAI-quoting defense are a prescription for a loss in court.

1 12. Kelman's sole claim of the underlying libel action of which he is now seeking an injunctive relief
2 that Kramer be gagged from writing of, was that Kramer's use of the phrase, "*altered his under oath*
3 *statements on the witness stand*" was a maliciously false accusation of perjury. No other words were
4 the subject of the suit Yet Kelman is now seeking that Kramer be gagged from writing of how he and
5 Hardin were paid by the Manhattan Institute to write a policy paper for the US Chamber of Commerce
6 that is closely tied to ACOEM's. From Kelman's complaint of November 4, 2010:

7 IT IS HEREBY ORDERED that, during the pendency of this action, the above-named Defendants, and
8 each of them, and all persons acting under their instruction or in concert with them or any of them,
9 are enjoined and restrained from stating, repeating, publishing or paraphrasing, by any means
10 whatsoever, any statement that was determined to be libelous in an action titled Kelman vs. Kramer,
11 San Diego Superior Court Case GIN044539. The libelous passage of the press release states:

12 Dr. Bruce Kelman of GlobalTox, Inc, a Washington based environmental risk management
13 company, testified as an expert witness for the defense, as he does in mold cases throughout the
14 country. Upon viewing documents presented by the Haynes' [sic] attorney of Kelman's prior
15 testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the witness
16 stand. He admitted the Manhattan Institute, a national political think-tank, paid GlobalTox
17 \$40,000 to write a position paper regarding the potential health risks of toxic mold exposure."

18 13. Misleadingly omitted from bringing before this court's eyes, the remainder of Kramer's March 2005 writing
19 is of how the Manhattan Institute paid for the controversial US Chamber version and that the controversial
20 commissioned piece was closely connected to US policy established by ACOEM.

21 Although much medical research finds otherwise, the controversial piece claims that it is not
22 plausible the types of illnesses experienced by the Haynes family and reported by thousands
23 from across the US, could be caused by "toxic mold" exposure in homes, schools or office
24 buildings.

25 In 2003, with the involvement of the US Chamber of Commerce and ex-developer, US
26 Congressman Gary Miller (R-CA), the GlobalTox paper was disseminated to the real estate,
27 mortgage and building industries' associations. A version of the Manhattan Institute
28 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.

14. Co-author for the US Chamber/Manhattan Institute & ACOEM mold statements, Brian Hardin, is a
retired Deputy Director of CDC National Institute of Occupational and Environmental Health
("NIOSH"). The courts were evidenced that he was not disclosed to be the sixth owner of GlobalTox on
the Certificate of Interested Parties submitted in 2006 & 2009. NIOSH's Hardin remained an
improperly undisclosed party for the entire six years, while the courts simultaneously ignored
evidenced that business partner, Kelman, committed perjury to establish false reason for malice.

15. The false portrait of Kramer being colorfully painted for this court in Kelman's claim for injunctive
relief is that Kramer and numerous anonymous cyberstalking minions hide in the shadows and

1 harass a great scientist, Kelman, as they repost Kramer's "mortifying" writing of March 2005. This
2 court should know that Kelman's attorney has a no less than 29 year history of litigating by these less
3 than forthright colorful means. Roston v. Edwards (1982) 127 Cal.App.3d 842 [179 Cal.Rptr. 830,

4 16. Within Kelman's documents that he produced on January 17, 2011; he did not produce one piece
5 of evidence of Kramer ever reposting her writing without disclosing it was the subject of a libel suit.
6 He provided many internet repostings from 2005, 2006, 2007 by others who Kramer does not even
7 know; a couple of easily determined malware out of China; and Katy's Exposure Blog where Kramer
8 has posted extensively of this litigation, the errors of the court and its adverse impact on US health
9 policy, while linking to evidence key to health policy and obtained from the case.

10 II.

11 COURT HAS THE AUTHORITY TO MAKE THE ORDER REQUESTED

12 128(a)(5) states that, "Every court shall have the power to do all of the following: to control in furtherance
13 of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a
14 judicial proceeding before it, in every matter pertaining thereto."

15 1. GlobalTox has an Internet Technology division, CygNetIT. In less time than it would have taken to
16 file this lawsuit, Kelman could have easily determined his claim of Kramer and a band of cyberstalkers
17 reposting her March 2005 writing after judgment was a false claim.

18 2. Given that the Opinion ignored there was no evidence of Kramer ever being impeached, ignored
19 Kramer's undisputed evidence of Kelman's perjury on the issue of malice, ignored NIOSH's Hardin was
20 an undisclosed party to the litigation – and did the same thing in their unpublished anti-SLAPP
21 Opinion of November 16, 2006; it is the courts who would benefit from having Kramer gagged of
22 writing of their involvement in this case aided a scientific fraud in health policy to continue by their
23 aiding to demean, discredit and financially cripple a never impeached whistle blower.

24 3. If this court were to attempt to gag Kramer by an injunctive relief, it would also have to put her
25 behind bars because she would refuse to be silenced of what the courts have done to damage her
26 while aiding insurer unfair advantage to continue adverse to the public's best interest.

27 4. If this court did not attempt to gag Kramer, Kelman would appeal and Kramer would be gagged by
28 the exact same justices who aided with a strategic litigation carried out by criminal means. Either way
this court ruled, never impeached Kramer would still be sent to jail when she refused to be silenced.

1 5 By not following the laws that govern proof of libel with actual malice; and turning a blind eye to
2 irrefutable evidence of criminal perjury in a strategic litigation over a matter of public health; the
3 Appellate Court has placed this lower court in a severely compromised position; and left a never
4 impeached whistle blowing citizen fearful of the probability of going to jail.

5 **III.**
6 **CONCLUSION**

7 Kramer prays this application be granted. Kelman seeking injunctive relief now makes Kelman and
8 Scheuer agents of the courts to silence a whistle blower of the courts errs over a matter of public
9 health. As such, this court cannot rule until the state's agencies that police legality and bias in
10 litigation, i.e., the State Bar, the Commission on Judicial Performance and SD District Attorney, do
11 their duties to stop new malicious litigation and crime within old; and address Kramer's undisputed
12 and irrefutable evidence of Kelman's criminal perjury and the suborning of perjury used to establish
13 false reason for malice in a libel litigation going ignored in Opinions and rulings by the San Diego
14 courts for *six years*.

15 Dated January 26, 2011

16 Sharon Kramer, Defendant Pro Per

DECLARATION OF SHARON KRAMER, PRO PER
In Support Of An ExParte Application To Stay The Case

I, Sharon Kramer, have gone above and beyond for my fellow man and have rid a fraud in US health policy that has harmed thousands of people and wasted billions of tax dollars. For this effort, the California judicial system had deemed me to be a "*malicious liar*" while never being able to ever once cite evidence of me being impeached as to the belief of my words.

The courts have financially crippled my family, demeaned my reputation, and subjected me to years of malicious litigation carried out by criminal means for daring to expose a deeply seeded fraud in policy. Now, their past errors are aiding in seeking to gag me from being able to write of the fraud, of the courts' involvement and various California government agencies Deliberate Indifference by an injunctive relief; while placing a Superior Court Judge in a compromised position of having to acknowledge the criminality of the matter and the court's involvement, or sending me to jail when I refuse to be silenced. I am fearful of the California courts and for the future of First Amendment of the Constitution of the United States.

On the morning of January 26, 2011, I faxed a copy of this application and attachments to Keith Scheuer @310-301-0035 I emailed a copy to : Kscheuer@aol.com. And a copy was placed in the mail.

I declare under penalty of perjury the above is true and correct.

Date

Sharon Kramer, Pro Per

January 24, 2011

Sharon Noonan Kramer
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(760) 746-8026; snk1955@aol.com

Hon. Governor Jerry Brown,
President of Regents, UC Cal
c/o State Capitol, Suite 1173
Sacramento, CA 95814.

Hon. Kamala D. Harris
Attorney General,
1300 "I" Street
Sacramento, CA
95814-2919

Hon. Tani Cantil-Sakauye
Chief Justice, Cal Supreme Court
350 McAllister Street
San Francisco, CA
94102-4797

Re: Demand for Damages Deliberate Indifference

Honorable Governor Brown, Attorney General Harris and Chief Justice Cantil-Sakauye.

My name is Sharon Kramer. I am a resident of San Diego County California. I am 55 years old and am a wife of 30 years and mother of two grown, college educated daughters. By profession, I am a real estate agent with a degree in marketing.

I am also an effective Whistle Blower of how it became a fraudulent concept in US public health and California workers compensation policy that water damaged buildings do not harm prior healthy people. In March of 2005, I was the first to publicly write of the fraud in policy while naming the names of those involved and how they were all connected:

Dr. Bruce Kelman of GlobalTox, Inc, a Washington based environmental risk management company, testified as an expert witness for the defense, as he does in mold cases throughout the country. 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 May of 2005, the authors of the fraud in policy, Kelman and GlobalTox, sued me for libel claiming my phrase "altered his under oath statements on the witness stand" was a maliciously false accusation of perjury. Although one will never see it mentioned in any Opinion or ruling, since July

of 2005, I have been citing to the exact words of Kelman's spoken in the trial that I find to be altered under oath statements to try and hide the connection of the purportedly unbiased ACOEM medical paper from that of the US Chamber of Commerce's. As one will never see this mentioned, in any Opinion or rulings, one will also not find any evidence of impeachment of the belief of the validity of the truthfulness of my words.

Since September of 2005, I have been providing all courts to oversee this now six year old litigation with uncontroverted evidence that Kelman committed perjury to make up a libel law needed reason for my purported malice. One will never see any mention of this evidence in any Opinion or ruling of the case. As one will never see mention of this, one will also see no evidence to refute it. It is irrefutable.

I have done a great service for my country by removing the fraud from US public policy. In 2006, the late Senator Edward Kennedy ordered a Federal GAO audit into the issue at my urging, which has dispelled the myth of ACOEM and the US Chamber that moldy buildings do not harm workers and occupants. It has helped many injured people and workers receive medical care and properly due benefits from insurers.

For this service, the California legal system has deemed me to be a "malicious liar" without a shred of evidence of me ever being impeached as to the subjective belief of the validity of my words "altered his under oath statements on the witness stand" or any other words. They have financially crippled my family and demeaned my reputation. The California legal system has run me through sheer Hell for daring to write the truth of a fraud in health policy involving ACOEM, the US Chamber of Commerce and the insurance industry, in a cost shifting scheme.

This scheme left the sick no where to turn for medical treatment while assisting the insurance industry to deny liability for illness; which leaves the tax payer picking up the tab for disabled and sick workers and citizens. Unfortunately, ex-Governor Schwarzenegger endorsed this fraud into California Workers Comp policy in 2005 under the premise of Workers Comp Reform.

Being deemed a "malicious liar" by the courts with no impeaching evidence required to prove I am a liar and irrefutable evidence provided that the US Chamber/ACOEM author, Kelman, committed criminal perjury to make up a reason for my malice, the courts are now aiding with an injunctive relief motion that I be gagged from ever speaking or writing of this case.

Even if the lower court rules based on the evidence that I should not be gagged, an appeal will be made and I will be back in front of the exact judiciaries who would benefit from having me gagged.. I am seeking an Exparte Motion that this newest attempt to silence me, the case be stayed until California agencies address the evidence of the criminality of the libel litigation going ignored by the California courts.

I am a law abiding citizen of the State of California. I am a 55 years old wife and mother. I went above and beyond for my fellow man and am now in a position of great fear that the State of California is going to put me in jail when I refuse to be silenced of the fraud in California Workers Comp policy and the California courts ignoring evidence of criminal perjury by an author of policy for the US Chamber of Commerce and ACOEM that Governor Schwarzenegger endorsed into CA workers comp policy.

It has cost my husband and I everything we own for me not to be silenced. I can no longer afford legal counsel and am now Pro Per. Given how deep the deception has gone over this case with all courts turning a blind eye to criminal perjury by an author of policy for the US Chamber of Commerce; there is not a licensed attorney in his right mind who would like to continue with his practice in the State of California that would want to represent me, anyway.

Please help. Please let it be known that California is still a democracy where truthful speech for the public good is still a cherished commodity to be protected. Please let it be known in California, that even if one authors policy papers for the US Chamber of Commerce, perjury is still criminal when trying to silence one who dared to write the truth for the public good of fraud in health policy.

See attached for what the California courts have done to me and my family while the legal system/ fraud policing agencies have stood by and let it continue to happen in Deliberate Indifference.

Thank you for your help with this gravely serious matter. I look forward to your replies of how the State of California will address this demand for damages from state agencies' deliberate indifferences.

Sincerely,

Mrs. Sharon Noonan Kramer

Attached:

Demand For Damages Deliberate Indifference: to CJP, State Bar & SDCDA

1. Evidence of Criminal Perjury In A Libel Litigation To Silence A Whistle Blower Being Ignored By The Courts While They Deemed A California Citizen a "Malicious Liar" With No Evidence Impeaching Her Able To Be Cited To Support The Finding In The Opinion.

2. Evidence of the, CJP's, State Bar's, CA Supreme Court and SDCDA's Failure To Stop The Crime Aided By The Courts, Thereby Victimized Sharon Kramer By Collective Deliberate Indifference of California State Legal Policing Agencies.

3. Motion to Recall the Remittitur, January 19, 2011, Kelman v. Kramer D054496, Fourth District Division One Appellate Court, DENIED 1/20/11 & Letter to Adm. Presiding Justice McConnell, January 19, 2011 Local Rule, Policy Against Bias 1.2.1

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January 24, 2011

California Commission on
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San Diego County District
Attorney ,
Bonnie Dumanis
330 W. Broadway
San Diego, CA 92101

Re: DEMAND FOR DAMAGES, DELIBERATE INDIFFERENCE

Case No. GIN055439 Kelman & GlobalTox v. Kramer, (2005) San Diego North County
Superior Court

Case No. D047758 Kelman & GlobalTox v. Kramer (2006) Fourth District Div. One
Appellate Court

Case No. S149090 Kelman and GlobalTox V. Kramer (2007) California Supreme Court

Case No. D054496 Kelman & GlobalTox v. Kramer, (2010) Fourth District Div. One
Appellate Court

Case No. S187554 Kelman and GlobalTox V. Kramer (2010) California Supreme Court

Case No. 37-2010-00061530-CU-DF-NC Kelman v. Kramer (2011) San Diego NC Superior
Court

Please take notice, San Diego County, California resident, Sharon Kramer, is making this demand for damages caused by the above named California government agencies' Deliberate Indifference and collective failure to stop a strategic libel litigation in the San Diego county and California court systems that has been carried out by criminal means for six years and is adverse to public health and adverse to California and US taxpayers. California resident, Sharon Kramer, has suffered tremendous financial and other damages by the above named legal system policing agencies' individual and collective failure to stop a crime that has been aided by the San Diego County, the Fourth District Div. One Appellate and California Supreme Courts.

Those committing the crime of perjury, suborning criminal perjury, profiting from perjury and abetting criminal perjury in malicious libel litigations to discredit, demean, silence, punish, financially cripple and gag a never once impeached whistle blower of a fraud in US and California health policies that aids insurer unfair advantage in claims handling practices and litigations involving injury from water damaged buildings ("WDB") are:

Undisclosed party to the litigations, irrefutably evidenced to be ignored by the courts to be wrongfully missing from the named owners of ("VeriTox"), Inc. (aka Globaltox) on the Certificate of Interested Parties submitted to the Appellate Court in 2006 & 2009, Brian ("Hardin"), retired Deputy Director, CDC National Institute of Occupational Safety and Health ("NIOSH")

Bruce J. Kelman, co-owner of VeriTox and co-author with Hardin of a US and California fraud in health policies on behalf of the American College of Occupational and Environmental Medicine ("ACOEM") & the US Chamber of Commerce.

The additional four of the six owners of VeriTox: Coreen Robbins, Loni Swenson, Robert Clark & Robert Scheibe

California licensed attorney, Keith Scheuer, State Bar # 82797

Justice Judith McConnell, Chair, California Commission on Judicial Performance &
Administrative Presiding Justice, Fourth District Division One Court of Appeal.

Justice Patricia Benke, Fourth District Division One Court of Appeal

Justice Richard Huffman, Fourth District Division One Court of Appeal

Justice Joann Irion, Fourth District Division One Court of Appeal

Justice Cynthia Aaron, Fourth District Division One Court of Appeal

Justice Alex MacDonald, Fourth District Division One Court of Appeal

Judge Michael Orfield, (retired), San Diego North County Superior Court

Judge Lisa C. Schall, San Diego North County Superior Court (now in family court)

Judge Joel Pressman, San Diego North County Superior Court

Judge William S. Dato, San Diego North County Superior Court

Justices of the California Supreme Court

The evidence is undeniable. Bruce Kelman willfully and repeatedly committed perjury to establish false extenuating circumstances for malice in a strategic libel litigation over a matter of adversely impacting public health. Keith Scheuer willfully and repeatedly suborned Bruce Kelman's perjury. All courts turned a blind eye to Kramer's irrefutable evidence of the criminal perjury and suborning of criminal perjury.

The evidence is undeniable. All of the above named policing government agencies are evidenced to have been provided with the irrefutable evidence of the crimes of perjury and suborning of criminal perjury used to discredit and demean a whistle blower of fraud in health policy (with a NIOSH employee undisclosed to be a party to the litigation) and the courts ignoring the evidence of the crimes. In Deliberate Indifference, the State Bar failed to take action against a licensee for willfully suborning perjury. In Deliberate Indifference, the San Diego County District Attorney stated in writing that the California Commission on Judicial Performance (CJP) should address the matter. In Deliberate Indifference, the Commission on Judicial Performance claimed they do not intercede in litigations (even when faced with undeniable evidence of a crime being carried out, in and by the courts).

The fraud in California workers comp and US public health policy of which Kramer blew the whistle is adverse to the public and the tax payers' interest; and involves billions of dollars and thousands of lives. Kelman and Hardin, two PhD's, applied math calculations to data taken from a single rodent study and professed to scientifically prove all claims of illness from the toxins in water damaged buildings are only being made because of "trial lawyers, media and 'Junk Science'". ACOEM legitimized the fraud by making it a position statement portrayed to be the consensus of the medical and scientific community. The US Chamber of Commerce and the Manhattan Institute think-tank, mass marketed the falsehood in science to the courts.

Every single one of the above named courts, entities and policing agencies failed to take action to stop the crime of perjury in malicious legal proceedings involving Sharon Kramer's writing in which she was the first to publicly write of the fraud. The public, on whose behalf she has blown a whistle and Sharon Kramer, have been victimized by the courts and policing agencies individual and collective Deliberate Indifferences to stop the courts from aiding with the malicious libel litigation carried out by criminal means. Some of the vast evidence provided to the above named entities and legal system policing agencies may be read online at:
<http://freepdfhosting.com/b801845975.pdf>

This Demand is for Sharon Kramer's financial and other damages, defamation of character and for the aiding of a new malicious prosecution in which Sharon Kramer would be gagged by an injunctive relief order from writing of the dereliction of duty by judiciaries and above named government policing agencies of the State of California; and of their individual and collective failures to stop the crime of strategic litigation by the use of perjury by authors of medico-legal policy for the US Chamber of Commerce and ACOEM.

Never mentioned by the courts or California policing agencies; Sharon Kramer was instrumental in removing the fraud from US policy by being instrumental in causing a Federal Government Accountability Office audit of the current scientific understanding of the health effects of mold in WDB. She accomplished this while simultaneously experiencing unbridled criminality by the authors of the fraud in policy, a California licensed attorney; and the state's courts and its policing agencies dereliction of duties.

This Demand notes the aiding and abetting of intrastate and interstate insurer unfair advantage in claims handling practices and in litigations adverse to the public's interest, health and safety; and of which the Regents of the University of California have been profiting for years while aiding insurers to shift the cost of injury from WDB off of themselves and onto California and US taxpayers. This fraud was signed into CA workers compensation policy by ex-Governor Arnold Schwarzenegger in October of 2005, one month after the first judge, Michael Orfield, ignored Kramer's evidence of Kelman's perjury to establish false, yet libel law needed, reason for malice.

A Video of Sharon Kramer speaking before the California Fraud Assessment Commission, November 16, 2010, describing the fraud in policy as endorsed by ex-Governor Schwarzenegger and its adverse impact on California workers, US citizens and California and US taxpayers may be viewed at: http://www.youtube.com/watch?v=eIGIZT6g50Q&feature=mfu_in_order&list=UL)

In addition to a Demand for Damages from Deliberate Indifference by California's legal system policing agencies; Sharon Kramer is seeking an Exparte Motion to Stay the Case No. 37-2010-00061530-CU-DF-NC Kelman v. Kramer (2011) San Diego NC Superior Court. Under the false pretext that Kramer has maliciously reposted her "mortifying" writing of 2005 on numerous websites, Kramer would be gagged from writing of all of the above if a Motion for Injunctive Relief were granted to Kelman.

Should this litigation continue, Superior Court Judge, Honorable Thomas Nugent, will be placed in the compromised position of having to single handedly rule on the evidence of dereliction of duty of the California courts, the State Bar, the Commission on Judicial Performance and the San Diego County District Attorney, or place the never once impeached effective whistle blowing citizen of California, Sharon Kramer, behind bars when she refuses to be silenced.

If Judge Nugent ruled that Kramer should not be gagged, Kelman would simply appeal and Kramer would then be in front to the same justices who now would benefit from having her gagged of writing of this case. As such, no matter what the evidence, a never once impeached whistle blower of fraud in health policy will be going to jail when she refuses to be silenced.

Until some legal policing agency in the State of California does their hired, elected or appointed job to stop crime in legal proceedings and acknowledges the irrefutable evidence of malicious litigations carried out by criminal means in the California court system for six years to the benefit of the insurance industry, the affiliates of the US Chamber of Commerce, and now the courts themselves; Sharon Kramer and the public will continue to suffer damages.

As such, please let me know as soon as possible how the State of California and it's legal system/ fraud policing agencies will be handling this Demand for Damages.

Sincerely,

Mrs. Sharon Noonan Kramer

Attached: 1. Evidence of Criminal Perjury In A Libel Litigation To Silence A Whistle Blower Being Ignored By The Courts While They Deemed A California Citizen a "Malicious Liar" With No Evidence Impeaching Her Able To Be Cited To Support The Finding In The Opinion.

2. Evidence of the, CJP's, State Bar's, CA Supreme Court and SDCDA's Failure To Stop The Crime Aided By The Courts, Thereby Victimized Sharon Kramer By Collective Deliberate Indifference of California State Legal Policing Agencies.

3. Motion to Recall the Remittitur, January 19, 2011, Kelman v. Kramer D054496, Fourth District Division One Appellate Court, DENIED 1/20/11 & Letter to Adm. Presiding Justice McConnell, January 19, 2011 Local Rule, Policy Against Bias 1.2.1

CC: Hon. Governor Jerry Brown,
President of Regents, UC
c/o State Capitol, Suite 1173
Sacramento, CA 95814.

Hon. Kamala D. Harris
California Attorney General,
1300 "I" Street
Sacramento, CA 95814-2919

Hon. Tani Cantil-Sakauye
Chief Justice, California Supreme Court
350 McAllister Street
San Francisco, CA 94102-4797

PROOF OF SERVICE
1013(a) CCP Revised 7/17/07
State of California, North County Superior Court
Case No. 37-2010-00061530-CU-DF-NC

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO) ss.

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to this action; my business address is 2031 Arborwood Place, Escondido, CA 92029 and my mailing address is the same.

On January 26, 2011, I served the following document (s) described as DEFENDANT’S EXPARTE APPLICATION TO STAY THE CASE PENDING STATE AGENCIES REPLY TO DEMAND FOR DAMAGES, DELIBERATE INDIFFERENCE by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Keith Scheuer
Scheuer & Gillett
4640 Admiralty Way #402
Marina Del Rey, CA 90292

I deposited such envelopes in the mail in Escondido, California in accordance with the established custom and practice wherein the correspondence is deposited with the US Postal Service on that same day 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 1 day after date of deposit for mailing affidavit.

Executed on January 26, 2011, at Escondido, California

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Michael Kramer