Please Stop Harassing me! Sharon Kramer

FILED
Clerk of the Superior Court
JAN 23 2013
By: C. Sabile, Deputy

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

BRUCE J. KELMAN (and concealed parties Bryan Hardin – U.S. Assistant Surgeon General & Deputy Director CDC/NIOSH (retired);, Correen Robbins, Loni Swenson, Robert Schreibe and Robert Clark, owners of Veritox, Inc.)

Plaintiffs,

v.

Sharon Kramer, U.S. Citizen Under Duress

Court bullied Whistleblower of fraud in public health policy & U.S. courts by Veritox & US Chamber of Commerce et.al.

Case No. 37-2010-00061530-CU-DF-NC

REPLY TO **UNLAWFUL & UNTIMELY SERVED PURSUENT TO C.C.P 1005(b)** PLAINTIFF'S "NOTICE OF MOTION AND MOTION TO DESIGNATE SHARON KRAMER AS A VEXATIOUS LITIGANT AND FOR A PREFILING ORDER PURSUANT TO C.C.P. 391,7; MEMORANDUM OF POINTS AND AUTHORITIES AND **[PERJURIOUS]** DECLARATION OF KEITH SCHEUER"; AND DECLARATION UNDER DURESS OF SHARON KRAMER

Case Under $25,000

Judge Robert Dahlquist Presiding Coram Non Judice

Motion Hearing Date, January 25, 2013, 1:30 PM

Department 29

In lawful accordance with C.C.P.1209(b) this court filing may be read on line at the blog, "*ContemptOfCourtFor.Me*" Short link: http://wp.me/p20mAH-mL It is under the blog title, "*Will somebody PLEASE STOP Bruce Kelman, Bryan Hardin, Veritox, their attorney Keith Scheuer & the San Diego courts from BULLYING Sharon Kramer for writing (2005) of how it became a scientific fraud in policy & courts (2002-03) that moldy buildings don't maim & kill? They want her silenced of the courts framing her for libel & falsifying court documents (2005 -10) to aid the fraud to continue; then jailing her (2012) for refusing to sign a false confession. Too many lives at stake to let this continue!*"

The sole claim of the underlying case, Kelman & GlobalTox v. Kramer Case No. GIN044539 which began in May 2005 is that Sharon (Kramer)'s use of the phrase "**altered his under oath statements**" as used in the sentence ""**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**." was a maliciously false accusation that Plaintiff Bruce (Kelman) committed perjury; and that these five words alone in

Kramer's March 2005 writing were defaming to Kelman and the corporation of which he is president, Veritox – formerly known as (GlobalTox) Inc.

In a second case which began in November of 2010, Kramer has been unlawfully and abusively, permanently enjoined from "republishing" a sentence not even in her writing, "**Dr. Kelman altered his under oath statements on the witness stand' when he testified in an Oregon lawsuit**." This, under the pretense that Kramer was lawfully found guilty of libel for this sentence. In reality, they do no want Kramer to ever be able to write of these cases again. This is because the courts and attorney, Keith (Scheuer) systematically framed her for libel in the first case for an entirely different sentence; then tried to stop her from writing of it, how they did it, why they did and the impact on the public because of it in a second case. They could not gag her for the sentence in her writing, because it is known to the courts, Plaintiffs and Plaintiff Counsel, to be 100% accurate. (SEE attached Kramer Declaration Under Duress). Kramer and all citizens of California are only obligated to adhere to lawful court orders under C.C.P 1209(a)5.

This harassment has been to conceal eight years of malicious litigation by Kelman, GlobalTox, their attorney, Scheuer and the San Diego Appellate and Superior Courts over Kramer's March 2005 writing. Her writing was the first to publicly expose how it became a false concept in U.S. public health policy that it was scientifically proven by Kelman and his business partner, Bryan (Hardin) that moldy buildings, particularly their toxins, do not harm. This scientifically void concept is based on Kelman & Hardin applying math extrapolations to data taken from a single rodent study and jumping to the unscientific nonsequitor that they proved no individual could be made ill from the toxins of mold in water damaged buildings. It's garbage science.

It was mass marketed for the purpose to mislead U.S. courts to deny liability for causation of illness. Kramer's March 2005 writing named the names of those involved in the deception, including Kelman, GlobalTox, U.S. Congressman Gary Miller (R-CA), the U.S. Chamber of Commerce, the Manhattan Institute think-tank, and the workers' comp physician trade organization the American College of Occupational & Environmental Medicine (ACOEM).

The theme of the hate filled and discriminatory mass marketing is "**Thus the notion that toxic mold is an insidious secret killer as so many trial lawyers and media would claim is Junk Science unsupported by actual scientific study**". These words were written by Kelman & Hardin in 2003. They were paid to write them by the Manhattan Institute think-tank so the U.S. Chamber of Commerce could share them with judges.

Kelman & Hardin also penned the purportedly unbiased Mold Position Statement for ACOEM in 2002. One paper is an edit of the other and both are used together to sell doubt of causation to the courts based on a simple yet deadly twist of exposure science by PhD toxicologists, Kelman & Hardin.

Initially, the litigation was about aiding the scientific fraud to continue on behalf of commerce and industry. Now it about concealing what the San Diego courts have done to Kramer by criminal means to aid it to continue by falsely making her appear to be a malicious liar; and trying every trick in the book to destroy her. They framed her for libel with actual malice for one sentence in the first case and unlawfully gagged her from writing of it in a second – as the games play on in courts all across America directly because of these cases.

The judgment from the first case is fraudulent and void. As such, the filing of this Reply under Duress does not give this court subject matter jurisdiction to hear this unlawful and untimely served (Vexatious Litigant Motion). The December 28, 2012 declaration of California licensed attorney, Keith (Scheuer), is wrought with provably false statements made under penalty of perjury. (SEE Declaration Under Duress of Sharon Kramer). Should this Court grant this (Vexatious Litigant Motion[1]), it would be a criminal act without judicial immunity and abuse of the judicial process to make it harder for Sharon (Kramer) to ever sue officers of the courts, clerks and plaintiffs for even the very minimal of criminal acts that have occurred in this case and the foundational case, Kelman & GlobalTox v. Kramer.

This would include falsifying the Remittitur, Certificates of Interested Entities & Persons, Judgment, Abstract of Judgment, Liens, Sheriff Department Records, FBI Records and the California Court Case Management System (CCMS) Register of Action (ROA) entries. It would also make it impossible for Kramer to file an opening brief on appeal Case No. D062754, which would aid the Appellate justices, particularly Presiding Justice Judith (McConnell), to not have to address the Appellate Court's prior unlawful and criminal acts in the prior case which allowed this case to go forward with no subject matter jurisdiction.

Government Code 6200 states, "Every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any purpose, **is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years** if, as to the whole or any part of the record, map, book, paper, or proceeding, the officer willfully does or permits any other person to do any of the following:(a) Steal, remove, or secrete...(c) Alter or falsify."

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[1] 12.28.12 Vexatious Litigant Motion http://freepdfhosting.com/a517b30fea.pdf
Exhibits To Motion http://freepdfhosting.com/9fda1049e3.pdf

Government Code 6203 states. (a) Every officer authorized by law to make or give any certificate or other writing is guilty of a misdemeanor if he or she makes and delivers as true any certificate or writing containing statements which he or she knows to be false.(b) Notwithstanding any other limitation of time described in Section 802 of the Penal Code, or any other provision of law, prosecution for a violation of this offense shall be commenced within four years after discovery of the commission of the offense, or within four years after the completion of the offense, whichever is later.(c) The penalty provided by this section is not an exclusive remedy, and does not affect any other relief or remedy provided by law.

Government Code 68150(d) states, "No additions, deletions, or changes shall be made to the content of court records, except as authorized by statute or the California Rules of Court."

I.

THE REMITTITUR ISSUED BY APPELLATE CLERK, STEPHEN (KELLY) ON DECEMBER 20, 2010 IS FRAUDULENT, CRIMINAL & AWARDS COSTS TO UNDISCLOSED "RESPONDENTS", JUSTICE PATRICIA BENKE REFUSED TO RECALL & RESCIND ON JANUARY 20, 2011 – ALLOWING THIS CASE TO UNLAWFULLY GO FORWARD

1. Under G.C.6203(b) Kramer has until December 23, 2014 to sue the Clerk of the Fourth District Division One (Appellate Court), personally, for falsifying the Remittitur under the seal of the State of California. False designation as a vexatious litigant and a C.CP.391.7 prefiling order, would unlawfully deny Kramer her right to sue in properia persona. The granting of this Vexiatious Litigant Motion would further libel and damage Kramer to conceal the collusively criminal acts of the officers of courts themselves; while stripping her of protection from abusive parties of ever being able to file a lawsuit in her entire life without an attorney or first posting a $25,000 bond. Kramer has never filed a COMPLAINT against anyone in her life.

2. Contrary to how the San Diego court system operates, courts cannot unlawfully deny motions while suppressing direct evidence and criminally falsify court documents to conceal it; then label a litigant as vexatious with the purpose of the false designation being that clerks of the courts and others are not sued for the resultant damage of criminal falsification of court documents and unlawfully denied motions. The term for that is "intrinsic fraud upon the court". Since this matter involves false science in policy and courts used to sell doubt of causation of illness it is intrinsic fraud upon the courts to defraud the public in financially motivated discrimination against the environmentally disabled. Because the scientific fraud in policy and courts is used to deny liability for workers comp insurers and others, causing injured workers to turn to social services for survival, it is intrinsic fraud upon the court in financially motivated discrimination against the environmentally disabled while defrauding the taxpayer.

3. **There is no question the evidence proves criminal falsification of disclosure documents in the Appellate Court in violation of G.C.6200(a)(c), 6203(a) and 68150(d) which are punishable by up to four years of incarceration under GC6200 and G.C.6203(b)(c).**

4. The only question is: Did the appellate court justices conceal that in the foundational case to this case, Kelman and Scheuer falsified the September 2009 Certificate of Interested Entities and Persons? Or did they conceal that the Clerk of the Appellate Court falsified the December 20, 2010 Remittitur; awarding costs against Kramer to undisclosed parties/entities while aiding this case to unlawfully go forward?

5. The courts have known since July of 2005 that Bryan Hardin is an owner of GlobalTox via the submission of Kramer's declaration. They were informed and provided direct evidence on anti-SLAPP appeal in July 2006 his name was improperly missing from that Certificate of Interested Persons. Yet, they concealed this in the November 2006 anti-SLAPP opinion. Upon appeal again, Scheuer could not name GlobalTox as a disclosed entity w/o also having to name all the owners, including Hardin. This would establish the inconsistency with the Certificate he submitted, and the Appellate justices accepted, in 2006.

(Check One) INITIAL CERTIFICATE SUPPLEMENTAL CERTIFICATE XX

Full Name of Interested Person / Entity	Party (Check One)	Non-Party (Check One)	Nature of Interest (Explain)
Bruce J. Kelman	[X]	[ ]	Ownership interest
Lonie J. Swenson	[ ]	[X]	Ownership interest
Robert A. Clark	[ ]	[X]	Ownership interest
Robert R. Scheibe	[ ]	[X]	Ownership interest
Coreen A. Robbins	[ ]	[X]	Ownership interest
	[ ]	[ ]	
	[ ]	[ ]	

The undersigned certifies that the above listed persons or entities (corporations, partnerships, firms or any other association, but not including government entities or their agencies), have either (i) an ownership interest of 10 percent of more in the party if an entity; or (ii) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves, as defined in rule 14.5(d)(2).

Attorney Submitting Form

Keith Scheuer
(Name)
4640 Admiralty Way, Suite 402
(Address)
Marina Del Rey, CA 90292
(City/State/Zip)
(310) 577-1170 Kscheuer@aol.com
(Telephone Number / E-mail address)
(Signature of Attorney Submitting Form)

Party Represented

Plaintiffs Bruce J. Kelman
(Name) and GlobalTox, Inc.

July 10, 2006
(Date)

6. Thus the most probable cause for the criminal falsification of the December 20, 2010 Remittitur awarding costs to undisclosed "Respondents" is to once again conceal Hardin's involvement being concealed by the Appellate Court in their November 2006 anti-SLAPP Opinion.

7. In addition to being the sixth owner of GlobaTox, Hardin is a retired Assistant U.S. Surgeon General and retired Deputy Director of CDC National Institute of Occupational Safety and Health. He is also co-author of the 2002 ACOEM Mold Position Statement and the 2003 U.S. Chamber Mold Position Statement. How these two papers were connected to mass market scientific fraud to the courts, physicians and policy was the subject of Kramer's March 2005 writing. The courts framed her for libel for it and suppressed the evidence that Kelman committed perjury to establish libel law required reason for malice. They have been libeling and character assassinating Kramer ever since.

Rules of Court 8.208 states. "Certificate of Interested Entities or Persons (a) Purpose and intent The California Code of Judicial Ethics states the circumstances under which an appellate justice must disqualify himself or herself from a proceeding. The purpose of this rule is to provide justices of the Courts of Appeal with additional information to help them determine whether to disqualify themselves from a proceeding. (f) Supplemental information, A party that learns of changed or additional information that must be disclosed under (e) must promptly serve and file a supplemental certificate in the reviewing court. (e) Contents of certificate (1) If an entity is a party, that party's certificate must list any other entity or person that the party knows has an ownership interest of 10 percent or more in the party."

8. Upon appeal again after the 2008 trial which was filled with judicial misconduct after trial; the September 14, 2009 Certificate of Interested Entities & Persons submitted by Kelman and Scheuer and received by the Clerk of the Appellate Court, Kelly, states there was only one "Respondent", Kelman, on appeal and no other parties/entities to disclose, let alone to be awarded costs. (Attached hereto as **Exhibit 1**, is the

OURT OF APPEAL, APPELLATE DISTRICT, DIVISION

Court of Appeal Case Number: 4th Civil Case No. D054496

TORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ith Scheuer, Esq. Cal. Bar # 082797 neuer & Gillett, 4640 Admiralty Way, #402, Marina Del Rey, CA 90292

Superior Court Case Number: GIN044539

FOR COURT USE ONLY

TELEPHONE NO.: 310 577-1170 FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Respondent Bruce J. Kelman

Court of Appeal Fourth District FILED SEP 14 2009 Stephen M. Kelly, Clerk DEPUTY

APPELLANT/PETITIONER: Sharon Kramer

ESPONDENT/REAL PARTY IN INTEREST: Bruce Kelman

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

(Check one): ☑ INITIAL CERTIFICATE ☐ SUPPLEMENTAL CERTIFICATE

tice: Please read rules 8.208 and 8.488 before completing this form. You may use this form for the initial tificate in an appeal when you file your brief or a prebriefing motion, application, or opposition to such a tion or application in the Court of Appeal, and when you file a petition for an extraordinary writ. You may o use this form as a supplemental certificate when you learn of changed or additional information that must disclosed.

his form is being submitted on behalf of the following party (name): Respondent Bruce J. Kelman

☑ There are no interested entities or persons that must be listed in this certificate under rule 8.208.

September 2009 Certificate as submitted by Scheuer [1])

9. Clerk of the Appellate Court, Kelly's December 20, 2010 Remittitur from the prior case, *Kelman & GlobalTox v. Kramer,* which is the foundation to this case, is fraudulent and criminal under the above noted Government Codes regarding falsification, alterations and secret concealed; and is subject to imprisonment. The Remittitur awards costs against Kramer to undisclosed "Respondents" on appeal and conceals the Certificate of Interested Entites & Persons submitted by Scheuer and Kelman is known to the Appellate Court to be an unlawfully incomplete disclosure as to who really is involved in these litigations. (Attached hereto as **Exhibit 2**, is the December 20, 2010 Remittitur[2]) It states,

* * * REMITTITUR * * *

I, Stephen M. Kelly, Clerk of the Court of Appeal of the State of California, for the Fourth Appellate District, certify the attached is a true and correct copy of the original opinion or decision entered in the above-entitled case on September 14, 2010, and that this opinion or decision has now become final.

____ Appellant ____ Respondent to recover costs.
____ Each party to bear own costs.
____ Costs are not awarded in this proceeding.
_X_ Other (See Below)

Respondents to recover their costs of appeal.

Witness my hand and the seal of the Court affixed this DEC 2 0 2010

STEPHEN M. KELLY, Clerk

By: _____, Deputy Clerk

cc: All Parties (Copy of remittitur only, Cal. Rules of Court, rule 8.272(d))

10. As this case was beginning, founded on the antedated, Void Judgment from 2008 of the prior case and undisclosed entities/parties, with the Appellate Court releasing jurisdiction by the criminal Remittitur; Kramer filed a Motion to Recall and Rescind the Remittitur[3] on January 19, 2011. On page 18 it states,

> "Not mentioned in the Opinion, this court was evidenced, Bryan ("Hardin") is the sixth owner of GlobalTox. He is also a retired Deputy Director of CDC NIOSH. As this court was evidenced he was an **improperly undisclosed party to this**

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[1] EXH 1, 9.14.09 Certificate discloses one "Respondent" Kelman http://freepdfhosting.com/4751e1d428.pdf
[2] EXH 2, 12.20.10 Remittitur states "Respondents" awarded costs. http://freepdfhosting.com/20c6dc142b.pdf
[3] 01.19.11 Kramer's Motion to Recall & Rescind Remittitur http://freepdfhosting.com/f3824e0387.pdf

litigation on the Certificate of Interested Parties in 2006 when denying Kramer's anti-SLAPP motion. When this court uses the plural term "respondents to recover costs" in the Opinion and Remittitur, is this court referring to undisclosed party, Hardin, as an additional party to recover costs and one who Kramer prevailed over in trial as one of the owners of GlobalTox. **Because on the Certificate of Interested parties submitted to this court in 2009, there is only one disclosed respondent, Bruce Kelman. As such, this court needs to recall the remittitur to clarify what they mean by the term "judgment affirmed" and "respondents" (plural) of what costs are being awarded to whom; based on what date a judgment properly noticed as entered** becomes the valid judgment; and to whom they are referring to with the plural "respondents" being awarded costs on appeal."

11. The next day, January 20, 2011, Acting Presiding Justice Patricia (Benke) refused to recall and rescind the criminal Remittitur awarding costs to undisclosed entities/parties and to address the Void Judgment on record -- with no explanation given. (Attached hereto as **Exhibit 3** is Justice Benke's unexplained 1.20.11 denial to recall and rescind the fraudulent and criminal Remittitur.[4])

BRUCE J. KELMAN et al.,
Plaintiffs and Respondents,
v.
SHARON KRAMER,
Defendant and Appellant.
D054496
San Diego County No. GIN044539

Court of Appeal Fourth District
FILED
JAN 20 2011
Stephen M. Kelly, Clerk
DEPUTY

THE COURT:

Appellant's "Motion to Recall & Rescind Remittitur" the remittitur which issued on December 20, 2010 is DENIED.

Acting Presiding Justice

"If the remittitur issues by inadvertence or mistake or as a result of fraud or imposition practiced on the appellate court, the court has inherent power to recall it and thereby reassert its jurisdiction over the case. This remedy, though described in procedural terms, is actually an exercise of an extraordinary substantive power....its significant function is to permit the court to set aside an erroneous judgment on appeal obtained by improper means. In practical effect, therefore, the motion or petition to recall the remittitur may operate as a belated petition for rehearing on special grounds, without any time limitations." *(9 Witkin, Cal. Procedure (4th ed.1997) Appeal, § 733, pp. 762-763.)*

[4] EXH 3 1.20.11 Justice Benke DENIAL http://freepdfhosting.com/859795bee8.pdf

"A remittitur can be recalled to permit the court to 'clarify and make certain' any matters that are implicit in the court's opinion and judgment. *(Ruth v. Lytton Sav. & Loan Ass'n (1969) 272 Ca 2d 24, 25, 76 CR 926, 927" Witkins Rule of Law 14;41*

"A recall may also be ordered on the ground of the court's inadvertence or misapprehension as to the true facts, or if the judgment was improvidently rendered without due consideration of the facts" *McGee (1951) 37 C2d 6,9, 229 P2d, 780, 782" Witkins 14:38*

"A stay may be ordered only for 'good cause'. 'Good cause' for this purpose requires a showing of some extraordinary reason for retaining appellate court jurisdiction and further delaying lower court proceedings on the judgment (e.g., likely irreparable damage from immediate enforcement of the judgment)" *Reynolds v. E. Clemens Horst Co. supra, 36 CA at 530, 172 P at 624] Witkins 14:30* "The court can recall the remittitur if the appellate judgment resulted from a fraud or 'imposition' perpetrated upon the court." Pacific Legal Foundation v. California Costal Comm'n[5]

12. In the December 28, 2012 untimely served Vexatious Litigant Motion, Scheuer does not mention this Motion of Kramer's or the unexplained, unlawful DENIAL of Benke while suppressing the direct evidence that the criminal Remittitur is undeniably fraudulent and that it released jurisdiction of the prior case enabling this case to unlawfully go forward. "Uncontradicted and unimpeached evidence is generally accepted as true." Garza v. Workmen's *Comp. App. Bd. (1970) 3 Cal.3rd 312 317-318 [90 Cal.Rptr. 355]; Keulen v. Workers' Comp. Appeals Bd., supra, 66 Cal.App.4th at p. 1099.* Not in the San Diego, California courts.

13. Because of criminal acts by the courts themselves, **the courts have a collusive vested interest** along with Kelman, Hardin, Scheuer, Veritox and possibly other unknown entities/parties in seeing Kramer be falsely designated as a vexatious litigant subject to a prefiling order pursuant to C.C.P.391.7 so she cannot sue them for collusive criminal acts.

II.
PLAINTIFF COUNSEL UNTIMELY FILED & SERVED VEXATIOUS LITIGANT MOTION

1. Even if this court did have subject matter jurisdiction, which clearly it does not because of the falsified Remittitur and Void Judgment from the case of *Kelman & GlobalTox v. Kramer* being the foundation to this case; the Vexatious Litigant Motion was untimely filed and served by Scheuer on December 28, 2012. It was mailed to Kramer via the U.S Postal Service *not on or before* the required 21 days before the hearing date. In

[5] 1.26.11 Kramer Motion To Stay Case http://freepdfhosting.com/22b37596c8.pdf

violation of Code of Civil Procedure 1005(b), it was "snail mailed" by Scheuer to Kramer merely 15 court days before the hearing date. (SEE Vexatious Litigant Motion attached Proof of Service by Keith Scheuer)

2. Kramer, who is not an attorney, could not possibly file a viable reply in a whole new area of law to her, Vexatious Litigant, with so little time to learn it and so much direct evidence of corruption needing to be shared with this court, which is relatively new to the case.

3. The only thing Kramer knows of the subject is that there is case law established in 1982 to protect properia persona litigants against unethical attorneys who try to unlawfully use this tactic to their advantage via false, misleading and incomplete evidence to squelch Pro Pers and their lawful evidence.

4.The case is *Roston v. Edwards (1982) 127 Cal.App.3d 842 [179 Cal.Rptr. 830,]* It states, "Defendants, in their zeal to present a portrait of plaintiff Roston...that would enhance their position, made reference to a multitude of cases which were inappropriate for consideration by the trial court... The presentation of such matter, if designedly done, is certainly to be discouraged. One might mistake it for an attempt to inflame the court against a party to the action."

5. The inflammatory attorney in *Roston v. Edwards* was Keith Scheuer. In that case, too, he attempted to have a pro per litigant be falsely deemed a vexatious litigant by inflaming the courts with false and misleading statements and partial evidence. This misconduct is "certainly to be discouraged" by this court when Scheuer attempts to abuse the judicial process yet again by this untimely served, vexing, Vexatious Litigant Motion.

6. Clearly, Scheuer's desire in filing this rushed, untimely served, unfounded and vexing motion is to make it impossible for Kramer to ever sue for unlawful and criminal acts by Scheuer, judiciaries with no immunity, clerks of the courts and plaintiffs in both of these cases.

III
THE PRSIDING JUSTICE OF THE APPELLATE COURT HAS MOTIVATION TO SEE KRAMER FALSELY DEEMED A VEXATIOUS LITIGANT, SHE FRAMED KRAMER FOR LIBEL

1. This case is now on appeal, Case No. D062764. On January 15, 2013, and in the capacity as presiding justice, Justice Judith McConnell accepted jurisdiction over the case by issuing a ruling that the time for Kramer to file an opening brief could be extended to late February, 2013.[6]

[6] 01.15.13 McConnell granted extension w/o jurisdiction http://freepdfhosting.com/77f5a3975b.pdf

2. In her ruling, Justice McConnell ignored the evidence that the Remittitur from the prior case was fraudulent and criminal; and that Kramer asked for an undetermined extension which would allow the appellate court time to determine if it has subject matter jurisdiction without first recalling and rescinding the fraudulent and criminal legal document. To quote from Kramer's 2nd request for extension that was granted to be extended by McConnell w/o addressing the evidence of the criminal Remittitur and the result damage to Kramer from it. (SEE more in Kramer's Declaration). (Attached hereto as **Exhibit 4**, is page 6-8 of Kramer's February 11, 2013 Second Request[7].) In relevant part it states,

> 14. I cannot file an appellate brief until this court corrects past errors and establishes if it has jurisdiction to hear the appeal. That is not in opposing counsel's control, nor does he have the ability to stipulate to this. Because of falsification of court documents by and concealed by this court, it is this appellate court which is "the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication
>
> **********
>
> "As the Presiding Judge of the Fourth District Division One Appellate Court and author of the fraudulent November 2006 anti-SLAPP opinion in which you framed me for libel with actual malice; it is your legal responsibility to undo this tangled web that keeps growing and entangling more people.
>
> a.) You have left your clerk, Mr. Kelly, in a position that I could file criminal charges against him for falsifying a remittitur under the seal of the State of California. (Mr. Kelly knows I do not want to do it, but may have to.)
>
> b.) Your peers concealed in their 2010 appellate opinion that you framed me and suppressed the evidence Kelman committed perjury to establish malice. You have left them open for justified complaints of judicial ethics violations in a matter involving billions of dollars nationwide in litigations, claims handling practices and cost shifting onto the taxpayer for the burden of cost of environmental injury.
>
> c.) Judge Nugent lost his courtroom of many years while trying to unlawfully shield you for framing me for libel with actual malice and shield that your peers concealed it and concealed a falsified judgment, parties/entities to the litigation.
>
> d.) I went to jail in March of 2012 for refusing to be coerced by Judge Nugent, Scheuer and Kelman into sign a false confession of being guilty of libel with actual malice which would have absolved their and your unlawful, collusive misconduct defrauding the public of billions of dollars by framing a whistle blower for libel in an anti-SLAPP opinion.

[7] EXH 4, 01.11.13 2nd Request For Undetermined Extension http://freepdfhosting.com/7d11c5b3a8.pdf

e.) I have a permanent injunction against me by a court with no subject matter jurisdiction for a sentence I never ever wrote, "Dr. Kelman altered his under oath statements on the witness stand' when he testified in an Oregon lawsuit." to conceal how you framed me for libel for the sentence, "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."

f.) Judge Nugent, whose court had no subject matter jurisdiction because the sole foundation to case is the void judgment from the prior case, falsified the Sheriff Department record and libeled me to conceal he incarcerated me for refusing to sign a false confession "Retraction of Sharon Kramer" – not for violating an (unlawful) contempt order under C.C.P.1208(b) that he was provided evidence I could not comply with under C.C.P.1219(b). This makes him vulnerable to having criminal charges filed against him with no judicial immunity for the unlawful incarceration, bodily harm, emotional distress, libeling and falsification of public record to conceal it.

g.) I have a fraudulent lien on my property with costs accruing from three weeks before costs were even submitted by Scheuer and Kelman because the judgment from the prior case, foundation to this one, was changed without the clerk of the court dating the change.

h.) I have been sanctioned $3000 by a court with no subject matter jurisdiction for refusing to publish a false confession of libel on the internet for a sentence I never even wrote, with a threat of more incarceration if I do not do it.

i.) Scheuer and Kelman are now trying to have me deemed a "vexatious litigant" to stop me from filing suit for the collusive misconduct and resultant damage. If I was vexatious, I would have sued for all of this long ago. I have never filed a COMPLAINT in my life.

j.) Your sister in the Lawyers' Club, the local District Attorney who has made many political enemies, is just beginning to catch grief for shielding corruption in your court giving her unfair advantage in this county when prosecuting its citizens – and aiding the billions in fraud to continue over the mold issue and in California workman's compensation cases by shielding you and your cohorts.

k.) The longer you let this criminal situation go, the more people become entangled in this web you have spun. Lives continue to be devastated, nationwide, from the scientific fraud you aided Kelman, the five additional owners of Veritox and affiliates of the U.S. Chamber of Commerce to be able to continue to use to sell doubt of causation in courtrooms, nationwide, by **framing me for libel with actual malice in a Strategic Litigation Against Public Participation over how the scientific fraud became policy and what parties/entities were involved in the deadly, deceptive mass marketing of scientific fraud for profit**.

l.) You do have the legal authority and ability, plus moral and legal obligation to extend time for you to undo this massive mess you have caused by framing me for libel in the November 2006 anti-SLAPP opinion."

3. Quoting from page 6, lines 4-10 of Scheuer's Vexatious Litigant Motion, "The key question is whether the post-judgment proceedings in this trial court would have any effect on the effectiveness of the appeal. 'If so, the proceedings are stayed; if not, the proceedings are permitted.' Varian Medical Systems v. Delfina, supra, 35 Cal.4th at 188; Young [sic v.] Tri-City Healthcare, supra, 2010 Cal.App.4th at 49."

4. If this court were to grant the unfounded and unlawful Vexatious Litigant Motion, then Justice Judith McConnell would be able to slither her way out of having to address the criminal Remittitur and whether the Appellate Court has subject matter jurisdiction to hear the appeal because of prior fraud upon the court. Kramer would not be able to afford to file the appeal because of the C.C.P 391.7 prefiling order. Therefore, according to case law cited by Scheuer, granting of this Motion would be unlawful and have a tremendous "effect on the effectiveness of the appeal" because Kramer would not even be able to file the appeal or make McConnell acknowledge she has no jurisdiction because of fraud upon the court by appellate officers of the court in the founding case. Justice McConnell would be unlawfully removed of answering the legal question of jurisdiction and the abuse of Kramer would continue to be used to defraud the public. The criminal acts of the courts themselves in these cases would go unpunished.

5. Additionally, if McConnell failed to grow a conscience and her Lawyer Club sister, Bonnie Dumanis, will not prosecute; Kramer could never file to recall and rescind the fraudulent 2006 anti-SLAPP Remittitur and the 2010 feigned review Remittitur. This preclusion for Kramer would occur even though there is no statute of limitation for the damages caused by these frauds upon the court. "its [Recall & Rescind] significant function is to permit the court to set aside an erroneous judgment on appeal obtained by improper means. In practical effect, therefore, the motion or petition to recall the remittitur may operate as a belated petition for rehearing on special grounds, without any time limitations." *(9 Witkin, Cal.* Procedure (4th ed.1997) Appeal, § 733, pp. 762-763.) "Paterno asks for her attorney fees in preparing this writ petition. Under subdivision (c) of the anti-SLAPP statute, successful litigants who prevail on a special motion to strike are entitled to attorney fees as a matter of right "to compensate . . . for the expense of responding to a SLAPP suit." *(Wanland v. Law Offices of Mastagni, Holstedt & Chiurazzi (2006) 141 Cal.App.4th 15, 22 [45 Cal.Rptr.3d 633].)* The trial court should consider Paterno's request for attorney fees in connection with Paterno's special motion to strike....Paterno is awarded her costs in this proceeding. *Paterno v. Superior Court (2008) 163 Cal.App.4th 1342, 1357-1358.*

IV.

THE SAN DIEGO SUPERIOR COURT RECORDED A FRAUDULENT ABSTRACT OF JUDGMENTON DECEMBER 31, 2008 ; ON JANUARY 20, 2009, SCHEUER & KELMAN RECORDED A FRAUDULENT LIEN ON KRAMER'S PROPERTY. UNDER G.C.6203(b), KRAMER HAS UNTIL JULY 2015 TO FILE SUIT.

Code of Civil Procedure 685.010.(a) states "Interest accrues at the rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied." C.C.P 685.020.(a) states "..interest commences to accrue on a money judgment on the date of entry of the judgment.

1. On **December 22, 2008** Scheuer submitted the judgment document from the foundational case to this one as it appeared on December 22, 2008 to the court for Abstract of Judgment. On December 31, 2008, the San Diego Superior Court issued an Abstract of Judgment based on the submission by Scheuer . The Abstract states that interest accrues commencing on September 24, 2008 based on an alleged judgment entered on that date.

3. Judgment creditor *(name and address)*: Bruce Kelman
c/o Veritox, Inc., 18372 Redmond-Fall City Rd
Redmond, Washington 98052
Date: December 22, 2008
Keith Scheuer, Esq.
(TYPE OR PRINT NAME)

5. ☐ Original abstract recorded in this county:
a. Date:
b. Instrument No.:
(SIGNATURE OF APPLICANT OR ATTORNEY)

6. Total amount of judgment as entered or last renewed: $7,253.65

7. All judgment creditors and debtors are listed on this abstract.

8. a. Judgment entered on *(date)*: September 24, 2008
b. Renewal entered on *(date)*:

9. ☐ This judgment is an installment judgment.

10. ☐ An ☐ execution lien ☐ attachment lien is endorsed on the judgment as follows:
a. Amount: $
b. In favor of *(name and address)*:

11. A stay of enforcement has
a. ☑ not been ordered by the court.
b. ☐ been ordered by the court effective until *(date)*:

12. a. ☑ I certify that this is a true and correct abstract of the judgment entered in this action.
b. ☐ A certified copy of the judgment is attached.

[SEAL] Superior Court of California County of San Diego

This abstract issued on *(date)*: DEC 31 2008

Clerk, by I Plasencia, Deputy

Form Adopted for Mandatory Use Judicial Council of California

ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS

Page 1 of 2

Code of Civil Procedure, §§ 488.480, 674, 700.190

www.wEJ-001 [Rev. January 1, 2008]

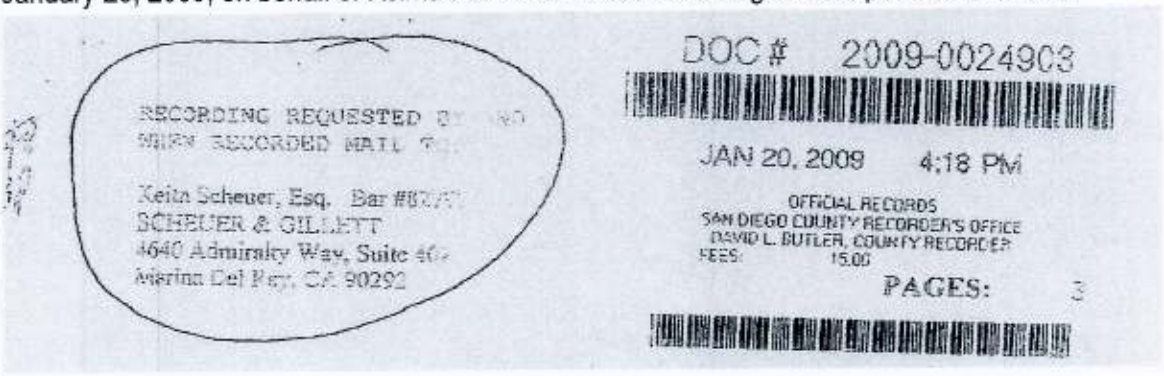
2. No such judgment was entered by the Court on September 24, 2008. Abstract is criminal G.C.6203(a)

Kramer, and costs in the amount of $_____, and that Plaintiff GlobalTox, Inc. recover nothing in this action.

Dated: 9/24/08

Judge of the Superior Court
LISA C. SCHALL

3. Scheuer then took the fraudulent Abstract and recorded a fraudulent Lien on Kramer's property on January 20, 2009, on behalf of Kelman and with interest accruing from September 24, 2008.



RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Keith Scheuer, Esq. Bar #[illegible]
SCHEUER & GILLETT
4640 Admiralty Way, Suite 4[illegible]
Marina Del Rey, CA 90292

DOC # 2009-0024903

JAN 20, 2009 4:18 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER
FEES: 15.00
PAGES: 3

4. Scheuer did not even submit Kelman's interest accruing costs until October 14, 2008 (Received Oct. 16th). This is three weeks after they are stated as being awarded by judgment on the fraudulent Abstract recorded by the Court and fraudulent interest accruing Lien recorded by Kelman and Scheuer. (Attached hereto collectively as **Exhibit 5** is i.) His Abstract/Lien stating interest accruing costs awarded on September 24, 2008, ii.) The proposed judgment stating no costs yet awarded on Sept 24, 2008, and iii.) Schemer's submission of costs on Oct 14 2008 [8])

TOTAL COSTS . . . . . $ 7,252.65

I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

Date: October 14, 2008

Keith Scheuer, Esq.
(TYPE OR PRINT NAME)

(SIGNATURE)

00000537

(Proof of service on reverse)

Form Approved for Optional Use
Judicial Council of California
MC-010 [Rev. July 1, 2009]

MEMORANDUM OF COSTS (SUMMARY)

Code of Civil Procedure, §§ 1032, 1033.5

5. The trial court and Scheuer knew the judgment was not entered on September 24, 2008 when they recorded the fraudulent Abstract and then Lien based on the Abstract. The court would not have been able to hear Kramer's motions to strike costs, for a new trial and for a judgment not withstanding the verdict on date of December 12, 2008. Under C.C.P 663.a(b) it would have been two weeks to late to be heard.

[8] EXH 5, 12.31.08 Abstract & 01.20.09 Lien & 10.24.08 http://freepdfhosting.com/d342893f8a.pdf & 9.24.08 Signed Proposed Judgment http://freepdfhosting.com/29a6e9fce9.pdf & Scheuer 10.14.08 Submission of costs.http://freepdfhosting.com/031aae61ae.pdf

6. Tellingly, in the September 2010 appellate opinion there is no stated date of entry of judgment to be found in the document (SEE Vexation Litigant Motion exh 1)

7. Kramer knew Scheuer had commingled is clients' costs and on October 14, 2008 had submitted costs incurred by trial loser GlobalTox as being those of Kelman's. So did the Appellate Court when rendering their September 2010 opinion. The appellate court stated (paraphrased) because Kramer did not bring this up in the trial court in December of 2008, it was A OK that a California licensed attorney commingled his clients' costs and submitted costs incurred by a losing client as being those of another client.

8. Kramer became aware there was a Lien on her property via an email sent to her from Scheuer on July 14, 2009 informing her they had recorded a lien.

In a message dated 7/14/2009 12:11:23 P.M. Pacific Daylight Time, Kscheuer writes:

Mrs. Kramer–

In response to your postscript, please be advised that GlobalTox will pay the costs that were awarded to you as soon as you pay the costs that were awarded to Dr. Kelman, plus interest. With respect to your veiled threat to file a lien against GlobalTox, obviously you may do so if you overcome the applicable legal hurdles. We recorded a judgment lien against your property several months ago.

Keith Scheuer
SCHEUER & GILLETT
4640 Admiralty Way, Suite 402
Marina Del Rey, CA 90292
Tel.: (310) 577-1170
Fax: (310) 301-0035

9. Kramer did not discover until July of 2011 that the fraudulent cost submission by Scheuer also accrued interest from September 24, 2008, a date that is three weeks before Scheuer even submitted costs on October 14, 2008. Kramer did not even know what an Abstract of Judgment was prior to the summer of 2011. She became of aware of the fraudulent judgment date of interest accruing costs via a credit report. She subsequently went to the county to obtain a copy which also showed the fraudulent Abstract of Judgment issue by the court. **Kramer has until July 2015 to sue the San Diego Superior Court, Scheuer and Kelman for recording the criminally fraudulent Abstract of Judgment under C.C.P. 6203(b).**

10. Granting Scheuer's Vexatious Litigant Motion would make it impossible for her to sue him, Kelman and the San Diego Superior Court, in properia persona, for their criminal acts under G.C.6200(a)(c), 6203(a) of

recording the fraudulent Abstract and fraudulent interest accruing Lien. This further illuminates the criminal motivation for California licensed attorney, Scheuer's, Vexatious Litigant Motion.

V.
THE SOLE FOUNDATION TO THIS CASE, THE JUDGMENT FROM THE PRIOR CASE, IS FRAUDULENT, ANTEDATED & VOID TO BE USED FOR ANY PURPOSE.

1. The court issued a fraudulent Abstract and Scheuer recorded a fraudulent Lien that stated judgment was entered on September 24, 2008, based on a submission by Scheuer on December 22, 2008. Yet, when submitted as the sole foundational document to this case by Scheuer on November 4, 2010, the judgment contradictorily appears on its face that judgment awarding Kelman's costs was entered on December 18, 2008, four days before it was submitted for Abstract by Scheuer. on December 22, 2008 stating judgment was entered awarding costs on September 24, 2008.

2. The Void Judgment was amended on October 28, 2011, one year after this case began and one year after the Appellate Court had falsely stated on page one of their September 2010 opinion that a judgment and awarding of costs to Kramer had been entered. (SEE Vexatious Litigant Motion, Exh 1, pg 1 the September 2010 Appellate Opinion) The opinion states,

"The jury found that Kramer did not libel GlobalTox and judgment against GlobalTox was entered. The trial court awarded Kramer $2,545.28 in costs against GlobalTox."

3. But the ROA was falsified in the lower court on December 23, 2008 to match the actual Void Judgment on Record and making it appear that Kelman and GlobalTox prevailed in trial – just like the Void Judgment.

"ROA# 268 12/23/2010 Judgment was entered as follows: Judgment entered for GLOBALTOX INC: KELMAN BRUCE J and against KRAMER, SHARON"

(Attached hereto collectively as **Exhibit 6** is the 3rd page of Judgment as submitted as the sole foundation case November 4, 2010; and the 3rd page of the judgment as amended one year, October 28, 2011[9]) **Valid judgments do not get amended after appeal, and invalid judgments cannot be lawfully used as a foundation for a case, amended one year after commencement of a case, under C.C.P. 664**.

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[9] Exh 6. 11.04.10 Judgment as foundation to case page 3 http://freepdfhosting.com/359c2df09d.pdf
10.28.11 Judgment Amended http://freepdfhosting.com/53b48859a4.pdf

mgarland 12/8/08.

Kramer, and costs in the amount of $ 7,252.65, and that Plaintiff GlobalTox, Inc. recover nothing in this action.

Dated: 9/24/08

Judge of the Superior Court

LISA C. SCHALL

OCT 28 2011 Defendant Kramer is the prevailing party as to Plaintiff Globaltox, Inc the judgment shall include costs of $2,645.18 in favor of defendant Kramer and as against Plaintiff Globaltox, Inc. /Dietrich

4. Going back to the prior case in 2008. On December 22, 2008, Kramer timely submitted a Motion for Reconsideration after the December 12, 2008 Oral Argument. This is the same day that Scheuer submitted the judgment, that on that day appeared judgment was entered awarding costs to Kelman on September 24, 2008.

5. On January 7, 2009, the Court refused to hear Kramer's timely filed December 22, 2008 Motion base on the false premise that an amended Judgment had been entered on December 18, 2008 which allegedly caused loss of jurisdiction. This forced Kramer to have to file an appeal right back in the Appellate court that had framed her for libel w/actual malice in the 2006 anti-SLAPP opinion and had concealed parties to the appeal, Bryan Hardin. (They also suppressed the evidence that Kelman committed perjury to establish false theme for malice and that Scheuer had suborned it.) The January 7, 2009 refusal to hear Kramer's motion states:

> this Court lacks jurisdiction to rule on the motions. The court loses jurisdiction to rule on a pending motion for reconsideration after entry of judgment. APRI Ins. Co. v. Sup.Ct. (1999) 76 CA4th 176, 181. The Amended Judgment was entered in this case on December 18, 2008.
>
> IT IS SO ORDERED.
> Date: 1/7/09
>
> JOEL M. PRESSMAN
> JUDGE OF THE SUPERIOR COURT

6. Which is it? Judgment was *entered* on December 18th or *amended* on December 18th?

Answer: Neither. The Judgment is Void on its face. According to the CCMS ROA, nothing occurred in the case on December 18, 2008. As taken from the Register of Action, ROA:

> ROA #212 12/15/2008 Miscellaneous Minute Order Finalized
> **[Note: Sequential entry numbers. Nothing occurred in the case on 12/18/2008]**
> ROA #213 12/19/2008 Proof of Service filed by KRAMER, SHARON Refers to:
> ROA #214 12/22/2008 Motion for Reconsideration filed by KRAMER, SHARON

7. The Judgment was ante-dated, is a fraudulent legal document and is Void to be used for any purpose. On September 24, 2008, the trial judge signed the proposed judgment as submitted by Scheuer. Kramer was not noticed. Upon receipt of Kelman's costs on October 16, 2008, which included commingled costs incurred by GlobalTox, the Clerk of the Court filled in the dollar amount of $7,252.65 without dating or initialing the change, making it appear cost were awarded on September 24, 2008. On December 22, 2008, Scheuer submitted it back to the Court and a fraudulent Abstract was recorded by the Court on December 31, 2008. Scheuer then took the fraudulent Abstract and recorded a fraudulent Lien on Kramer's property on January 20, 2009. **Sometime on or after December 22, 2008** when Scheuer submitted for Abstract and Kramer filed her Motion for Reconsideration, "MGarland 12/18/08" was added next to the dollar by the same clerk, Michael Garland, who had filled in a dollar amount w/o initialing and dating in October of 2008. The lower court then claimed loss of jurisdiction based on the **fraudulent "MGarland 12/18/08" being added on or after December 22, 2008**. The ROA establishes nothing occurred in the case on December 18, 2008 as does the Abstract of Judgment which was submitted on December 22, 2008 still appearing that September 24, 2008 was the date of entry of judgment. The appellate court falsely inferred in their September 2010 opinion that the judgment stated Kramer was recognized on the judgment document as a trial prevailing party awarded costs. But the ROA was falsified in the lower court on December 23, 2008 to match the actual Void Judgment on Record and making it appear that Kelman and GlobalTox prevailed in trial – just like the Void Judgment. One year after this case began on November 4, 2010 with the Void Judgment being the foundation to the case and the appellate court releasing jurisdiction by a criminal Remittitur, the judgment was amended on October 28, 2011 to state Kramer was a prevailing party entirtled to costs. Judge Thomas P. Nugent ignored all of this evidence while feigning he had

subject matter jurisdiction over the case to try to harass Kramer into silence of the intrinsic fraud upon the court by plaintiffs, clerks and officers of the court – aiding to defraud the public.

8. Because the sole foundation of this case is fraudulent and void, this court has no subject matter jurisdiction and thus, no judicial immunity should it choose to falsely deem Kramer to be a "Vexatious Litigant"; while knowingly precluding Kramer from being able to file suit, including criminal charges against clerks of the court, et.al., for falsification of court documents and certificates. While Kramer has four years to file suit for a fraudulent lien upon becoming aware of it in July of 2011, there is no statute of limitations on fraud and conspiracy to defraud the public via collusive, malicious litigations. The damage to Kramer and the public from the unlawful and criminal acts committed in these cases has been colossal.

VI.
A JUDGE WHO ACTS WITHOUT JURISDICTION ALSO HAS NO JUDICIAL IMMUNITY FOR DAMAGE CAUSED BY UNLAWFUL AND MALICIOUS ACTS;

1. "[T]he scope of the judge's jurisdiction must be construed broadly where the issue is the immunity of the judge. A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he has acted in the clear absence of all jurisdictions." *Stump v. Sparkman, 435 US at 356-57*

VII.
JUDGE NUGENT INCARCERATED A U.S. CITIZEN W/O GROUNDS OR JURISDICTION FOR REFUSING TO BE COERCED INTO PERJURY; ORDERED THE SHERIFF DEPARTMENT RECORD FALSIFIED TO CONCEAL THIS CRIMINAL ACT OF THE COURT

1. In a January 19, 2012 Civil Contempt of Court order, Judge Nugent ordered that Kramer must retract the truth of the fraud on the court in these cases, from two internet sites, or go to jail, in violation of the Constitution and C.C.P.1208(b).

2. On February 10, 2012, Judge Nugent was made aware that Kramer could not comply with the unlawful order, even if she wanted to. Website owners submitted affidavits stating under oath that no retractions would be published by Kramer on their websites. At that point, Kramer could not be incarcerated for violating an order with which she could not comply under C.C.P.1219(a). if indirect civil contempt is the charge, the purpose of lawful coercion is to coerce compliance with a lawful order by imprisoning the contemner until

performance of an act he or she has the power to perform. CCP §1219(a) "The 'coercive' imprisonment must end when the contemner no longer has the power to comply."(Attached hereto as **Exhibit 7**, is Kramer's page 1, February 10, 2012, NOTICE TO COURT, INABILITY TO COMPLY WITH UNLAWFUL ORDER & JUDGMENT OF JANUARY19, 2012[10]

3. On February 10, 2012, Scheuer submitted a proposed false confession of being guilty of libel for Kramer to sign which included an apology to a party she prevailed over in trial, Veritox, and stated she did not believe Kelman committed perjury – when every judge to oversee this case since 2005, knows Kelman did commit perjury to establish false theme for malice and they all suppress the direct and uncontroverted evidence. They also suppressed the evidence that Scheuer repeatedly suborned the perjury to establish malice.

4. The Proposed "Retraction of Sharon Kramer" that she refused to sign under penalty of perjury states,

> "..I do not believe Dr. Kelman committed perjury. I apologize to Dr. Kelman and his colleagues at Veritox for all statements I have made, that stated or implied otherwise. I sincerely regret any harm or damage I may have caused. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. Executed February 10, 2012"

5. On March 9, 2012, Nugent ordered Kramer had to report to the Los Colinas Women's Detention Center on March 12, 2012 for refusing to sign the false confession under penalty of perjury, On March 9th he had a female sheriff deputy positioned behind Kramer and was threatening her she would be hauled immediately off to jail if she did not agree to go on March 12, 2012. The March 9, 2012 Minute Order states as the reason Kramer was sent to jail was for refusing to sign "proposed retraction order":

APPEARANCES
KEITH SCHEUER, counsel, present for Plaintiff(s).
Sharon Kramer, self represented Defendant, present.
Atty Tracey S. Sang appears telephonically for defendant.

Parties are present as indicated above.

1:43 pm Court and parties supra are present in court. Court addresses Ms. Kramer re: proposed retraction order. Ms. Kramer indicates that she will not sign the proposed retraction. Court finds Ms. Kramer in contempt and sentences her to five consecutive days custody and directs her to report to the Las Colinas Detention Facility at 9:00 am, March 12, 2012.

1:53 pm Court denies Atty Scheuer's request that Ms. Kramer be remanded to the custody of the Sheriff forthwith.

1:59 pm Court is adjourned.

[10] Exh 7 2.10.12 NOTICE TO COURT, INABILITY TO COMPLY WITH UNLAWFUL ORDER & JUDGMENT OF JANUARY19, 2012; http://freepdfhosting.com/93eb88bf73.pdf

6. While incarcerated (and made ill from the experience), Kramer's false Civil Contempt morphed into a Criminal Contempt and she was given a false criminal record under P.C.166. Upon becoming aware of this via a private sector website, she demanded the criminal record be removed by Nugent. It took her five ExParte Motions and still Nugent would even show his face to her, and took six months for the Sheriff Dept to remove the false criminal record in December of 2012. The Sheriff Department Record and an FBI Record Kramer now has, have been edited to a libelously false Civil Contempt Record for refusing to be coerced to commit criminal perjury by Nugent, Scheuer and Kelman and sent jail for the refusal.

7. On April 5, 2012, Nugent had a Minute Order hand couriered to the Sheriff Department. He falsified the public record to conceal that Kramer was incarcerated for refusing to sign the false confession crafted by Scheuer; and libelously made it appear Kramer was lawfully jailed under C.C.P.1218(a) for violating the Civil Contempt Order of January 19, 2012. He even attached the Civil Contempt Order as false exhibit.

proceeding the reasonable attorney's fees and costs incurred by this party in connection with the contempt proceeding."

The judgment of contempt entered here under Cal. Code of Civil Procedure § 1218(a) constitutes neither a misdemeanor nor a felony conviction and Defendant's record should be corrected forthwith.

Dated: April 5, 2012

THOMAS P. NUGENT
Judge of the Superior Court

8. Nugent falsely incarcerated Kramer, caused her bodily harm and emotional distress and was terrorizing her by threatening to do it again via a April 10, 2012 Contempt Complaint filed by Scheuer. This newest terrorizing was for Kramer placing the direct evidence of the unlawful acts surrounding the incarceration of Kramer on the Internet in lawful accordance with C.C.P1208(b). By this time, Kramer had had enough terrorizing by Scheuer, Kelman and the courts to try to shut her up of them framing her for libel with actual malice in the prior case and falsifying court document to defraud the public. She refused to put herself in physical harms way again by a Machiavellian judge who repeatedly violated Kramer's Constitutional and civil rights. She basically ignored the unlawful Contempt hearing and final case hearing in June other than to beg him to stop harassing her. She filed a Motion for Nugent to be disqualified in May, which he, himself denied while suppressing the evidence of his criminal acts. (Attached hereto collectively as **Exhibit 8**, is i.) the March 9,

2012 Minute Order and the April 5, 2012 Minute Order sent to the Sheriff Department hand signed by Judge Nugent, and the December 2012 false Sheriff Dept and FBI record Kramer now has to conceal why she was jailed.[11])

9. On July 2, 2012, Judge Nugent ordered Kramer must publish a false confession for the sentence she never wrote on yet another website, pay $3000 to the court in sanctions for putting the evidence on the Net of the unlawful incarceration in lawful accordance with C.C.P.1208(b); pay Kelman around $8000 for refusing to participate in the latest unlawful contempt proceedings (on top of the $19K+ Nugent awarded on January 19, 2012 w/no explanation); and never write of these cases again – or back to jail. (SEE Vexatious Litigant Motion exhibit 2) The court also knew Kramer was dealing with a 91 year old mother who had fallen and broken her elbow requiring surgery and rehabilitation during this time; and that Kramer was still sick from the incarceration.

10. Shortly after he was permitted to do the wrap up by Michael Roddy and company; Nugent lost his courtroom with no explanation given; and this judge came up to bat with no subject matter jurisdiction.

11. Under C.C.P. 6203(a)(b)(c) Kramer has until April 8, 2016 to sue Nugent for libelously falsifying the Sheriff Department Record on April 5, 2012 to conceal he incarcerated her for refusing to commit perjury and sign a false confession.

12. **If Kramer were falsely deemed a Vexatious Litigant by this Court subject to prefiling order, she would be unlawfully precluded from suing Judge Nugent for his criminal acts without subject matter jurisdiction and thus no judicial immunity.** She has until October of 2016 to sue the San Diego Superior Court for the $3000 in fraudulent sanctions. Kramer has yet to file her complaint against Nugent with the California Commission on Judicial Performance, of which McConnell is the past chair and still a member of the "Independent State Agency" whose function is to police ethics in the judicial branch.

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[11] 03.09.12 Minute Order http://freepdfhosting.com/f5bb4e6477.pdf
04.05.12 Fraudulent Minute Order To Sheriff http://freepdfhosting.com/531eb17f9f.pdf
12.20.12 Libelously False Sheriff & FBI Record http://freepdfhosting.com/4b8ab34d84.pdf

VIII

SCHEUER LIED WHEN HE SAID KRAMER HAS WON NO MOTIONS -- TO TRY TO CONCEAL THE JUDGMENT IS VOID & THE PERMANENT INJUCTION IS UNLAWFUL

1. On page 12, line 19-21 of the Vexatious Litigant Motion, Scheuer wrote, "Not surprisingly, Kramer has lost everyone one of these motions, but her perfect losing streak does not deter her".

2. While it is true Judge Nugent made more insane rulings the deeper he got entangled in the deception, on October 28, 2011, Judge Earl Maas III amended the Void Judgment after appeal in the prior case to state Kramer was a trial prevailing party entitled to cost upon Kramer's, September 2011 MOTION TO AWARD COSTS TO TRIAL PREVAILING PARTY SHARON KRAMER.

3. Scheuer lost this motion by attempting to make some of the same arguments he has made in this Motion about courts' inability to correct past wrongs. He would prefer that this court, like Nugent, pretend that this amended judgement does not exist and that the judgment as it appeared on November 4, 2010 with the antedated "MGarland 12/18/08" is a valid, judgment document – which only awards costs to Kelman.

4. **Which is it? Did Scheuer record a fraudulent lien on Kramer's property w/interest accruing from stated date of judgment of September 24, 2008? –or- Did Scheuer submit a known falsified and void judgment as the sole foundation of this case with stated entry of judgment being December 18, 2008?**

5. Scheuer lied in his Vexatious Litigant Motion that Kramer has a "perfect losing streak". No surprise there. He has a 30 year perfect streak of litigating by these means. "The presentation of such matter, if designedly done, is certainly to be discouraged. One might mistake it for an attempt to inflame the court against a party to the action." *Roston v. Edwards (1982) 127 Cal.App.3d 842 [179 Cal.Rptr. 830,]* Keith Scheuer attorney for Edwards.

IX

THIS COURT DOES NOT HAVE JURISDICTION TO RULE THE VOID JUDGEMENTS FROM THE TWO CASES ARE VALID

1. Kramer has been dealing with Scheuer for eight years. He is sneaky. Every motion of Kramer's that he wants this court to deem her vexatious for filing, has to do with the direct evidence of the Void Judgment and

lack of subject matter jurisdiction of the prior court and this court in this case because of it. (SEE Vexatious Litigant Motion page 10) He is trying to get this court to backdoor rule that the judgments from *Kelman & GlobalTox v. Kramer* and this case are valid legal judgments.

2. On December 7, 2012, this court ruled it could not hear Kramer's "Motion for Reconsideration to Vacate Void Coram Non Judice Judgment and Order for Civil Contempt and Permanent Injunction in Criminal Violation of C.C.P.1209(b)" So this court made a ruling it had lost jurisdiction while ignoring the evidence it never had jurisdiction to make a ruling – other than to dismiss the case.

3. If this court cannot hear a motion regarding its lack of jurisdiction; it also cannot claim to have jurisdiction to deem a litigant vexatious for providing direct evidence the judgment is void on its face and the court lacks jurisdiction to rule on anything – other than to dismiss the case. "Obviously a judgment, though final and on the merits, has no binding force and is subject to collateral attack if it is wholly void for lack of jurisdiction of the subject matter or person, and perhaps for excess of jurisdiction, or where it is obtained by extrinsic fraud." *[Citations.]" 7 Witkin, Cal. Procedure, supra, Judgment, § 286, p. 828.*). "Once challenged, jurisdiction cannot be 'assumed', it must be proved to exist." [Stuck v. Medical Examiners, 94 Ca2d 751.211 P2s 389]

4. When the matter is on appeal, C.C.P. 916(a) states, "...the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order." (Emphasis added.) Deeming a litigant vexatious for repeatedly providing direct evidence that judgments are void, w/o first proving jurisdiction in the face of direct and uncontrovered evidence of void judgments, is not a ruling this court can lawfully make while ignoring the evidence it lacks subject matter jurisdiction.

X
CONCLUSION

This court is autonomous and knows that this case should be dismissed for the intrinsic fraud upon the court yielding eight years of harassment for Kramer over the words, "**altered his under oath statements**" for daring to speak the truth of Kelman's scientific fraud on U.S. courts. The presiding judge of this court has taken a sworn oath to uphold the Constitution to protect those who come before this court; and to make findings based on evidence in accordance with law -- not based on known prior improvidently entered orders by prior courts relying on false statements and spun evidence by a slick, well connected attorney.

The judgment from *Kelman & GlobalTox v. Kramer* is undeniably void. The judgment from this case by Judge Nugent is criminally insane. He ordered Kramer to commit public perjury and publish a false confession on the Internet of being guilty of libel for a sentence Kramer never wrote, "**Dr. Kelman altered his under oath statements' when he testified in a trial in Oregon"** and never write of these cases again – or go to jail *again*.

DISMISS THE CASE!!!

Knowing what this court now knows, it would be a willfully malicious and collusively criminal act against Kramer for this court to grant this rushed to be filed, Vexatious Litigant Motion, or even to allow this case to continue for one more day.

Scheuer and Kelman brought this motion before this court. If this court cannot rule for lack of subject matter jurisdiction, it must dismiss the case. "We reject Nicholas's efforts to transform one of the initial trial judge's prior sealing orders into a juridical black hole from which no light can ever escape... Erecting a jurisdictional barrier would effectively prevent the court from exercising custody and control over its own files". *In the Marriage of Nichols, 186 Cal.App.4th 1566 (2010) 1573.*

Mr. Scheuer's actions epitomize a sleazy attorney with no less that a 30 year history of litigating by these unethical means and which courts of law are to protect people from – not aid them to continue. Kramer has been victimized long enough. "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." *Datig v. Dove Books, 73 Cal.App.4th, 964, (1999).* **Canon of Judicial Ethics state, 3D(2) states "Whenever a judge has personal knowledge that a lawyer has violated any provision of the Rules of Professional Conduct, the judge shall take appropriate corrective action".**

Everyday this case, now on appeal, is allowed to continue, it impacts the health and safety of California and U.S. citizens who are environmentally disabled by biocontaminants in water damaged buildings. Eight years of harassment of their advocate, Kramer, by the courts, Kelman, Veritox and Scheuer to make an honest person appear to be a malicious liar for stating and providing direct evidence that the environmentally disabled are being harmed by Kelman and Veritox, is unconscionable.

This case impacts future accommodations made for disabled in public and private sector policies. When it is acknowledged these litigations have been Strategic Litigation Against Public Participation carried out by criminal means; the scientific fraud on U.S. courts and in policies will immediately cease. Policies will immediately change. As such, this Reply will also be served on the Solicitor General of the California Attorney General's office under laws that govern Unruh violations.

It will also be served on District Attorney, Bonnie Dumanis, who is willfully shielding mass corruption in the local courts in these cases. She knows her lack of action to prosecute for falsification of court documents and public records by clerks of the court and judges w/o jurisdiction & immunity, is aiding to defraud the taxpayer in financially motivated discrimination of the environmentally disabled - including workers comp insurer fraud in this county. She knows this is being aided to continue by her known friends and political allies, Justice Judith McConnell and Justice Richard Huffman. Kramer helped D.A. Dumanis's office investigate a workers' comp insurer fraud case in Poway involving Kelman's (non)science before they knew of this litigation. After becoming aware of this litigation, Kramer is on tape in the D.A.'s office explaining McConnell's and Huffman's role in aiding the workers comp insurer fraud to continue via these malicious cases meant for the sole purpose to discredit Kramer by falsely making her appear to be a malicious liar for exposing how the science fraud was mass marketed. There is much documentation to prove it.

This court, like the prior trial court, has no subject matter jurisdiction to even hear this Motion because of intrinsic fraud upon the court in this case and the foundational case of *Kelman & GlobalTox v. Kramer.* Even if it did have jurisdiction, Scheuer's Vexatious Litigant Motion was untimely filed leaving Kramer who knows nothing about vexatious people who abuse the courts in reckless disregard of the truth, except for Scheuer and Kelman, unable to file a proper reply brief to defend herself.

The granting of this Motion would preclude Kramer's ability to sue many entities involved in the cases for, at the very least, criminal falsification of court records under G.C.6200(a)(c); 6203(a)(b)(c) and 68150(d). It would greatly have an "effect on the effectiveness of the appeal" because Kramer would be unable to force Justice McConnell to acknowledge she has no jurisdiction to hear the appeal because of fraud upon the court by herself and others; and must order the case dismissed, while recalling and rescinding prior fraudulent Remittiturs of 2010 and the anti-SLAPP of 2006 – if this court does not dismiss the case first.

Granting this unlawful motion filed with criminal intent by Scheuer and Kelman, would leave Kramer unable to sue Kelman and Scheuer in lawful accordance with C.C.P. 6203(b) for placing a fraudulent Lien on her property; with the fraudulent Lien also proving they know the judgment document from *Kelman & GlobalTox v. Kramer* as submitted by them as the sole foundation to this case on November 4, 2010, is fraudulent and void to be used for any purpose.

January 23, 2013

Sharon Kramer, U.S. Citizen Under Duress

DECLARATION UNDER DURESS OF SHARON KRAMER

I, Sharon Kramer, declare under penalty of perjury and if called to witness in this action could and would testify to the following facts, which are within my own personal knowledge and are supported by direct evidence from the cases of *Kelman & GlobalTox v. Kramer* Case No. GIN044539 and *Kelman v. Kramer* Case No. 37-2010-00061530-CU-DF-NC.

California licensed attorney, Keith Scheuer, made numerous known perjurious statements under penalty of perjury in his December 28, 2012 Declaration submitted to this court. (Attached hereto as **Exhibit 9**, is Scheuer's December 28, 2012 Declaration[12])

Perjured Statement #1

Page 17, lines 12-14, Scheuer wrote, "Judge Nugent also granted Dr. Kelman's request for a permanent injunction prohibiting Kramer from republishing the libel". Scheuer is well aware that I never published libel in the first place – he and the courts collusively framed me, then gagged me for a different sentence.

1. **This is a key false statement made under penalty of perjury by Scheuer**. It goes to the heart of these malicious litigations to conceal his role in framing me for libel for an entirely different sentence than the one I am is permanently enjoined from "republishing" that I never published.

[12] Exh 9, 12.28.12 Declaration of Keith Scheuer http://freepdfhosting.com/767bddb5ad.pdf