

the benefit of all families. She refused to endorse. Appellant's family supported the decision. ((Vol.V. App.1224,1225)

The trial judge was informed via Appellant's post trial motions of Respondent's and Counsel's attempted coercion of Appellant over the same science (expert testimony of Respondent) that the trial judge excluded Appellant's evidence and experts of in trial. (Vol. IV App. 942,

**G. FINAL INSULT FROM SAN DIEGO COURTS; TRIAL JUDGE HAD NOT EVEN READ APPELLANT'S POST TRIAL MOTIONS.**

The final insult to Appellant and the First Amendment of the Constitution by the San Diego courts culminated on December 12, 2008. The trial judge said the jury found Appellant's source, Vance, to be the Smoking Gun clear and convincing evidence that Appellant had libeled Respondent with actual malice, and that as a trial judge she was bound to uphold their rightful legal verdict.

When Appellant brought it to the trial judge's attention that Vance had said he thought Appellant's writing was correct and therefore could not be the clear and convincing evidence Appellant's writing was incorrect; the trial judge responded, "*You know what, Mrs. Kramer? Now you're just arguing with me.*"(Reporter's Transcript, P.564, 565)

As merely one of many examples within the Reporter's Transcript of oral arguments on December 12, 2008, Appellant had provided the trial judge with no less than 23 exhibits proving that Respondent and Counsel had submitted false declarations that caused this Court to affirm the denial of Appellant's anti-SLAPP motion, and that the trial judge had then

erroneously framed the scope of the trial on this Court's ruling. (Vol.IV 988-1063)

In oral argument, it was obvious this information was completely new to the trial judge. When discussing Respondent's perjury, she stated "You think that's a lie?" (Reporter's Transcript, P.567). She then refused to be drawn into "that kind of petty behavior demanding Mr. Scheuer to explain himself on things." (Reporter's Transcript, P.568)

The trial judge then proceeded to admonish Appellant not to go spreading rumors of what occurred in oral arguments. (Reporter's Transcript, P.580-582). With this, the trial judge established that Appellant will be legally labeled a malicious liar with her words always questioned for the rest of her life; caused by daring to write the exact words that have helped to change U.S. health policy for the better, while the San Diego courts failed to protect Appellant from retribution. By the error of not protecting the speech of one, the San Diego courts chilled the speech of many.

As taken from Indoor Environment Connections Magazine, December 2006, one month after this Court's ruling of November 2006 affirming the denial of Appellant's anti-SLAPP motion while refusing to take notice of Appellant's evidence, briefs and declarations that Respondent was committing perjury on the issue of malice.

#### INDUSTRY VIEWS: THE BEST AND WORST OF IAQ IN 2006

Carl Grimes, President, Healthy Habitats, Denver, Colo.

WORST –...Which leads directly to the second on my Worst list. No, it's not the ACOEM and their position statement as reported in the Sharon Kramer interview last month. Rather, it's the silence of all those in the know. And there seems to be a lot of them. I've had



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December 14, 2010

Sharon Noonan Kramer  
2031 Arobrwood Place  
Escondido, Ca 92029

Dear Ms. Kramer:

At its December meeting, the Commission on Judicial Performance determined not to take further action with respect to your complaint dated October 25, 2010.

The commission determined that there is no basis for commission proceedings with respect to the judicial officers you have named. Your complaint addresses, in part, legal rulings made by the judges and justices. Ordinarily, individual legal rulings are not a basis for review by this commission, which is not a court and does not have the authority to reverse legal rulings or intervene in legal proceedings. Even a judicial decision or administrative act later determined to be incorrect is not itself a violation of the Code of Judicial Ethics and is not misconduct. Commission member Honorable Judith D. McConnell was recused from this matter.

As to the remainder of your complaint, it was the commission's conclusion that the actions of the bench officers which were the subject of your submissions provided an insufficient basis for commission proceedings.

We do appreciate your time and effort in bringing this matter to the commission's attention.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Karen Clay".

Karen Clay  
Staff Counsel

KC:kh/L1214Kramer