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FILED
Clerk of the Superior Court
SEP 20 2012
BY: C. TERRIQUEZ

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

7 BRUCE J. KELMAN & GLOBALTOX, INC.,
8 (w/Bryan D. HARDIN, US Assistant Surgeon
9 General & Deputy Director of CDC NIOSH
10 retired, being known to the court since 2006 as
11 an undisclosed principal of GLOBALTX on the
Appellate Certificates of Interested Persons and
thus undisclosed party to the litigation)

12 Plaintiffs,

13 v.

14 SHARON KRAMER

15 Defendant.

CASE NO. GIN044539

NOTICE OF MOTION; MOTION TO VACATE
VOID JUDGMENT of September 24, 2008 last
amended October 28, 2011; Memorandum of
Point and Authorities In Support Of Defendant's
Motion; & Declaration of Defendant Sharon
Kramer

[Assigned for All Purposes To Hon. EARL H.
MAAS III, Department 28]

Filed May 2005

Motion Hearing Date: October 19, 2012 1:30 PM

17 NOTICE OF MOTION & MOTION TO VACATE VOID JUDGMENT

18 TO ALL DISCLOSED AND UNDISCLOSED PARTIES AND THEIR ATTORNEY OF
19 RECORD, KEITH ("SCHEUER"), PLEASE TAKE NOTICE that on October 19, 2012 in
20 Department 28 of the North San Diego County Superior Court at 1:30 PM, Defendant Sharon
21 ("KRAMER") will make a motion that the ("VOID JUDGMENT") dated September 24, 2008 be
22 vacated by This Court in the matter of KELMAN & GLOBALTOX v. KRAMER ("K & G v. K")

23 On October 28, 2011, three years after the August 2008 trial in which KRAMER
24 prevailed over GlobalTox ("VERITOX") and Bruce J. ("KELMAN") prevailed over KRAMER,
25 This Court amended the VOID JUDGMENT to acknowledge that KRAMER was a trial prevailing
26 party entitled to costs. But This Court declined to vacate the VOID JUDGMENT while stating
27 This Court has never witnessed any situation like this (the Fourth District Division One

1 (“APPELLATE COURT”) falsely stated in the September 2010 Opinion that a judgment had been
2 entered in KRAMER’s favor awarding her costs and suppressed the evidence that SCHEUER
3 commingled his clients’ costs as being the costs incurred only by KELMAN). This Court stated
4 that KRAMER should attempt to work out the discrepancies and fallout with SCHEUER from
5 the discrepancies between what actually occurred and what was recorded as the Abstract, Lien
6 and Judgment. (Attached hereto collectively as EXHIBIT 1¹ is the VOID JUDGMENT as
7 amended by This Court; and EXHIBIT 2² is KRAMER’s Reply to SCHEUER’s Opposition).

8 Upon advice of This Court, KRAMER did attempt on several occasions to give
9 SCHEUER, his clients and the California courts a graceful way out of the debacle of using
10 fraudulent legal documents in furtherance of an illicit interstate enterprise, VERITOX, aided to
11 continue by less than stellar behavior of the APPELATE COURT, to no avail.³

12 In the matter of Bruce J. (“KELMAN”) v. Sharon Kramer (“K v. K”) Case No 37-2010-
13 00061530-CU-DF-NC, North San Diego Superior Court (“DEPT 30”) Judge Thomas P. Nugent
14 presiding coram non judice, which began in November of 2010 with the sole foundational
15 document to the case being the VOID JUDGMENT from K & G v. K, KRAMER ended up being
16 incarcerated in March of 2012⁴ for refusing to sign a false confession of being guilty of libel with
17 actual malice, with the proposed false confession a.k.a RETRACTION BY SHARON KRAMER
18 that was crafted by SCHEUER, also containing the sentence “I do not believe Dr. Kelman
19 committed perjury” – when the evidence is undeniable that he did to establish false theme for
20 Kramer to harbor malice in K & G v. K and with all courts suppressing the evidence. ⁵ (Attached
21

22 ¹ EXHIBIT 1 Oct 28, 2011 Amended Jdgmt <http://freepdfhosting.com/2e5a182b7e.pdf>

23 ² EXHIBIT 2 October 2011 Kramer Reply <http://freepdfhosting.com/92958722b3.pdf>

24 ³ February 2012 email to Sang <http://freepdfhosting.com/f76db1b90c.pdf>

25 ⁴ March 9 & 14, 2012 K v K Transcripts <http://freepdfhosting.com/a804679d93.pdf> &
26 <http://freepdfhosting.com/3968f385c9.pdf>

27 ⁵ Minute sample of the amount of suppressed evidence of Kelman’s perjury to establish
malice. <http://freepdfhosting.com/0a6a84ab06.pdf>

1 hereto as EXHIBIT 3⁶ is the false confession KRAMER refused to sign and why she refused to
2 sign it – but was sent to jail for her refusal)

3 In the past year, another year of falsely being labeled a malicious liar, she has incurred
4 more costs, unlawful and failed coercive incarceration, bodily harm, emotional distress⁷, and
5 more libeling via more falsification of court and Sheriff Department records in April of 2012⁸ by
6 DEPT 30 – coram non judice⁹ - and inability to work as a trustworthy real estate agent because of
7 the relentless character assassination by compromised officers of the court for daring to speak the
8 truth of a fraud in policy and on U.S. courts.

9 In January 2012 DEPT 30, SCHEUER and the public defender assigned by DEPT 30 to
10 “help” Kramer, attempted to deem her mentally incompetent and gave her a criminal record for
11 alleged civil contempt of court to try to “get her downtown to the psych unit” under Penal Code
12 1368 for placing the direct evidence on the internet of what the courts are unlawfully doing in
13 an attempt to conceal past misdeeds aiding to defraud the public from coming to light.^{10 11 12 13}

14 ⁶ EXHIBIT 3 March 2012, K v. K Kelman’s Proposed RETRACTION OF SHARON KRAMER &
15 why KRAMER refused to sign – evidence of how she was framed
16 <http://freepdfhosting.com/ce5fe87905.pdf>

17 ⁷ April 27, 2012 Request for Medical Attention <http://freepdfhosting.com/976a7ad8c6.pdf>

18 ⁸ April 5, 2012 Falsification of Sheriff Record <http://freepdfhosting.com/d9a210111d.pdf>
19 April 5, 2012 Minute Order directing the removal of misdemeanor while stating libelous & false
20 reason for incarceration was for Civil Contempt under CCP1218(a), attaching January 19, 2012
Contempt Order <http://freepdfhosting.com/3f9fe215eb.pdf> - not attaching the false confession
Kramer refused to sign and was sent to jail for her refusal.

21 ⁹ April 12, 2012 K v K Transcript, Dept 30 stating “I understand” it lacks jurisdiction
22 <http://freepdfhosting.com/a52191aa44.pdf>

23 ¹⁰ January 6, 2012 K v. K Kramer’s lawful appearance by affidavit for Contempt Hearing
24 <http://freepdfhosting.com/d4be0bd127.pdf>

25 ¹¹ January 6, 2012 K. v. K Transcript <http://freepdfhosting.com/6bf98fa946.pdf>

26 ¹² January 12, 2012 K v. K Examination by Dr. Swartz to stave off Dept 30’s attempt to
deem Kramer mentally incompetent <http://freepdfhosting.com/54eaa3ce20.pdf>

27 ¹³ January 21, 2012 K v. K Demand that Public Defender Sang be fired.
28 <http://freepdfhosting.com/7573495201.pdf>

1 As of July 2, 2012, DEPT 30 has ordered that KRAMER must commit criminal perjury
2 on the internet by publishing a false confession of being guilty of libel for a sentence she never
3 even wrote, to conceal officer of the courts and plaintiff unlawful misconduct from public light
4 and to never write of the matter again – all under the false pretense that she was lawfully found
5 guilty of libel for the phrase, “altered his under oath statements” used in an entirely different
6 sentence then the one she was enjoined from republishing; with the actual sentences in question
7 being within the first public writing, KRAMER’s in March of 2005, of how it became a
8 fraudulent concept in U.S. public health policy that it was proven moldy buildings do not harm
9 by a simple twist of never vetted science by KELMAN and HARDIN.

10 Additionally, KRAMER has been sanctioned \$3,000¹⁴ and KELMAN has been awarded
11 attorney fees of approximately \$27,000.00 for KRAMER (and others) putting all of the above
12 evidence and much more on the internet in lawful accordance with Code of Civil Procedure
13 1209(b) and the First Amendment of the Constitution; with a threat of a second unlawful
14 coercive and retaliatory incarceration looming for KRAMER, mid October 2012. ^{15 16}

15 Needless to say, This Court’s advice to KRAMER to try to work out the continued
16 adverse impact from the VOID JUDGMENT not being vacated last year by This Court, has not
17 bode well for KRAMER, the Constitution or the American public; but it has aided affiliates of
18 the U.S. Chamber of Commerce to have one more year of denying and delaying responsibility for
19 causation of environmental illness via the use of bogus science penned by KELMAN and his
20 business partner, HARDIN, remaining in policy and able to be used to sell false doubt of
21 causation of illness in the courts.

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24 ¹⁴September 10, 2012 K v. K Motion for Reconsideration, submitted under duress
<http://freepdfhosting.com/5e1965aed9.pdf>

25 ¹⁵April 12, 2012 Kramer’s Notice To Court To Stop Harassing Her, Coram Non Judice
26 <http://freepdfhosting.com/3117e0aa46.pdf>

27 ¹⁶August 31, 2012 Transcript where DEPT 30 denies nothing
<http://freepdfhosting.com/2e828d4e02.pdf>

1 It has also aided to keep the inept at best, oligarchy in leadership roles of the triumvir
2 commonly referred to as the California Judicial Council ("JC"), Administration of the Courts
3 ("AOC") and Commission on Judicial Performance ("CJP").^{17 18 19 20 21 22 23}

4 As This Court is aware, the VOID JUDGMENT was never lawfully entered, noticed or
5 amended; and awards commingled costs incurred by SCHEUER's trial losing client, GlobalTox,
6 Inc., ("VERITOX") to his trial prevailing client, KELMAN; with one of the owners of VERITOX,
7 HARDIN, being a known undisclosed party to the litigation. To reiterate, CDC NIOSH's
8 HARDIN being an undisclosed party to the malicious litigation was concealed *twice* by the
9 APPELLATE COURT with CCMS falsified to conceal the APPELLATE COURT's conflicted
10 interests in aiding the furtherance of bogus science in policy and U.S. courts, i.e. that KELMAN
11 & HARDIN could apply math extrapolations to a single rodent study and prove all individuals
12 claiming illness and death from exposure to biotoxins in water damaged buildings are liars out to
13 scam insurers, employers, landlords, sellers and school districts.

14 Plainly stated, the courts have been causing and aiding hate crimes against the
15 environmentally disabled, dying and KRAMER in a tax payer defrauding cost shifting scheme of
16

17 ¹⁷ September 11, 2011 Letter to Cantil-Sayauke, Miller, Evans, Feuer and Overholt explaining the
18 continued fraud by misdeeds of the courts <http://freepdfhosting.com/189e708bc8.pdf>

19 ¹⁸ September 11, 2011 Letter to McConnell requesting she correct her misdeeds
<http://freepdfhosting.com/0267bd88be.pdf>

20 ¹⁹ September 11, 2011 Letter to Huffman requesting he correct his misdeeds
<http://freepdfhosting.com/94027ca867.pdf>

21 ²⁰ September 11, 2011 Letter to Roddy & Kelly asking they correct clerk of court "errors"
22 <http://freepdfhosting.com/aca23df2d4.pdf>

23 ²¹ September 11, 2011 Letter to Enright asking he investigate judicial misconduct
<http://freepdfhosting.com/df79223143.pdf>

24 ²² October 5, 2011 Follow up fax to Kelly regarding his phone call threat that McConnell would
25 deem me to be vexatious should I pursue legal action for falsification of the remittitur and CCMS
26 <http://freepdfhosting.com/8dc35da911.pdf>

27 ²³ October 10, 2011 Kelman's complaint for contempt of court for these letters to the oligarchy being
on the internet <http://freepdfhosting.com/0a8c4f6e14.pdf>

1 epic proportion on behalf of the affiliates of the U. S. Chamber of Commerce via aiding the
2 continuance of false science in toxic torts by falsely deeming KRAMER to be a malicious liar
3 over the first public writing of how the science fraud came to be; then trying to shut her up of
4 how and why they did it and the continued adverse impact on the public because of it.^{24 25 26}

5 The false concept promoted by the courts is that this seven years of malicious, strategic
6 litigation is solely over KRAMER's use of the benign word "altered" in the first public writing of
7 who was involved in mass marketing the science fraud into policy for the purpose of misleading
8 U.S. courts.²⁷ It is beyond absurd and is incredible this harassment could continue for now over
9 seven years with many remaining mum of the matter and others taking direct action to CYA
10 (cover your assets) while lives continue to be devastated daily.²⁸

11 **Bottom line is that officers of courts framed a defendant for libel to make an accurate**
12 **writing over a matter impacting public health appear to make a false and libelous statement that**
13 **the writing did not make as they suppressed the evidence that the plaintiff committed perjury to**
14 **establish libel law needed reason for malice. For seven years they have falsified many court**
15 **documents and suppressed massive amounts of unimpeached evidence to force the false finding**
16 **of libel with actual malice and to conceal the truth of court aided fraud; including in a second**

17 _____
18 ²⁴ July 20, 2012 LexisNexis on Cost Shifting To Tax Payers
19 <http://www.lexisnexis.com/community/workerscompensationlaw/blogs/workerscompensationlawblog/archive/2012/07/20/cost-shifting-of-workers-compensation-expenses-study-says-third-parties-pick-up-most-of-the-bill.aspx>

20 ²⁵ December 2010, WorkCompCentral quoting KRAMER of the fraud caused by KELMAN's &
21 HARDIN's science remaining in state workers comp policy
22 <http://freepdfhosting.com/715a485427.pdf>

23 ²⁶ December 2010, "Surviving Mold" book of how KRAMER caused a Federal audit of the issue,
24 which discredited KELMAN's & HARDIN's bogus science
25 <http://freepdfhosting.com/9488eba0e8.pdf>

26 ²⁷ January 7, 2007 Wall Street Journal article about Kelman and Hardin "Court of Opinion, Amid
27 Suits Over Mold Experts Wear Two Hats, Authors Of Science Papers Also Serve The Defense In
28 Mold Litigation" http://www.drcraner.com/images/suits_over_mold_WSJ.pdf

²⁸ September 30, 2010 Kramer's denied Appellate Motion for Reconsideration
<http://freepdfhosting.com/926eb811d6.pdf>

1 case in which they have attempted to gag the defendant from writing of what the courts have
2 done and continue to do that is adverse to the public's best interest; as they retaliate against the
3 defendant by unlawful and criminal means for her refusal of silence.

4 This motion is in accordance with Code of Civil Procedure 664²⁹, Code of Civil
5 Procedure 664.5(b)³⁰, Government Code 6200 (a)(c)³¹, Government Code 6203(a)(b)³², Civil Code
6 337.5(b)³³, Business and Professions Code 6068(c)(d)(g)³⁴ and Penal Code 422.6³⁵.

7
8 ²⁹C.C.P. 664 "When trial by jury has been had, judgment must be entered by the clerk, in conformity
9 to the verdict within 24 hours after the rendition of the verdict, whether or not a motion for judgment
10 notwithstanding the verdict be pending, unless the court order the case to be reserved for argument or
11 further consideration, or grant a stay of proceedings. If the trial has been had by the court, judgment
must be entered by the clerk, in conformity to the decision of the court, immediately upon the filing
of such decision. In no case is a judgment effectual for any purpose until entered."

12 ³⁰C.C.P. 664.5(b) "Promptly upon entry of judgment in a contested action or special proceeding in
13 which a **prevailing party** is not represented by counsel, the clerk of the court shall mail notice of
14 entry of judgment to all parties who have appeared in the action or special proceeding and shall
execute a certificate of such mailing and place it in the court's file in the cause".

15 ³¹G.C.6200(a)(c) "Every officer having the custody of any record, map, or book, or of any paper or
16 proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any
17 purpose, is punishable by imprisonment in the state prison 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:(c) Alter or falsify.

18 ³²G.C. 6203(a) Every officer authorized by law to make or give any certificate or other writing is
19 guilty of a misdemeanor if he or she makes and delivers as true any certificate or writing containing
20 statements which he or she knows to be false. (b) Notwithstanding any other limitation of time
21 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.

22 ³³C.C. 337.5(b) Statute of limitations on fraud "Within 10 years: (b) An action upon a judgment or
23 decree of any court of the United States or of any state within the United States.

24 ³⁴B. & P.C.6068(c)(d)(g) "It is the duty of an attorney to do all of the following: (c) To counsel or
25 maintain those actions, proceedings, or defenses only as appear to him or her legal or just, (d) To
26 employ, for the purpose of maintaining the causes confided to him or her those means only as are
27 consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or
false statement of fact or law.(g) **Not to encourage either the commencement or the continuance**
of an action or proceeding from any corrupt motive of passion or interest."

1 In lawful accordance with Code of Civil Procedure 1209(b)³⁶ it may be read online along
2 with linked references and court records at ContemptOfCourtFor.ME, <http://wp.me/p20mAH-ks>
3 under the blog title of "Kelman & GlobalTox v. Kramer ~ Motion To Vacate Void Judgment".

4 It is supported by the case record of this case, K & G v. K, and the matter of K v. K with
5 DEPT 30 presiding coram non judice because the VOID JUDGMENT from K & G v. K is the sole
6 foundational document to K v. K over which DEPT 30 is unlawfully presiding with no subject
7 matter jurisdiction. This Motion is supported by the Memorandum of Points & Authorities and
8 Declaration of Defendant Sharon Kramer.

9 September 20, 2012
10 Date

Sharon Kramer
11 Sharon Kramer in Properia Persona

12
13 ³⁵ Penal Code 422.6 (a) No person, whether or not acting under color of law, shall by force or threat
14 of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free
15 exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of
16 this state or by the Constitution or laws of the United States in whole or in part because of one or
17 more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section
18 422.55" which states "For purposes of this title, and for purposes of all other state law unless an
19 explicit provision of law or the context clearly requires a different meaning, the following shall
20 apply:(a) "Hate crime" means a criminal act committed, in whole or in part, because of one or more
21 of the following actual or perceived characteristics of the victim: (1) Disability. (7) Association with
22 a person or group with one or more of these actual or perceived characteristics. (b) "Hate crime"
23 includes, but is not limited to, a violation of Section 422.6. For purposes of this title, the following
24 definitions shall apply: (a) "Association with a person or group with these actual or perceived
25 characteristics" includes advocacy for, identification with..any of the following:..person that has, or
26 is identified with people who have, one or more of those characteristics listed in the definition of
27 "hate crime" under paragraphs (1) to (6), inclusive, of subdivision (a) of Section 422.55. (b)
28 "Disability" includes... physical disability as defined in Section 12926 of the Government Code. (1)
"Physical disability" includes, but is not limited to, all of the following:(1) Having any physiological
disease, disorder, condition..that does both of the following: (A) Affects one or more of the
following body systems: neurological, immunological, musculoskeletal, special sense organs,
respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic
and lymphatic, skin, and endocrine. (B) Limits a major life activity...

³⁶ C.C.P.1209(b) A speech or publication reflecting upon or concerning a court or an officer thereof
shall not be treated or punished as a contempt of the court unless made in the immediate presence of
the court while in session and in such a manner as to actually interfere with its proceedings."

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

Fallout Of The “Speak With One Voice” Debacle Not Being Made To Cease Via Vacating The VOID JUDGMENT

The seven years of malicious litigations has now deteriorated to the point that KRAMER is being cyber stalked by court personnel most likely concerned of their falsification of court files and CCMS in criminal violation of G.C. 6200(a)(c) and G.C.6203(a) coming to light. Amazingly, it has deteriorated to the point that on July 2, 2012, DEPT 30 ordered KRAMER to publish a false confession on the internet of being guilty of libel with actual malice for a sentence she never even wrote, “Dr. Kelman altered his under oath statements on the witness stand’ while he testified as a witness in an Oregon lawsuit.” and to never write of the matter again under threat of a second coercive incarceration, more libeling and more bodily harm for daring to expose court aided fraud and hate crimes against the environmentally disabled in America. (Attached hereto collectively as EXHIBIT 4³⁷ and 5³⁸ is cyber stalking by the “Courthouse Gang” & DEPT 30’s July 2, 2012 “JUDGEMENT AND ORDER FOR CIVIL CONTEMPT AND PERMANENT INJUNCTION”).

This failed attempt by DEPT 30, KELMAN and SCHEUER to coerce KRAMER into criminal perjury on the internet by falsely admitting to libel for a sentence she never even wrote is to aid in hiding from public light that in the matter of K & G v. K, officers of the courts – particularly those within the inner sanctum of the House that George Built - have worked in concert with the plaintiffs for seven years to frame KRAMER for libel with actual malice for the sentences, “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”.

³⁷EXHIBIT 4 Cyber stalking <http://freepdfhosting.com/0ab8d22d7b.pdf>

³⁸EXHIBIT 5 K v. K July 2, 2012 Order, Judgment, Injunction <http://freepdfhosting.com/4fa0aef0f6.pdf>

1 (for the U.S. Chamber of Commerce); as found within the first public writing, KRAMER's in
2 March 2005 of how it became a scientifically fraudulent concept in U.S. public health policy and
3 U.S. courts (and CA's workman's compensation policy) that it was scientifically proven by
4 KELMAN and HARDIN that moldy buildings do not harm. (Attached hereto as EXHIBIT 6³⁹ is
5 KRAMER's March 2005 writing that **does not even contain the sentence, "Dr. Kelman altered his**
6 **under oath statements on the witness stand' while he testified as a witness in an Oregon**
7 **lawsuit."**)

8 **The Science Fraud:** Mold toxins, or mycotoxins, are secondary metabolites of mold and
9 are naturally occurring chemical. When present in water damaged buildings "WDB" there are co-
10 contaminants and multiple routes of exposure. **It is not even close to legitimate exposure science**
11 **to make such a fraudulent claim** that extrapolations applied to a mechanistic research model can be
12 used by themselves as proof of no injury or death of individuals from an exposure in actual field
13 conditions. As stated by the National Academy of Sciences, Third Edition, References On Scientific
14 Evidence:

15 "Models are idealized mathematical expressions of the relationship between two
16 or more variables. They are usually derived from basic physical and chemical
17 principles that are well established under idealized circumstances, but may not be
18 validated under actual field conditions. **Models thus cannot generate completely**
accurate predictions of chemical concentrations in the environment."

19 The attempt at a coerced false confession by DEPT 30, KELMAN and SCHEUER is to
20 conceal who all at the helm of the judicial branch knows of the less than stellar behavior of the
21 California courts aiding to defraud the public by what they have been collectively unlawfully doing
22 to KRAMER for now over seven years. KRAMER publishing a false confession – for a sentence she
23 never wrote - would absolve bad behavior by government agencies and private sector industries over
24 the mold issue from California to DC; while leaving the sick, disabled and dying to fend for
25 themselves because of the physicians of America remaining misinformed and biased; or worse

26 ³⁹EXHIBIT 6 , March 2005 Jury Finds Toxic Mold Harmed Oregon Family
27 <http://freepdfhosting.com/0768872f2d.pdf>

1 scared to diagnose the sick for fear of retaliation. But mostly, it would absolve bold faced criminal
2 misconduct by officers of the California courts.

3 As merely one example of the relentless harassment of KRAMER, in January of 2012
4 KRAMER was found in contempt of court by DEPT 30 for placing the letters she sent to the Judicial
5 Council in September of 2011 outlining the fraud in K & G v. K and exactly how she was framed for
6 libel for the words, “altered his under oath statements” on the internet in the post titled “**Is The**
7 **California Court Case Management System (CCMS) Being Misused For Politics In Policy &**
8 **Litigation.....And The Fleecing Of The California Taxpayer Over The Mold Issue?**”⁴⁰

9 DEPT 30 held Kramer in contempt⁴¹ and attempted to falsely deem her a mentally
10 incompetent criminal for these letters being on the internet.⁴² When she then posted on the internet
11 the latest of what DEPT 30, KELMAN and SCHEUER were doing that was harassing her to defraud
12 the public and why they were doing it; DEPT 30 found her in contempt again, July 2, 2012, for the
13 evidence being on the net, sanctioned her and permanently enjoined her from ever writing of it again,
14 coram non judice. (The silencing of Kramer will not be happening any time soon)

15 One day after the July 2nd unlawful judgment, order and permanent injunction was signed
16 in DEPT 30, on July 3, 2012 This Court sent a letter to the Judicial Council⁴³ also voicing concerns
17 of abuse of tax dollars via CCMS and ramifications of loss of autonomy within the CA judicial
18 branch. But This Court and none of the other approximately 400 judges who also voiced concern
19 similar to KRAMER’s were sent to jail; caused bodily harm; caused emotional distress; fined \$30K;

21 ⁴⁰Katy’s Exposure, September 13, 2011 “Is the California Court Case Management System Being
22 Used To Defraud The Public...” <http://wp.me/plYPz-3aV>

23 ⁴¹January 19, 2012 DEPT 30 held Kramer in contempt for placing letters to JC, AOC & CJP on Net
24 of misuse of CCMS, etc. <http://freepdfhosting.com/a2de403995.pdf>

25 ⁴²February 10, 2012 K v K Dept 30 was made aware website owners refused to remove evidence of
26 courts conspiring with Kelman and Scheuer to defraud the public from their websites, Kramer could
27 not comply with unlawful contempt order. <http://freepdfhosting.com/cea5b7ed37.pdf>

28 ⁴³July 3, 2012 Judge Earl Maas III Letter to Judicial Council of misuse of CCMS, etc.
www.courts.ca.gov/documents/SP12-05_MaasE.pdf

1 or deemed criminally malicious and mentally incompetent liars or ordered never to write of the
2 matter again. (Sidebar: It would be a strong bet that the Judicial Council, AOC and CJP would liked
3 to have done all of the above to these judges who are exposing waste and ineptitude of CA judicial
4 branch and AOC)

5 6 **II Argument**

7 1. The sole foundational document to K v. K is the VOID JUDGMENT from K & G v.
8 K, submitted to DEPT 30 on November 4, 2010 by the same attorney, SCHEUER, who recorded
9 the conflicting ABSTRACT and LIEN, which establishes the VOID JUDGMENT is a known
10 fraud by SCHEUER and was antedated in violation of B. & P.C. 6068(a)(d)(g), G.C.6200(a)(c),
11 G.C.6203(a), and P.C.422.6(a), causing interest to accrue before they were even submitted. It
12 must be vacated because it is known to be void and is aiding and abetting the continuance of
13 malicious litigation adversely impacting public health and the defrauding of the taxpayer.

14 2. The fact that there is no Notice of Entry of Judgment from the court to prevailing
15 Pro Per KRAMER of the September 24, 2008 judgment is a violation of C.C.P.664.5(b) and
16 renders the VOID JUDGMENT unlawful to be used for any purpose under C.C.P.664. “For
17 example, courts have held that the document entitled ‘Notice of Entry’ mentioned in the rule
18 must bear precisely that title, and the ‘file stamped copy of the judgment’ [citation] must truly be
19 file stamped.” (Id. At p. 903, quoting rule 8.104(a)(1).)” *Citizen for Civic Accountability v. Town of*
20 *Danville (2008) 167 Cal.App.4th 1162*. It must be vacated because it was never noticed under rules
21 of the court and is thus invalid to be used for any purpose – legal or illegal.

22 3. It is fraud still within the time limit to be punished under C.C.337.5(b) and B. &
23 P.C.6068(c)(d)(g), that SCHEUER commingled his clients’ costs and placed a known fraudulent lien
24 on KRAMER’s property for costs incurred by his trial losing client, VERITOX; and then proceeded
25 to submit the known VOID JUDGMENT from K & G v. K, under penalty of perjury, as the sole
26 foundational document to K v. K in furtherance of malicious litigation aimed to defraud the public
27 while attempting to keep the courts’ role in aiding the defrauding hidden from public view.
28 SCHEUER has willful forsaken is fiduciary duty to stop maliciously litigating. “Once the attorney

1 realizes that he or she has misled the court, even innocently, he or she has an affirmative duty to
2 immediately inform the court and to request that it set aside any orders based upon such
3 misrepresentation; also counsel should not attempt to benefit from such improvidently entered
4 orders.” Datig v. Dove Books, 73 Cal.App.4th, 964, (1999) It must be vacated because KRAMER has
5 an interest accruing lien on her property that includes costs incurred by a retired assistant U.S.
6 Surgeon General who she prevailed over in trial and is a now seven year undisclosed party to the
7 litigation.

8 4. The sole purpose of K v. K is to permanently enjoin KRAMER from writing and
9 placing the evidence on the internet and in public light of what occurred K & G v. K at the hands
10 of officers of the courts and plaintiffs to make the false finding of libel with actual malice over
11 the words, “altered his under oath statements” to demean her character, libel her,
12 intimidate/coerce her into silence and to cast doubt on the credibility of her words about a
13 massive science fraud in policy aided to continue by those who have forgotten their sworn oath
14 is to uphold the Constitution for the good of the people; and to stop her from writing of the
15 continued adverse impact on the environmentally disabled and dying, taxpayers and KRAMER
16 herself directly because of the unlawful actions that are in violation of the First Amendment of
17 the Constitution and Code of Civil Procedure 1209(b) in these two cases. It must be vacated
18 because it is a dangerously egregious precedent of the inability to speak truth in the U.S. for the
19 good of the people without fear of retaliation.

20 5. DEPT 30 is well aware of the fact that the sole foundational document to K v. K is
21 fraudulent and void to be used for any purpose under C.C.P. 664 & 664.5(b), leaving DEPT 30
22 making rulings, judgments, abusive incarcerations, causing bodily harm and using harassment and
23 intimidation tactics that would do the Mafia proud -- with no subject matter jurisdiction. “Once
24 challenged, jurisdiction cannot be assumed, it must be proved to exist” *Stuck v. Medical Examiners*,
25 94 Ca 2d 751, 211 P2d 389. “Acts in excess of judicial authority constitutes misconduct, particularly
26 where a judge deliberately disregards the requirements of fairness and due process.” *Gonzalez v.*
27 *Commission on Judicial Performance*, (1983) 33 Cal.3d 359, 371,374 It must be vacated to force the
28 ceasing by abusive court from aiding to defraud the public in hate crimes against the environmentally

1 disabled, dying and their proponents to the benefit of the affiliates of the U.S. Chamber of
2 Commerce in violation of oath of office.

3 6. It is equally concerning to know that SCHEUER is an old hand at litigating by these
4 deceptive means of character assassination in the State of California apparently with no
5 repercussions in thirty years time. “Defendants, in their zeal to present a portrait of plaintiff Roston
6 (and his enterprises) that would enhance their position, made reference to a multitude of cases which
7 were inappropriate for consideration by the trial court....The presentation of such matter, if
8 designedly done, is certainly to be discouraged. One might mistake it for an attempt to inflame the
9 court.” *Roston v. Edwards* 127 Cal.App.3d 842 (1982) W. Patrick O’Keefe, Jr., Costello & Walcher,
10 Edward J. Costello, Jr., and Keith Scheuer for Defendants and Respondents. It must be vacated and
11 officer of the court, SCHEUER, needs to be held accountable for orchestrating this travesty of justice
12 in furtherance of hate crimes against the environmentally disabled, dying and their proponent,
13 KRAMER. Judicial Code of Ethics, Canon 3(D)(2) states “*Whenever a judge has personal*
14 *knowledge that a lawyer has violated any provision of the Rules of Professional Conduct, the judge*
15 *shall take appropriate corrective action.*”

16 7. The VOID JUDGMENT must be vacated because it is playing an intricate role in
17 defrauding the taxpayer of billions of dollars while concealing court aided, furtherance of hate
18 crimes against the environmentally disabled, dying and KRAMER in violation of too many
19 codes, canons, treatises, constitutional and case laws to put into one brief. “Uncontradicted and
20 unimpeached evidence is generally accepted as true.” (*Garza v. Workmen’s Comp. App. Bd.* (1970) 3
21 *Cal.3rd* 312 317-318 [90 Cal.Rptr. 355]; *Keulen v. Workers’ Comp. Appeals Bd.*, *supra*, 66
22 *Cal.App.4th* at p. 1099.) In these cases, uncontroverted and unipeached evidence proving massive
23 fraud aided to continue by officers of the courts themselves, is simply suppressed and ignored.
24 **THIS is the greatest threat to the Constitution of the United States that democracy depends on**
25 **for survival.**

26 8. Although This Court did award KRAMER her costs by amended judgment, she has not
27 been able to record an Abstract of Judgment or collect on the award. This is because every case has

1 only one judgment. The one currently on record awarding KRAMER costs of approximately \$2500
2 also awards interest accruing costs of approximately \$3500 to a party of which KRAMER prevailed
3 over in trial. To record a new abstract based on the October 28, 2011 amended judgment would
4 leave KRAMER recording a new abstract which wrongfully leaves her owing money to a party she
5 prevailed over in trial. The current VOID JUDGMENT on record must be vacated as it awards costs
6 incurred by a trial losing party to KELMAN with interest accruing from three weeks before
7 KELMAN's costs were even submitted. It is a fraudulent document under G.C.6200(a)(c),
8 G.C.6203(a)(b), C.C.P.664, C.C.P.664.5(b), & B&PC6800(c)(d)(g).

9
10 **III**
11 **Conclusion**

12 This court has the subject matter jurisdiction and the fiduciary duty to protect public
13 health, the environmentally disabled, the taxpayer, the Constitution and KRAMER from a
14 compromised judicial system that is out of control, particularly at the helm and shielded by
15 misguided fidei defensor officers of the courts. The known fraudulent and VOID JUDGMENT of
16 September 24, 2008 must be vacated in the name of justice on many levels. This Court set
17 precedence, establishing the understanding that it has jurisdiction and a fiduciary duty to assure
18 judgments are accurately recorded and properly used when it amended the judgment after appeal on
19 October 28, 2011. "We reject Nicholas's efforts to transform one of the initial trial judge's prior
20 sealing orders into a juridical black hole from which no light can ever escape... Erecting a
21 jurisdictional barrier would effectively prevent the court from exercising custody and control over
22 its own files". *In the Marriage of Nichols*, 186 Cal.App.4th 1566 (2010) 1573.

23 For the foregoing reasons on behalf of herself, her family, the American public, the
24 American taxpayer and the environmentally disabled and dying; KRAMER prays This Court
25 vacates the VOID JUDGMENT.

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Sharon Kramer in Properia Persona

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1 malicious liar and refusing to correct their errors, even while knowing how many lives,
2 including mine, continue to be devastated from their collective unlawful actions.

3 I declare under penalty of perjury that the foregoing is true and correct to the best of my
4 knowledge under the laws of the State of California and executed by me this 20th day of
5 September 2012.

6 Sharon Kramer
7 Sharon Kramer, Pro Per
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): SHARON NOONAN KRAMER 2031 Arborwood Place Escondido, CA 92029 TELEPHONE NO.: 760-746-8026 FAX NO. (Optional): E-MAIL ADDRESS (Optional): snk1955@aol.com ATTORNEY FOR (Name): in Properia Persona	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 325 S. Melrose MAILING ADDRESS: CITY AND ZIP CODE: Vista, California 92083 BRANCH NAME: North County Division	CASE NUMBER: GIN044539
PLAINTIFF/PETITIONER: Bruce J. Kelman & Veritox, Inc (including Bryan Hardin) DEFENDANT/RESPONDENT: Sharon Kramer	JUDGE: Hon. Earl Maas III DEPT.: Dept 28
PROOF OF SERVICE—CIVIL Check method of service (only one): <input checked="" type="checkbox"/> By Personal Service <input type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input type="checkbox"/> By Electronic Service	

(Do not use this proof of service to show service of a Summons and complaint.)

1. At the time of service I was over 18 years of age and **not a party to this action.**
2. My residence or business address is:
3535 Manchester Ave, Cardiff By The Sea, CA 92007
3. ☐ The fax number or electronic service address from which I served the documents is *(complete if service was by fax or electronic service):*
4. On (date): **9/20/1202** I served the following **documents (specify):**
NOTICE OF MOTION; MOTION TO VACATE VOID JUDGMENT of September 24, 2008 last amended October 28, 2011; Memorandum of Point and Authorities In Support Of Defendant's Motion; & Declaration of Defendant Sharon Kramer
☐ The documents are listed in the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)).
5. I served the documents on the **person or persons** below, as follows:
 - a. Name of person served: **Keith Scheuer, Esq**
 - b. ☒ *(Complete if service was by personal service, mail, overnight delivery, or messenger service.)*
 Business or residential address where person was served:
4646 Admiralty Way #402, Marina Del Rey, CA
 - c. ☐ *(Complete if service was by fax or electronic service.)*
 - (1) Fax number or electronic service address where person was served:
 - (2) Time of service: **AM**☐ The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)).
6. The documents were served by the following means *(specify)*:
 - a. ☒ **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

CASE NAME:

Kelman & GlobalTox v. Kramer

CASE NUMBER:

GIN044539

6. b. ☐ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (specify one):

- (1) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2) ☐ placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (city and state):

- c. ☐ **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. ☐ **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)
- e. ☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f. ☐ **By electronic service.** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in item 5.

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

Date:

(TYPE OR PRINT NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

- ☒ **By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (date): September 20, 2012

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

Date: September 20, 2012

Helen E. Noonan

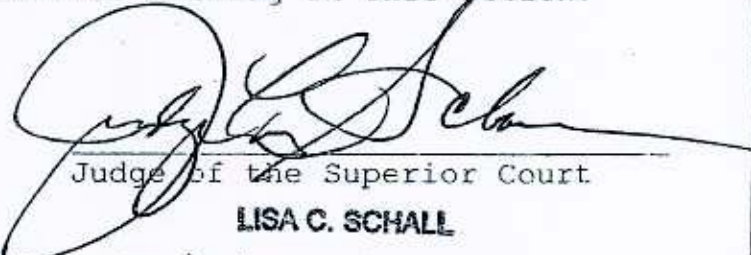
(NAME OF DECLARANT)

▶ Helen E. Noonan
(SIGNATURE OF DECLARANT)

Exhibit
1

1 Kramer, and costs in the amount of \$ 7,252.65 ^{mgaland 12/15/08.}, and that
2 Plaintiff GlobalTox, Inc. recover nothing in this action.
3

4 Dated: 9/24/08

5 
6 Judge of the Superior Court

LISA C. SCHALL

7 OCT 28 2011 Defendant Kramer is the prevailing
8 party as to Plaintiff Globaltox, Inc. The judgment
9 shall include costs of \$2,545.28 in favor of
10 defendant Kramer and as against Plaintiff
11 Globaltox, Inc. /Dutrich
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1 SHARON NOONAN KRAMER, PRO PER
2 2031 Arborwood Place
3 Escondido, CA 92029
4 (760) 746-8026
5 (760) 746-7540 Fax

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

8 BRUCE J. KELMAN & GLOBALTOX, INC.,

9 Plaintiffs,

10 v.

11 SHARON KRAMER, and DOES 1

12 through 20, inclusive,

13 Defendant.

CASE NO. GIN044539

14 **DEFENDANT'S REPLY TO PLAINTIFF'S**
15 **"OPPOSITION TO MOTIONS TO VACATE**
16 **VOID JUDGMENT AND AWARD COSTS";**
17 **Declaration of Defendant SHARON KRAMER**

18 [Assigned for All Purposes To Hon. EARL H.
19 MAAS III, Department 28]

20 Filed May 2005

21 Motion Hearing Date: October 28, 2011 1:30 PM

22 As the trial court assigned with finalizing judgments in this still pending case, this court has jurisdiction of
23 this case after the ("REMITTITUR") issued from the Appellate Court on December 20, 2010. This case went to
24 trial three years ago and no judgment was properly entered after trial. Much double speak and suppression of
25 evidence in the September ("2010 APPELLATE OPINION") is concealing this fact and many others; and
26 leaving this case in a black hole from which it could never escape. Defendant Sharon ("KRAMER") filed for
27 appeal on January 14, 2009 because she could not get a straight answer from the lower court of what
28 judgment was entered, when. (three judges oversaw this case from mid-December 2008 to mid-January 2009)

Justice McConnell, who authored the greatly flawed November ("2006 anti-SLAPP APPELLATE
OPINION"), accepted the appeal as the Presiding Justice of the Fourth District Division One Appellate Court.
The evidence of many of the "errors" in her 2006 anti-SLAPP APPELLATE OPINION are concealed by the
suppression of evidence in the 2010 APPELLATE OPINION.

As such, there is currently no judgment for this court to finalize and to close the case. In order to finalize
the case, this court must enter a judgment. The undisputed costs awarded to KRAMER by Minute Order need
to be entered in the lower court. The Abstract of Judgment, December 31, 2008, that is fraudulent in its date of
awarding interest accruing costs to Plaintiff, Bruce ("KELMAN") commencing on September 24, 2008 – when

1 KELMAN's interest accruing costs were not even submitted (let alone awarded) until October 14, 2008 needs
2 to be vacated. *"We reject Nicholas's efforts to transform one of the initial trial judge's prior sealing*
3 *orders into a juridical black hole from which no light can ever escape... Erecting a jurisdictional barrier*
4 *would effectively prevent the court from exercising custody and control over its own files". In the*
5 *Marriage of Nichols*, 186 Cal.App.4th 1566 (2010) 1573

6 I.

7 **NO JUDGMENT WAS ENTERED AWARDING KRAMER COSTS OF \$2,545.28 IN APRIL 2009**

8 1. The 2010 APPELLATE OPINION falsely infers costs were awarded by judgment to Defendant Sharon
9 ("KRAMER") in the amount of \$2,545.28. Below is an excerpt from the 2010 APPELLATE OPINION that was
10 attached to Plaintiff, Bruce ("KELMAN's") ("OPPOSITION") Brief of October 17, 2011 as PLAINTIFF EXHIBIT
11 2, page 1)

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

14 2. Contrary to misleading statements in KELMAN'S OPPOSITION and in the 2010 APPELLATE OPINION,
15 there is no such judgment evidenced as ever entered in the lower court ("CASE FILE"). KRAMER was
16 awarded these costs by a Minute Order on April 6, 2009, the Honorable Judge Dato presiding, but no
17 judgment was ever entered. (Attached to Defendant's Motion To Enter Judgment of October 6, 2011, as
18 DEFENDANT EXHIBIT 5 is the April 6, 2009 Minute Order).

19 II

20 **NO JUDGMENT WAS ENTERED AWARDING KELMAN \$7,252.65 IN SEPTEMBER 2008 AS FALSELY**
21 **STATED ON THE ABSTRACT OF JUDGMENT**

22 1. Contrary to inference in the 2010 APPELLATE OPINION, no judgment was entered in the case on
23 December 12, 2008. KELMAN and his legal counsel, Keith ("SCHEUER") submitted a ("JUDGMENT
24 DOCUMENT") to this court with their OPPOSITION in which it states costs were awarded by amended
25 judgment to KELMAN in the amount of \$7,252.65 on December 18, 2008. No discussion of this JUDGMENT
26 DOCUMENT date of awarded interest accruing costs is within the OPPOSITION. Attached as OPPOSITION
27 PLAINTIFF EXHIBIT 1 is the purported judgment entered on December 18, 2008, awarding KELMAN costs of
28 \$7,252.65 on December 18, 2008.

2. No mention of a judgment awarding costs to KELMAN of \$7,252.65 on December 18, 2008 is within the
2010 APPELLATE OPINION. PLAINTIFF EXHIBIT 2, shows no mention of any such judgment awarding
KELMAN costs on December 18, 2008, is in the 2010 APPELLATE OPINION.

1 3. Directly evidenced as fraudulent by KELMAN'S own action and as evidenced for this court by
2 KRAMER'S Motion to Vacate Void Judgment, DEFENDANT EXHIBIT 17; the **VOID JUDGMENT DOCUMENT**
3 submitted to this court by KELMAN on October 17, 2011, is inconsistent with the ("ABSTRACT") of Judgment
4 obtained by KELMAN on December 31, 2008. It is inconsistent with the county recorded Judgment ("LIEN")
5 KELMAN'S attorney, SCHEUER, placed on KRAMER'S property on January 20, 2009.

6 4. The ABSTRACT and LIEN obtained by KELMAN and SCHEUER state that interest accruing costs of
7 \$7,252.65 plus \$1 were awarded to KELMAN on September 24, 2008. – Not December 18, 2008 as submitted
8 by KELMAN and SCHEUER to this court.

9 5. As evidenced for this court by Motion to Vacate Judgment DEFENDANT EXHIBITS 3,4,5, both dates
10 (9.24.08 & 12.18.08) of awarded interest accruing costs are fraudulent. SCHEUER did not submit KELMAN'S
11 costs until October 14, 2008 making it impossible for his costs to have been awarded on September 24, 2008.

12 6. Costs were then filled in on the judgment document with no dating or initialing sometime in mid-October
13 2008. This made it appear interest accruing costs were awarded to KELMAN on September 24, 2008 and
14 makes the altered JUDGMENT DOCUMENT void in need of vacating.

15 7. This is also evidenced by PLAINTIFF EXHIBIT 2, page 14, the 2010 APPELLATE OPINION stating
16 KELMAN's costs were submitted in October 2008 – not September 2008. (when SCHEUER submitted costs,
17 he included costs incurred by his trial losing client, ("VERITOX"), formerly known as GlobalTox, in the amount
18 of \$3,626.33).

19 8. One cannot obtain an ABSTRACT without having a signed judgment in hand. Code of Civil Procedure
20 664 states, **"In no case is a judgment effectual for any purpose until entered"**.

21 9. The VOID JUDGMENT DOCUMENT (pre-edit of "mgarland 12/18/08" being added by the dollar amount
22 later) was used to obtain the fraudulent ABSTRACT with interest accruing from September 24, 2008.

23 10. Not refuted in KELMAN'S OPPOSITION; the fraudulent JUDGMENT DOCUMENT submitted to this
24 court by SCHEUER is not consistent with the JUDGMENT DOCUMENT he submitted to obtain the
25 ABSTRACT and subsequent LIEN with interest accruing on KRAMER's property beginning on September 24,
26 2008.

27 11. As it stands today, KELMAN and SCHEUER have placed a LIEN on KRAMER'S home, the only
28 property she owns, for costs incurred by KELMAN and a party she prevailed over in trial, VERITOX; with
interest accruing from a date before KELMAN's (and VERITOX's) costs were even submitted; and with a

1 different JUDGMENT DOCUMENT now submitted to this court as a valid judgment document with a date of
2 awarded costs (12/18/08) that is not mentioned in the 2010 APPELLATE OPINION.

3 12. Evidence also suppressed in the 2010 APPELLATE OPINION, one of the owners of VERITOX, Bryan
4 ("HARDIN") has been an undisclosed party to this litigation for six years. This means KRAMER has a LIEN on
5 her home for interest accruing costs incurred by a party she prevailed over in trial – who was never disclosed
6 to be a party to the litigation – from a date before the undisclosed party's interest accruing costs were even
7 submitted.

8 13. The 2010 APPELLATE OPINION is all over the board as to what judgment was entered when, awarding
9 what to whom. Many inferences are made, but no direct statements. This is because they cannot state or
10 evidence what judgment document(s) they relied upon when accepting jurisdiction of the case. This is
11 evidenced by PLAINTIFF EXHIBIT 2, pages 0, 14, 15.

12 14 They then issued their 2010 APPELLATE OPINION stating "Respondents" awarded costs, knowing.
13 only KELMAN was disclosed on the September 2009 Certificate of Interested Parties to be a party on appeal.
14 Attached to the Opposition, PLAINTIFF EXHIBIT 2, final page of the 2010 APPELLATE OPINION states
15 "Respondents" awarded costs. Attached to Motion to Enter Judgment DEFENDANT EXHIBIT 6, is the
16 Certificate of Interested Parties submitted to the Appellate Court by SCHEUER disclosing only KELMAN as
17 the Respondent, singular, on appeal.

18 15. The Appellate Court was evidenced in both 2006 & 2010 that HARDIN's name was improperly missing
19 on the first Certificate of Interested Parties that SCHEUER submitted to the court in 2006.

20 III

21 APPELLATE COURT IS COMPROMISED, HAS BEEN COLLUDING WITH VERITOX TO DEFRAUD THE 22 PUBLIC VIA THIS MALICIOUS LITIGATION FOR SIX YEARS

23 1. HARDIN is the sixth owner of VERITOX and undisclosed party to this litigation for six years.

24 2. He is KELMAN's co-author of a fraudulent medico-legal policy paper over the mold issue for the ("US
25 CHAMBER") of Commerce that cites false physician authorship. ("US CHAMBER MOLD STATEMENT").

26 3. He is also KELMAN's co-author of a medico-legal policy paper for the American College of Occupational
27 and Environmental Medicine ("ACOEM") ("ACOEM MOLD STATEMENT").

28 4. How these two papers were connected and used together to sell doubt of causation of illness from
moldy buildings in public health policy and in the courts, was the subject of KRAMER's purportedly libelous
March 2005 writing.

1 5. As the Appellate Court was evidenced in June 2006 via an anti-SLAPP Motion, and again when the
2 case was on appeal in 2009, HARDIN's name was improperly missing from the Certificate of Interested
3 Parties. The Appellate Court suppressed the evidence in both 2006 and 2010.

4 6. In 2010, the Appellate Court was evidenced of the impact they would have on US public health policy,
5 when they acknowledged that HARDIN was an undisclosed party to the litigation and acknowledged that
6 KELMAN committed perjury to establish needed reason for malice. Again, they suppressed the evidence of
7 both, in their 2010 Appellate Opinion. (Attached hereto as **EXHIBIT 1**, is an excerpt of KRAMER's Appellate
8 Brief, evidencing for the Appellate Court what would happen to public health policy if they did not suppress the
9 evidence of HARDIN being a party to this litigation and KELMAN committing perjury to establish malice.)

10 7. They chose to suppress the evidence of VERITOX nondisclosure and perjury for a second time in the
11 second Appellate Opinion in this case.

12 8. According to Dr. David Michaels, Director of Federal OSHA, below is evidence of who the Appellate
13 Court has been aiding to conceal has been an undisclosed party to this strategic litigation against public
14 participation for six years, by suppression of evidence.

15 May 22, 2007, to the EPA:

16 "I am writing with an issue of great concern regarding several of the candidates included in the "short
17 list" for the Asbestos Panel of the EPA Scientific Advisory Board (SAB). This list includes several
18 scientists who either own or work for "product defense" consulting firms – firms that are hired by
19 corporations and trade associations to influence policy, especially around environmental and
20 occupational health issues. As a result, **the finances of these scientists are so closely linked to**
21 **companies affected by federal.. policy that they should not be included on a panel whose work**
22 **will help shape policy.....[named] Bryan Hardin, VeriTox, Inc."**

23 David Michaels, PhD, MPH
24 Director, The Project on Scientific Knowledge and Public Policy
25 Research Professor and Acting Chairman
26 Department of Environmental and Occupational Health
27 The George Washington University School of Public Health and Health Services
28 (read online at: <http://freepdfhosting.com/5bb74554fa.pdf>)

IV

NEW MALICIOUS LITIGATION TO FORCE KRAMER INTO SILENCE OF WHAT THE COURTS HAVE DONE TO AID INSURER FRAUD IN COURTS & POLICY

1. The VOID JUDGMENT DOCUMENT, (inconsistent with the ABSTRACT of Judgment, with the date of
costs awarded to KELMAN on December 18, 2008) has also been submitted by KELMAN and SCHEUER in a

1 new lawsuit before Judge Nugent, KELMAN v. KRAMER, November 4, 2010, ("THAT CASE"), Case No. 37-
2 2010-00061530 CU-DF-NC.

3 2. The VOID JUDGMENT DOCUMENT is sole foundation for THAT CASE in which the San Diego courts,
4 (primarily appellate), KELMAN, SCHEUER and many other interested parties/affiliates of the US CHAMBER,
5 would like to see KRAMER be gagged from being able to write of what the courts did in KELMAN &
6 GLOBALTOX v KRAMER ("THIS CASE"), that has aided and abetted interstate insurer fraud, fraud in health
7 policy that is adverse to the public's best interest.

8 3. On July 15, 2011, being fully evidenced of the Appellate Court suppression of evidence of KELMAN's
9 perjury to establish malice Judge Nugent stated in oral argument in THAT CASE, that it was frivolous of
10 KRAMER to want KELMAN to have to corroborate his reason given for malice in THIS CASE.

11 4. The uncontroverted evidence now being suppressed in both THAT CASE and THIS CASE is that
12 KELMAN committed perjury to establish needed reason for KRAMER's malice in THIS CASE

13 V 14 ARGUMENT

15 1. Contrary to KELMAN's OPPOSITION, there is nothing frivolous about a bunch of judges suppressing
16 evidence for **SIX YEARS** of a plaintiff's criminal perjury used to establish needed reason for malice while
17 maliciously and strategically litigating over a matter of public health,

18 2. Contrary to KELMAN's OPPOSITION, there is nothing frivolous about an Appellate Court suppressing
19 evidence **twice** that a notorious "Product Defender" has been an undisclosed party to a malicious litigation
20 adversely impacting public health for six years.

21 3. Contrary to KELMAN's OPPOSITION, there is nothing frivolous about the courts framing a defendant for
22 libel with actual malice in an anti-SLAPP Appellate Opinion and then suppressing the evidence of what they
23 did in a second Appellate Opinion.

24 4. Contrary to KELMAN's OPPOSITION, there is nothing frivolous about the lower court then being used in
25 a new suit to try to gag the defendant from writing of what the Appellate Court did to suppress evidence of
26 parties to the litigation and suppress evidence of plaintiff perjury; and the framing the defendant for libel with
27 actual malice in a litigation over public health.

28 A. Contrary to KELMAN's OPPOSITION, there is nothing frivolous that when rendering the 2006 anti-SLAPP
APPELLATE OPINION they refused to read KRAMER's briefs and evidence and to take judicial notice of the

1 evidence of KELMAN's perjury to establish malice. Submitted by an attorney who has held a license in
2 California for over thirty years, there was nothing wrong with their form. They suppressed KRAMER's
3 evidence of KELMAN's perjury when establishing a false theme for malice. From the 2006 anti-SLAPP
4 OPINION:

5 Initially, we note this lawsuit is not about a conspiracy. This lawsuit was filed by
6 Kelman and GlobalTox alleging one statement in a press release was libelous. Thus,
7 conspiracy issues are not relevant.

8 As appellant, Kramer has the burden of showing error. (See *Howard v. Thrifty*
9 *Drug & Discount Stores* (1995) 10 Cal.4th 424, 443.) "The reviewing court is not
10 required to make an independent, unassisted study of the record in search of error or
11 grounds to support the judgment. It is entitled to the assistance of counsel." (9 Witkin,
12 Cal. Procedure (4th ed. 1997) Appeal, § 594, p. 627.) We may ignore points that are not
13 argued or supported by citations to authorities or the record. (*Kim v. Sumitomo Bank*
14 (1993) 17 Cal.App.4th 974, 979.)

15 Additionally, there was other evidence presented which could support a finding
16 Kramer had a certain animosity against Kelman. Kelman gave an expert opinion in
17 Kramer's lawsuit against her insurance company seeking damages caused by the presence
18 of mold in her home. Kelman stated there did not appear to be a greatly increased level
19 of risk of mold inside the home compared to the levels in the air outside the home. While
20 the Kramer family eventually settled and recovered damages from the insurance
21 company, a reasonable jury could infer that Kramer harbored some animosity toward
22 Kelman for providing expert services to the insurance company and not supporting her
23 position.

24
25 3 Kramer asked us to take judicial notice of additional documents, including the
26 complaint and an excerpt from Kelman's deposition in her lawsuit against her insurance
27 company. We decline to do so as it does not appear these items were presented to the
28 trial court.

DECLARATION OF WILLIAM J. BROWN III, (June 29, 2006)

1 I, William J. Brown III, hereby declare that I am the attorney of record for the Defendant/
2 Appellant in the within action. As such, if called as a witness, I could and would of my own
3 personal knowledge testify to the following:

4 1. The deposition testimony of Bruce Kelman in the Mercury v. Kramer case
5 reveals that he could not testify about health effects of mold exposure regarding Erin
6 Kramer, Defendant's daughter.

7 2. The settlement documents in the same case show that there was a substantial
8 settlement which occurred on October 0f 2003, thus impeaching Plaintiffs' thesis of a
9 bitter sour-grapes litigant, and impeaching Bruce Kelman's declaration in opposition
10 to the 425.16 motion.

11 B. Contrary to KELMAN's OPPOSITION, there is nothing frivolous that in the 2010 APPELLATE OPINION,
12 they declined to do a review of evidence for malice stating it had been done by their peers in 2006. This,
13 while being fully evidenced all courts followed McConnell's lead and suppressed the evidence presented to
14 them from 2007 to 2009 of KELMAN's perjury to establish malice. From the 2010 APPELLATE OPINION as
15 submitted to this court as EXHIBIT 2, PLAINTIFF OPPOSITION.

16 "We recognize that with respect to malice 'courts are required to independently examine the record
17 to determine whether it provides clear and convincing proof thereof.' (McCoy v. Hearst Corp. (1991)
18 227 Cal.App.3d 1657, 1664.) However, in Kelman v. Kramer [2006 anti-SLAPP APPELLATE
19 OPINION] I we expressly rejected Kramer's argument that such independent review entitled her to
20 judgment. Rather, we found that such review had taken place in the trial court and, following our
21 own detailed analysis of the evidence of Kramer's hostility towards Kelman, we left the trial court's
22 determination undisturbed. Given that disposition, we can only conclude that panel which
23 decided Kelman v. Kramer I conducted the required independent review of the record and
24 agreed with the trial court that, as the record stood at that point, there was clear and convincing
25 evidence of malice. Because, as we have indicated the record of malice presented at trial was just
26 as fulsome as the one considered in Kelman v. Kramer I, we cannot depart from our prior decision
27 without also departing from the doctrine of law of the case."

28 C. Contrary to KELMAN's OPPOSITION, there is nothing frivolous that In the 2006 anti-SLAPP APPELLATE
OPINION, Justice McConnell made it appear KRAMER had accused KELMAN of lying about being paid by
the MANHATTAN INSITUTE think-tank for the ACOEM MOLD STATEMENT, thereby framing a US citizen for
libel. KRAMER's writing accurately states the money from the think-tank was for the US CHAMBER MOLD
STATEMENT

"This testimony supports a conclusion Kelman did not deny he had been paid by the
Manhattan Institute to write a paper, but only denied being paid by the Manhattan
Institute to make revisions in the paper issued by ACOEM. He admitted being paid by
the Manhattan Institute to write a lay translation. The fact that Kelman did not clarify that he
received payment from the Manhattan Institute until after being confronted with the Kilian
deposition testimony could be viewed by a reasonable jury as resulting from the poor
phrasing of the question rather from an attempt to deny payment. In sum, Kelman and

1 **GlobalTox presented sufficient evidence to satisfy a prima facie showing that the**
2 **statement in the press release was false."**

3 The purportedly libelous KRAMER writing of March 2005 speaks for itself and is 100% accurate. Like the
4 2006 anti-SLAPP APPELLATE OPINION, it accurately states the exchange of money from the Manhattan
5 Institute think-tank was for the US Chamber's mold statement, ACOEM's was a version of the "Manhattan
6 Institute commissioned piece". From the purportedly libelous writing stating the think-tank money was for the
7 Chamber paper:

8 **"He [Kelman] admitted the Manhattan Institute, a national political think-tank, paid**
9 **GlobalTox \$40,000 to write a position paper regarding the potential health risks of**
10 **toxic mold exposure.....In 2003, with the involvement of the US Chamber of Commerce**
11 **and ex-developer, US Congressman Gary Miller (R-CA), the GlobalTox paper was**
12 **disseminated to the real estate, mortgage and building industries' associations. A version**
13 **of the Manhattan Institute commissioned piece may also be found as a position**
14 **statement on the website of a United States medical policy-writing body, the American**
15 **College of Occupational and Environmental Medicine."**

16 D. Contrary to KELMAN's OPPOSITION, there is nothing frivolous that they suppressed the evidence of what
17 they had done in 2006, in the 2010 APPELLATE OPINION:

18 "In a prior opinion, a previous panel of this court affirmed an order denying
19 Kramer's motion to strike under the anti-SLAPP statute. In doing so, **we largely**
20 **resolved the issues Kramer now raises on appeal. In our prior opinion, we**
21 **found sufficient evidence Kramer's Internet post was false and defamatory as**
22 **well as sufficient evidence the post was published with constitutional malice."**

23 5. Contrary to KELMAN's OPPOSITION, there is nothing frivolous about this new malicious litigation being
24 based solely on a **VOID JUDGMENT DOCUMENT/FRAUDULENT ABSTRACT**, of which the fact that it is
25 void is concealed by double speak in an Appellate Opinion.

26 6. Contrary to KELMAN's OPPOSITION, there is nothing frivolous about the courts turning a blind eye for
27 **SIX YEARS** to a California licensed attorney, Keith SCHEUER's repeated **Business & Professions Code 6068**
28 violations, that are used to harass a defendant and aid to conceal the courts suppression of evidence of
criminal perjury, adverse to public health.

7. Contrary to KELMAN's OPPOSITION, there is nothing frivolous of a defendant now in financial ruin by
the courts suppression of evidence of numerous **Business & Professions Code 6068** violations of a California
licensed attorney including repeated suborning of criminal perjury and subsequently litigating to keep this and
the courts' involvement from coming to public light.

1 8. Contrary to KELMAN's OPPOSITION, there is nothing frivolous of the devastation to many people's lives
2 caused by the San Diego courts, primarily their Appellate Court, suppressing evidence that THIS CASE has
3 been six years worth of malicious, Strategic Litigation Against Public Participation carried out by criminal
4 means while aiding to conceal a fraud in public health policy, in US courts and in California's workers comp
5 "reform".

6 9. Contrary to KELMAN's attempt to muzzle KRAMER and hold her in contempt, KRAMER is following the
7 law and refuses to be a victim of the compromised courts, and then victimized again by being forced into
8 silence, thereby becoming an accomplice to their corruption so others may continue to be victimized.

9 10. Contrary to KELMAN's OPPOSITION attempting to portray KRAMER as a lowly "unemployed real
10 estate agent", KRAMER was able to cause the Federal GAO to audit of the current state of science over the
11 mold issue. By doing so, she knocked VERITOX's "garbage science" out of federal policy. Eventually, she will
12 get an investigation into the corruption of the San Diego Courts, particularly the Fourth District Division One
13 Appellate Court, to finish the job and knock the fraud out of the courts. (*Attached hereto as EXHIBIT 2, is a*
14 *portion of a book regarding some of what KRAMER has accomplished to rid VERITOX's "garbage science"*
15 *from policy*)

16 11. The courts can simply forget the possibility that KRAMER will stop writing of what they have done to
17 collude with VERITOX, "GAG ORDER" obtained by fraudulent means, or not.

18 12. This court currently holds jurisdiction over this case and has the ability and duty to correct errors of
19 prior courts overseeing this case and to enter/vacate judgments. ***"We reject Nicholas's efforts to transform***
20 ***one of the initial trial judge's prior sealing orders into a juridical black hole from which no light can***
21 ***ever escape... Erecting a jurisdictional barrier would effectively prevent the court from exercising***
22 ***custody and control over its own files".*** In the Marriage of Nichols, 186 Cal.App.4th 1566 (2010) 1573

23 13. This court has the ability and the obligation to take action against Keith SCHEUER and submit a
24 complaint to the California State Bar for (among other matters) his submission of a known fraudulent judgment
25 document to this court on October 17, 2011, not consistent with the Abstract of Judgment he obtained on
26 December 31, 2008; and for trying to bamboozle this court into relying upon prior improvidently entered orders
27 of prior courts.
28

1 Business & Professions Code 6068(g) states an California licensed attorney is, ***"Not to encourage either***
2 ***the commencement or the continuance of an action or proceeding from any corrupt motive of passion***
3 ***or interest"***.

4 B&P 6068(o)(7) states, ***"To report to the agency charged with attorney discipline, in writing, within***
5 ***30 days of the time the attorney has knowledge of any of the following:....Reversal of judgment in a***
6 ***proceeding based in whole or in part upon misconduct, grossly incompetent representation, or willful***
7 ***misrepresentation by an attorney."***

8 By law, ***"..once the attorney realizes that he or she has misled the court, even innocently, he or she***
9 ***has an affirmative duty to immediately inform the court and to request that it set aside any orders***
10 ***based upon such misrepresentation; also, counsel should not attempt to benefit from such***
11 ***improvidently entered orders."*** Datig v. Dove Books, Inc. (1999) 73 Cal.App.4th 964, 981

12 Canon of Judicial Ethics 3D(2) states, ***"Whenever a judge has personal knowledge that a lawyer has***
13 ***violated any provision of the Rules of Professional Conduct, the judge shall take appropriate***
14 ***corrective action."***

15 VII 16 CONCLUSION

17 1. The ABSTRACT OF JUDGMENT and the JUDGMENT LIEN awarding KELMAN interest accruing costs
18 commencing on September 24, 2008 are evidenced to be fraudulent by the evidence of submission of
19 KELMAN's costs, three weeks later on October 14, 2008. This date of submission of costs is so noted in the
20 2010 APPELLATE OPINION. The date a judgment of interest accruing costs awarded to KELMAN is
21 ambiguous in the 2010 APPELLATE OPINION – because there never was a judgment properly entered after
22 trial. The Appellate Court, KELMAN and SCHEUER violated CCP 664 which states, ***"No judgment is effectual***
23 ***for any purpose until entered."*** The VOID JUDGMENT/ABSTRACT OF JUDGMENT awarding KELMAN
24 interest accruing costs of \$7,252.65 as of September 24, 2008, must be VACATED by the presiding court.

25 2. Double speak in the 2010 APPELATE OPINION makes it appear that there is a judgment in the lower
26 court awarding KRAMER her rightfully due costs of \$2,545.28 as the prevailing party over VERITOX (a
27 pittance of what this fiasco has actually cost her). A JUDGMENT AWARDING KRAMER costs in the amount
28 of \$2,545.28 must be ENTERED by the presiding court.

Dated

Sharon Kramer, Pro Per

DECLARATION OF SHARON KRAMER

When this court vacates the Void Judgment/Abstract of Judgment, it will help to save many lives.

As one example of what has happened to people from the San Diego courts, particularly its appellate court suppressing the evidence that this has been a SLAPP suit over a very serious subject matter impacting public health:

- There are five workers injured by mold in a car dealership in California.
- They were healthy before working in the water damaged building.
- When they got sick, they were sent to the insurers' examining physician.
- Their workers comp claims have been delayed and denied based largely on the physician citing the ACOEM mold statement that they could not be ill from the building.
- They are on state disability and unable to work.
- Each one has cost the taxpayer approximately \$50,000, so far.
- DA Dumanis started to investigate
- She stopped investigating when provided the evidence that McConnell, Huffman, et. al were the reason the ACOEM Mold Statement is still in policy.
- IF the San Diego courts would have recognized this is SLAPP right from the beginning in 2005, the fact that it is false science marketed into policy by VERITOX et al, that moldy buildings do not harm, would not have been suppressed from the physicians of America. There would have been a better chance that the physicians acknowledged the indoor environment as a cause of worker illnesses.
- The car dealership owner would have been more inclined to understand the importance of properly addressing water damage.
- Instead, the workers are disabled and the dealership owner is in a long term litigation with them.
- Instead of KELMAN being in jail for committing criminal perjury in a malicious, strategic litigation that has cost me millions while aiding to suppress known serious illness from mold in physician education; he is making money off of these types of cases everyday.
- This is by his serving as an expert defense witness in the case, with his testimony being supported by the fraud they were able to get into policy with the aid of ACOEM and the US Chamber.
- This fraud remains in policy directly because of the San Diego courts aiding with a malicious, strategic litigation for now six long years and suppressing the evidence of Kelman's use of perjury to establish needed reason for malice.
- Hardin and Robbins of VERITOX are also frequently retained as experts generating income from the same.

Stated in KELMAN's OPPOSITION written by SCHEUER to give this court a false portrait of me, he glosses over the four main facts: 1. KELMAN committed perjury to establish malice. 2. HARDIN is an undisclosed party. 3. The Appellate Court framed me, 4. The ABSTRACT is inconsistent with the Judgment Document presented to this court and to Judge Nugent. *"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."* Roston v. Edwards (1982) 127 Cal.App.3d 842 [179 Cal.Rptr. 830, The inflaming attorney in Roston was Keith Scheuer.

1 I am not the one who keeps filing lawsuits to silence another, so my fraud in science may continue to be
2 marketed to the courts and in physician miseducation for my profit by the suppression of evidence of my
strategically litigating by criminal means. KELMAN and VERITOX are.

3 To my knowledge KELMAN's ExParte for Contempt of Court is scheduled for this Friday, October 22, 2010
4 (Attached hereto as **EXHIBIT 3**, is my Reply regarding the courts trying to muzzle me into silence by a gag
order of the courts' suppressing evidence of KELMAN's perjury – which is abuse of the courts.)

5 This malicious litigation against me, need to be made to stop, NOW! I will not be silenced of what the courts
6 have done to me while knowing they are aiding interstate insurer fraud in policy and before the courts over the
7 mold issue - adverse to the public's best interest.

8 I declare under penalty of perjury under the laws of California the foregoing is true and correct to the best of
9 my knowledge and executed by me this day in Escondido, California.

10 _____
Date

Sharon Kramer, Pro Per

**APPENDIX OF WHY MRS. KRAMER CANNOT SIGN MR. KELMAN'S
PROPOSED "RETRACTION BY MRS. KRAMER" WITHOUT COMMITTING
PERJURY, DEFRAUDING THE PUBLIC & AIDING TO CONCEAL JUDICIAL
MISCONDUCT**

This document may be read online at: ContemptOfCourtFor:ME

No retraction by Sharon Kramer.....	1
Inability to sign retraction by Sharon Kramer without committing perjury & defrauding the public	2
Appellate Court crafted opinions to make a writing appear to have made an accusation of perjury that it did not make.....	3

**HOW THE SAN DIEGO COURTS FRAMED A US CITIZEN FOR
LIBEL OVER A WRITING IMPACTING PUBLIC HEALTH
& BILLIONS OF INSURANCE INDUSTRY DOLLARS**

The 2006 & 2010 Appellate Opinions omitted fourteen key lines from the middle of Mr. Kelman's testimony in Oregon.....	4
All courts suppressed the evidence of Mrs. Kramer's unimpeached explanation for using the phrase, "altered his under oath statements".....	5
Mrs. Kramer's writing accurately states the think-tank money was for the US Chamber Mold Statement.....	7
The 2006 anti-SLAPP Appellate Opinion falsely made it appear Mrs. Kramer accused Mr. Kelman of lying about being paid for the ACOEM Mold Statement.....	7
The 2010 Appellate Opinion concealed what judicial peers had done in 2006 to frame Mrs. Kramer for libel.....	8
Mr. Kelman's attorney's role in making it falsely appear Mrs. Kramer accused Mr. Kelman of lying about being paid to author the ACOEM Mold Statement.....	8
This Court is aware that Mr. Kelman and Mr. Scheuer want Mrs. Kramer gagged from being able to write of how prior courts and Mr. Scheuer framed her for libel over the words, "altered his under oath statements".....	9
Mr. Kelman DID commit perjury – in <u>Kelman & GlobalTox v. Kramer</u> to establish false theme for malice.....	10

This Court knows Mr. Kelman's testimony as an expert defense witness in mold litigation is not based on accepted science.....	12
Prior to issuing the temporary injunctive relief order, this Court was provided evidence of the continued adverse impact on the public if Mrs. Kramer was stopped from writing of what prior courts had done.....	13
Mrs. Kramer is unable to sign proposed retraction without committing perjury, defrauding the public, concealing judicial misconduct & aiding to defile the Constitution.....	14
Retraction by Justice Judith McConnell, Chair of the California Commission on Judicial Performance.....	14
Declaration of Sharon Noonan Kramer.....	15

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6 Attorney for Plaintiff
7 BRUCE J. KELMAN

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10
11 FOR THE COUNTY OF SAN DIEGO, NORTH DISTRICT

12 BRUCE J. KELMAN,) CASE NO.:
13) 37-2010-00061530-CU-DF-NC

14 I cannot retract the actions of others. I am unable to sign Mr. Kelman's February 10, 2012
15 (Proposed) RETRACTION BY SHARON KRAMER for what Mr. Kelman's attorney, Mr.
16 Scheuer, and the Courts did to make it appear Mr. Kelman was falsely accused of perjury in my
17 March 2005 writing - without committing perjury myself. Nor can I remain silent of Mr.
18 Scheuer's and the Courts' actions without harming the lives of thousands. They framed me for
19 libel for the words, "altered his under oath statements" in the first public writing of how it
20 became a fraud in US public health policy that it was scientifically proven moldy buildings do not
21 harm - thereby casting doubt on all my truthful words of the fraud by unlawfully deeming me to
22 be a "malicious liar". This was a SLAPP suit from the beginning. Seven years does not change
23 that or the continued damage from the courts' actions.

24 *Sharon Kramer, 2012*

Sharon Kramer Kramer

25 In May, 2005, Dr. Bruce J. Kelman and Globaltox, Inc.
26 (now known as Veritox, Inc.) filed a defamation action
27 against me relating to a statement that I made in a press
28 release that Dr. Kelman had "altered his under oath
29 statements" while testifying as an expert witness in a civil
30 lawsuit in Oregon. It was not my intention in writing the
31 press release to state or imply that Dr. Kelman had
32 committed perjury. I do not believe that Dr. Kelman
33 committed perjury. I apologize to Dr. Kelman and his
34 colleagues at Veritox, Inc. for all statements that I have

1 made that stated or implied otherwise. I sincerely regret any harm or damage that I
2 may have caused.

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

5 Executed on February 10, 2012 at Vista, California.

6
7 SHARON N. KRAMER

8 INABILITY TO SIGN RETRACTION BY SHARON KRAMER WITHOUT
9 COMMITTING PERJURY & DEFRAUDING THE PUBLIC

10 All of the following information and corroborating evidence is within the case file of
11 Kelman v. Kramer, Case No 37-2010-00061530-CU-DF-NC, San Diego North County
12 Superior Court. Although not by Court Order or Judgment, this Court is verbally directing
13 Mrs. Kramer as of March 2, 2012, to sign this retraction stating that she did not mean to
14 accuse Mr. Kelman of committing perjury when testifying as an expert defense witness in a
15 mold trial in Oregon on February 13, 2005.

16 The threat is that Mrs. Kramer will be indefinitely incarcerated for Civil Contempt of
17 Court until she is coerced into committing perjury by retracting an allegation she never
18 made and coerced into silence of justices of the Fourth District Division One "Appellate
19 Court" crafting opinions to make the false finding of libel; thereby aiding to conceal how
20 their judicial misconduct has harmed the lives of thousands and has defiled the First
21 Amendment of the Constitution of the United States.

22 In Kelman & GlobalTox v. Kramer, Superior Court Case No. GIN044539 (2005), the
23 courts willfully framed Mrs. Kramer for libel over the words, "*altered his under oath*
24 *statements*". These five words are the only words for which Mrs. Kramer has ever been
25 sued. These words were found within the first public writing of how a fraudulent concept
26 mass marketed into public health policy that it was scientifically proven moldy buildings do
27 not harm. The writing name the names of those involved and explained how they did it.
28

1 Then in the second case, Kelman v. Kramer (2010), she was gagged from writing the
2 exact words for which she was framed for libel in the first case, "*altered his under oath*
3 *statements*". This makes it impossible for Mrs. Kramer to write of the continued adverse
4 impact on her and the public caused by judicial misconduct of crafting opinions to the false
5 finding of libel without violating a court order and running the risk of being indefinitely
6 incarcerated for speaking the truth in America –without ever being charged with a crime
7 and with no access to a jury trial .. This makes it impossible for her to seek help to stop the
8 court harassment aiding to conceal judicial misconduct and its continued adverse impact on
9 her and the public.

10 **APPELLATE COURT CRAFTED OPINIONS TO MAKE A WRITING APPEAR**
11 **TO HAVE MADE AN ACCUSATION OF PERJURY THAT IT DID NOT MAKE**

12 In seven years time, no one has provided any evidence that Mrs. Kramer does not believe
13 the truth of her words, "*altered his under oath statements*" are an accurate description of Mr.
14 Kelman's testimony when serving as an expert defense witness in a mold trial in Oregon on
15 February 18, 2005. No one can even state how those words translate into a false allegation
16 that Mr. Kelman committed perjury. [Emphasis added]

17 The artfully crafted and false finding of the courts is that Mrs. Kramer's writing of
18 March 2005 accused Mr. Kelman of lying about being paid by the Manhattan Institute
19 think-tank to make revisions to the American College of Occupational and Environmental
20 Medicine "ACOEM" Mold Position Statement of 2002.

21 Mrs. Kramer's March 2005 writing speaks for itself. It accurately states that Mr.
22 Kelman admitted he was paid by the Manhattan Institute think-tank to author the US
23 Chamber's Mold Position Statement of 2003 when forced to discuss the two mold policy
24 papers together in front of a jury. The writing accurately states that. ACOEM's 2002 Mold
25 Position Statement was a "*version of the Manhattan Institute commissioned piece*" that Mr.
26 Kelman and Veritox co-owner Bryan Hardin, authored for the US Chamber of Commerce.
27
28

1 The transcript of the Oregon trial provides the evidence that Mr. Kelman was attempting
2 to say the two medico-legal policy papers were not connected (in setting policy which aids
3 to provide undue credibility to his opinion when serving as a professional defense witness
4 in mold litigation). The transcript shows that at the same time, he had to admit their close
5 connection. This altering and obfuscating testimony transpired after Mr. Kelman attempted
6 to shut down the line of questioning of the two papers' dubious origins and their close
7 relationship by shouting "*ridiculous*" when ask about the involvement of think-tank money.

8 Mr. Kelman was forced to discuss the two medico-legal policy papers together only after
9 a prior testimony of his from Arizona (2004) was permitted into the 2005 Oregon mold trial
10 over the defense attorney's objection. All courts overseeing the libel case of Kelman &
11 GlobalTox v. Kramer, suppressed Mrs. Kramer's unimpeached explanation that this is why
12 she used the phrase, "*altered his under oath statements*" to describe Mr. Kelman's
13 obfuscating and flip flopping testimony of February 18, 2005. The courts then crafted their
14 opinions to make Mrs. Kramer's writing in question appear to have made an allegation of
15 perjury that it did not make.

16
17 **HOW THE SAN DIEGO COURTS FRAMED A US CITIZEN FOR LIBEL**
18 **OVER A WRITING IMPACTING PUBLIC HEALTH AND BILLIONS OF**
19 **INSURANCE INDUSTRY DOLLARS**

20 **THE 2006 & 2010 APPELLATE OPINIONS OMITTED FOURTEEN KEY LINES**
21 **FROM THE MIDDLE OF MR. KELMAN'S TESTIMONY IN OREGON**

22 In both the 2006 anti-SLAPP Appellate Opinion and the "reviewing" 2010 Appellate
23 Opinion, fourteen key lines were deleted from the middle of the Oregon case transcript.
24 This completely changed the color of Mr. Kelman's testimony on February 18, 2005. It
25 made it appear that Mr. Kelman willingly discussed the connection of the US Chamber
26 Mold Statement to that of ACOEM's; aiding to make Mrs. Kramer's accurate description of
27 "*altered his under oath statements*" appear false. From the actual transcript illustrating the
28 14 key lines the Appellate Court omitted from the transcript in their opinions.

1 MR. VANCE: And, you participated in those revisions?

2 BRUCE J. KELMAN: Well, of course, as one of the authors.

3 MR. VANCE: All right. And, isn't it true that the Manhattan Institute paid GlobalTox
4 \$40,000 to make revisions in that statement?"

5 KELMAN: That is one of the most ridiculous statements I have ever heard.

6 MR. VANCE: Well, you admitted it in the Killian deposition [*sic bench trial*], sir.

7 BRUCE J. KELMAN: No. I did not. (Typd.Opn.pp.4)

8 **(Omitted From the 2006 & 2010 Opinions):**

9 MR. VANCE: Your Honor, may I approach. Would you read into the record, please,
10 the highlighted parts of pages 905 and 906 of the trial transcript in that case.

11 MR. KECLE: Your Honor, I would ask that Dr. Kelman be provided the rest of the
12 transcript under the rule of completeness. He's only been given two pages.

13 JUDGE VANDYKE: Do you have a copy of the transcript?

14 MR. KECLE: I do not.

15 MR. VANCE: Your Honor, I learned about Dr. Kelman just a –

16 JUDGE VANDYKE: How many pages do you have?

17 MR. VANCE: I have the entire transcript from pages –

18 JUDGE VANDYKE: All right. Hand him the transcript.

19 MR. VANCE: I'd be happy to give it to him, Your Honor.

20 JUDGE VANDYKE: All right. (App.Opn.Brf.Erta,pp.26)

21 **(Back In The 2006 & 2010 Opinions)**

22 MR. VANCE: Would you read into the record the highlighted portions of that
23 transcript, sir?

24 MR. KELMAN: "And, that new version that you did for the Manhattan Institute, your
25 company, GlobalTox got paid \$40,000. Correct. Yes, the company was paid \$40,000
26 for it."

27 **ALL COURTS SUPPRESSED THE EVIDENCE OF MRS. KRAMER'S**
28 **UNIMPEACHED EXPLANATION FOR USING THE PHRASE,**
"altered his under oath statements"

29 All courts in the case of Kelman & GlobalTox v. Kramer, suppressed Mrs. Kramer's
30 unimpeached explanation of what she was referring to by the use of the sentence, "*Upon*
31 *viewing documents presented by the Haynes' attorney of Kelman's prior testimony from a*
32 *case in Arizona, Dr. Kelman altered his under oath statements on the witness stand.*"
33 .Since July of 2005, she has provided never impeached evidence that she believes Mr.
34 Kelman was obfuscating to hide the true connection of ACOEM to the US Chamber in
35 promoting false science in US public health policy for the purpose of misleading US courts.

1 As evidenced by the transcript of Mr. Kelman's Oregon testimony, once forced to
2 discuss the two papers together, he was trying to say they were not connected while having
3 to admit they were.

4 (from Mrs. Kramer's Appellate Brief of 2009)

5 "Declaration of Kramer submitted to the courts, July 2005: He [Kelman] went on to
6 say GlobalTox was paid for the 'lay translation' of the ACOEM Statement. He
7 then altered to say 'They're two different papers, two different activities.' He
8 then flipped back again by saying, 'We would have never been contacted to do a
9 translation of a document that had already been prepared, if it hadn't already
10 been prepared.' By this statement he verified they were not two different papers,
11 merely two versions of the same paper. And that is what this lawsuit is really all
12 about.

13 The rambling attempted explanation of the two papers' relationship coupled with
14 the filing of this lawsuit intended to silence me, have merely spotlighted Kelman's
15 strong desire to have the ACOEM Statement and the Manhattan Institute Version
16 portrayed as two separate works by esteemed scientists.

17 In reality, they are authored by Kelman and Hardin, the principals of a corporation
18 called GlobalTox, Inc. – a corporation that generates much income denouncing the
19 illnesses of families, office workers, teachers and children with the purpose of
20 limiting the financial liability of others. One paper is an edit of the other and both
21 are used together to propagate biased thought based on a scant scientific
22 foundation.

23 Together, these papers are the core of an elaborate sham that has been perpetrated
24 on our courts, our medical community and the American public. Together, they are
25 the vehicle used to give financial interests of some indecent precedence over the
26 lives of others.'(Appellant Appendix Vol.1 Ex.8:157-158) (Response to Court's
27 Query, pp.10-11)"¹

28 ¹ The evidence in the case file shows that the US Chamber's Mold Position Statement cites false
authorship of being co-authored by a physician employed by the Regents of the University of
California, now retired. In reality, the paper was only authored by Bruce Kelman & Bryan Hardin of
Veritox – two PhD's with no background in mold research. The billing records, canceled checks
made out only to GlobalTox and under oath testimony of the UCLA physician stating he did not
author the US Chamber Mold Statement are in the files of this case and the files of the first case; in
which the Appellate court framed Mrs. Kramer for libel for the words, "*altered his under oath*
statements". The evidence on record also shows the Appellate Court was aware when they rendered
their crafty 2010 opinion that the US Chamber Mold Statement had recently been submitted by a DC
PAC via an Amicus to lend credibility to Mr. Kelman's expert defense opinions. It is a mold case in
AZ involving two deceased newborns & a \$25M Travelers' Insurance policy. They knew that IF they
acknowledged the subject paper of Mrs. Kramer's writing, the US Chamber Mold Statement cited
false authorship, Mr. Kelman's expert opinion on behalf of Travelers's would have been discredited.

1 **MRS. KRAMER'S WRITING ACCURATELY STATES THE THINK-**
2 **TANK MONEY WAS FOR THE US CHAMBER MOLD STATEMENT**

3 Mrs. Kramer's March 2005 writing accurately states Mr. Kelman admitted being paid by
4 the Manhattan Institute to author the US Chamber Mold Position Statement and that
5 ACOEM's was "*a version of the Manhattan Institute commissioned piece*".

6 "Upon viewing documents presented by the Hayne's attorney of Kelman's prior
7 testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the
8 witness stand. He admitted the Manhattan Institute, a national political think-tank, paid
9 GlobalTox \$40,000 to write a position paper regarding the potential health risks of toxic
10 mold exposure.....In 2003, with the involvement of the US Chamber of Commerce and
11 ex-developer, US Congressman Gary Miller (R-CA), the GlobalTox paper was
12 disseminated to the real estate, mortgage and building industries' associations. A
13 version of the Manhattan Institute commissioned piece may also be found as a position
14 statement on the website of a United States medical policy-writing body, the American
15 College of Occupational and Environmental Medicine."

16 **THE 2006 anti-SLAPP APPELLATE OPINION FALSELY MADE IT APPEAR**
17 **MRS. KRAMER ACCUSED MR. KELMAN OF LYING ABOUT BEING PAID FOR**
18 **THE ACOEM MOLD STATEMENT**

19 While suppressing the evidence that Mrs. Kramer gave a logical and unimpeached
20 explanation of why she used the phrase, "*altered his under oath statements*" and ignoring
21 the writing accurately stated Mr. Kelman's company was paid to author the US Chamber's
22 Mold Statement, not ACOEM's; in their anti-SLAPP appellate opinion of 2006 the court
23 falsely made it appear Mrs. Kramer had accused Mr. Kelman of lying about being paid to
24 author the ACOEM Mold Position Statement of 2002. From the 2006 Appellate anti-
25 SLAPP Opinion:

26 "This testimony supports a conclusion Kelman did not deny he had been paid
27 by the Manhattan Institute to write a paper, but only denied being paid by the
28 Manhattan Institute to make revisions in the paper issued by ACOEM. He
 admitted being paid by the Manhattan Institute to write a lay translation. The
 fact that Kelman did not clarify that he received payment from the Manhattan
 Institute until after being confronted with the Kilian deposition testimony could
 be viewed by a reasonable jury as resulting from the poor phrasing of the
 question rather from an attempt to deny payment. In sum, Kelman and
 GlobalTox presented sufficient evidence to satisfy a prima facie showing that
 the statement in the press release was false."

1 **THE 2010 APPELLATE OPINION CONCEALED WHAT JUDICIAL PEERS HAD**
2 **DONE IN 2006 TO FRAME MRS. KRAMER FOR LIBEL**

3 In 2010, again deleting the fourteen key lines of Mr. Kelman's testimony in the Oregon
4 trial; again suppressing the evidence that Mrs. Kramer gave a logical and unimpeached
5 explanation for the use of the phrase "*altered his under oath statements*"; and having been
6 provided the evidence of error by their peers in 2006; the Appellate Court ignored the
7 evidence Mrs. Kramer had been framed for libel in the 2006 anti-SLAPP Appellate
8 Opinion. They wrote:

9 In a prior opinion, a previous panel of this court affirmed an order denying
10 Kramer's motion to strike under the anti-SLAPP statute. In doing so, we largely
11 resolved the issues Kramer now raises on appeal. In our prior opinion, we found
12 sufficient evidence Kramer's Internet post was false and defamatory as well as
13 sufficient evidence the post was published with constitutional malice."

14 **MR. KELMAN'S ATTORNEY'S ROLE IN MAKING IT FALSELY APPEAR MRS.**
15 **KRAMER ACCUSED MR. KELMAN OF LYING ABOUT BEING PAID TO**
16 **AUTHOR THE ACOEM MOLD STATEMENT**

17 Mr. Kelman's attorney, Mr. Scheuer, deceptively encouraged the above court false
18 finding of libel in his briefs. He did this by attributing the words of the plaintiff attorney in
19 the Oregon case, Calvin Vance, to Mrs. Kramer's writing of the case. This is illustrated by
20 Mr. Scheuer's Respondent Brief, submitted to the Appellate Court in September of 2009:

21 i.) (Respondent' Brief, Page 7) describing the actions of Mr. Vance:

22 *"During the Haynes trial, the Haynes's counsel, Calvin Kelly' Vance,*
23 *insinuated that Dr. Kelman had accepted money from The Manhattan Institute*
24 *and in return had skewed the content of the ACOEM scientific study."*

25 ii.) (Respondent' Brief, Page 6) attributing Mr. Vance's words to Mrs. Kramer's writing,
26 while leaving out the rest of Mrs. Kramer's writing where she accurately stated the
27 exchange of Manhattan Institute think-tank money was for the US Chamber's Mold
28 Position Statement. Mr. Scheuer's Respondent brief willfully and falsely inferred that
Mrs. Kramer's writing accused Mr. Kelman of lying about taking think-tank money for
the ACOEM Mold Position Statement.

1 *"In her press release, Appellant stated: 'Upon viewing documents presented by*
2 *the Haynes [sic] attorney of Kelman's prior testimony from a case in Arizona,*
3 *Dr. Kelman altered his under oath statements on the witness stand. He admitted*
4 *The Manhattan Institute, a national political think-tank, paid GlobalTox \$40,000*
5 *to write a position paper regarding the potential health risks of toxic mold*
6 *exposure.'"* [sic, omitted, for the position statement of the US Chamber of
7 Commerce]

8 **THIS COURT IS AWARE THAT MR. KELMAN AND MR SCHEUER WANT**
9 **MRS. KRAMER GAGGED FROM BEING ABLE TO WRITE OF HOW PRIOR**
10 **COURTS AND MR. SCHEUER FRAMED HER FOR LIBEL OVER THE WORDS,**
11 **"altered his under oath statements"**

12 In the original complaint of this case filed in November of 2010, Mr. Kelman wanted
13 Mrs. Kramer gagged from writing the following as illustrated by the original proposed
14 Temporary Injunctive Relief Order which states:

15 *"The libelous passage of the press release states: 'Dr. Bruce Kelman of GlobTox, Inc,*
16 *a Washington based environmental risk management company, testified as an expert*
17 *witness for the defense, as he does in mold cases through the country. Upon viewing*
18 *documents presented by the Hayne's [sic] attorney of Kelman's prior testimony from a*
19 *case in Arizona, Dr. Kelman altered his under oath statements on the witness stand. He*
20 *admitted the Manhattan Institute, a national political think tank, paid GlobalTox*
21 *\$40,000 to write a position paper regarding the potential health risks of toxic mold*
22 *exposure.'"*

23 The Court is aware that they wanted Mrs. Kramer gagged from writing absolutely true
24 statements of how it became a false concept in US public health policy that it was
25 scientifically proven moldy buildings do not harm, with the prior courts framing her for
26 libel for the truthful words. This is evidenced by the fact that this Court understood Mrs.
27 Kramer's writing accurately stated the think-tank money was for the US Chamber Mold
28 Statement and did not grant Mr. Kelman's request that Mrs. Kramer could be gagged by
29 temporary injunctive relief order "TIRO" from writing all of the above.

30 Instead, the Court granted a TIRO containing the five words for which Mrs. Kramer was
31 sued and framed for libel, *"altered his under oath statements"* while gagging her from
32 writing a sentence that is not even in Mrs. Kramer's writing of March 2005. This Court
33 ordered by TIRO that Mrs. Kramer' be enjoined from writing,

1 *"Dr. Kelman altered his under oath statements on the witness stand' when he*
2 *testified in a trial in Oregon."* [sic, *that based solely on his toxicology model, he*
3 *professed it was proven the Haynes children's illnesses "Could not be" caused by*
4 *mold toxins*]

5 **MR. KELMAN DID COMMIT PERJURY – IN KELMAN & GLOBALTOX V.**
6 **KRAMER TO ESTABLISH FALSE THEME FOR MALICE**

7 Within the Retraction proposed by Mr. Kelman, it states that Mrs. Kramer is to sign
8 under penalty of perjury, *"I do not believe that Dr. Kelman committed perjury. I apologize*
9 *to Dr. Kelman and his colleagues at VeriTox, Inc. for all the statements that I have made that*
10 *stated or implied otherwise."* The only words for which Mrs. Kramer has been sued and
11 deemed by the courts to be a malicious liar are *"altered his under oath statements"*. In libel
12 law one must establish a reason for malice. The undisputed evidence in both libel cases is
13 that Mr. Kelman committed perjury to establish a false theme for Mrs. Kramer to harbor
14 malice for him. He submitted declarations three times which falsely stated that when
15 retained as an expert defense witness in Mrs. Kramer's mold litigation (2002-03) he had
16 testified the *"types and amount of mold in the Kramer house could not have caused the life*
17 *threatening illnesses she claimed."* His attorney then wrote as a false reason of why Mrs.
18 Kramer was writing of the fraud in US public health policy, *"Apparently furious that the*
19 *science conflicted with her dreams of a remodeled home, Kramer launched into an*
20 *obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox."*

21 All courts suppressed Mrs. Kramer's uncontroverted evidence that Mr. Kelman gave no
22 such malice causing testimony in Mrs. Kramer's mold litigation, including declarations
23 submitted by attorneys involved in the case. All courts ignored the fact that there was not a
24 single piece of evidence presented that Mrs. Kramer was in the least unhappy with Mr.
25 Kelman's involvement in her own mold litigation. All courts ignored the evidence that
26 Mrs. Kramer received approximately \$500K in settlement from the case.

27 On July 15, 2011, Mrs. Kramer asked this Court that Mr. Kelman's attorney be made to
28 corroborate the reason given for malice – as no court in the prior case would make him and
all suppressed the evidence that he was perjury to establish needed theme for malice.

1 This Court said it was "frivolous" that a plaintiff in a libel litigation be make to
2 corroborate reason given for malice and threatened to sanction Mrs. Kramer. The evidence
3 is undeniable in this Court's case file. All courts in the prior case suppressed the evidence
4 that Mr. Kelman committed perjury to establish needed reason for malice.

5 After being provided no less than 28 pieces of evidence that Mr. Kelman had committed
6 perjury to establish malice while strategically litigating against public participation and all
7 courts suppressed the evidence, the Appellate Court wrote in their 2010 Opinion:

8 We recognize that with respect to malice "courts are required to independently
9 examine the record to determine whether it provides clear and convincing proof
10 thereof." (McCoy v. Hearst Corp. (1991) 227 Cal App.3d 1657, 1664.) However, in
11 *Kelman v. Kramer I* (sic, the 2006 anti-SLAPP Appellate Opinion) we expressly
12 rejected Kramer's argument that such independent review entitled her to
13 judgment....Given that disposition, we can only conclude that panel which decided
Kelman v. Kramer I conducted the required independent review of the record and
agreed with the trial court that, as the record stood at that point, there was clear and
convincing evidence of malice.

14 Falsely stated in the 2010 Appellate Opinion, in 2006 the Appellate Justices did no
15 review of Mrs. Kramer's evidence that Mr. Kelman was committing perjury to establish
16 needed reason for malice. The Appellate Court even refused to acknowledge the evidence
17 that Mr. Kelman committed perjury to establish false theme for malice. They refused to
18 read Mrs. Kramer's exhibits that were attached to briefs that were properly written by an
19 attorney who has been licensed in California for over thirty years. Specifically, in 2006, the
20 Appellate Justices wrote:

21 Kramer asked us to take judicial notice of additional documents, including the
22 complaint and an excerpt from Kelman's deposition in her lawsuit against her
23 insurance company [sic, the evidence that Kelman submitted false declarations as a
24 reason for malice claiming to have given a malice causing testimony in Mrs.
Kramer's mold litigation, that he never even gave].

25 As appellant, Kramer has the burden of showing error. (See Howard v. Thrifty Drug
26 & Discount Stores (1995) 10 Cal.4th 424, 443.) "The reviewing court is not required
27 to make an independent, unassisted study of the record in search of error or grounds
28 to support the judgment. It is entitled to the assistance of counsel." (9 Witkin, Cal.
Procedure (4th ed. 1997) Appeal, § 594, p. 627.) We may ignore points that are not
argued or supported by citations to authorities or the record.

1 **THIS COURT KNOWS MR. KELMAN'S TESTIMONY AS AN EXPERT DEFENSE**
2 **WITNESS IN MOLD LITIGATION IS NOT BASED ON ACCEPTED SCIENCE**

3 On February 10, 2012, this Court sheepishly stated at the prior Contempt of Court
4 sentencing date that this case has nothing to do with the science. However, this Court is
5 aware that Mr. Kelman's expert opinion of testifying that he has proven individuals'
6 illnesses "*Could not be*" caused by mold toxins found in water damaged buildings is based
7 solely on one single toxicology model of his and his business partner, Bryan Hardin.

8 This Court knows it is not accepted scientific testimony in the courtroom to claim proof
9 of lack of causation of individual illness based solely on a toxicology model. This Court
10 knows that is not just Mrs. Kramer's opinion. This is according to the Third Edition of the
11 National Academy of Sciences Reference Manual on Scientific Evidence (2011) & the
12 Institute of Medicines, Damp Indoor Spaces & Health Report (2004). Both are in the case
13 file of this case.

14 What allows this scientific fraud to continue in US courts to be used to sell doubt of
15 causation and delay restitution for damages in Bad Faith claims handling practices
16 throughout the US, is the unlawful judicial misconduct of the judiciary and (some of) their
17 clerks overseeing seven years of Strategic Litigation Against Public Participation against
18 Mrs. Kramer. By willfully and falsely deeming the wrong party to be the malicious liar and
19 then gagging the wronged party from being able to write of what the courts have unlawfully
20 done and continue to do, the science fraud of Mr. Kelman et.al. in all US courts and claims
21 handling practices, is aided and abetted to continue. Directly stated: the courts involved in
22 these two cases have been colluding to commit insurance fraud by framing a whistle blower
23 for libel for the words, "*altered his under oath statements*"; and then gagging the framed
24 whistle blower from writing of what they have unlawfully done and unlawfully continue to
25 do.
26
27
28

1 **PRIOR TO ISSUING THE TEMPORARY INJUNCTIVE RELIEF ORDER, THIS**
2 **COURT WAS PROVIDED EVIDENCE OF THE CONTINUED ADVERSE**
3 **IMPACT ON THE PUBLIC IF MRS KRAMER WAS STOPPED FROM WRITING**
4 **OF WHAT PRIOR COURTS HAD DONE**

5 After being provided the evidence that all of the above had occurred in the case of
6 Kelman & GlobalTox v. Kramer, this Court still chose to issue an order that precluded Mrs.
7 Kramer from writing the words for which she was framed for libel with actual malice in the
8 prior case, "*altered his under oath statements*". On April 27, 2011, Mrs. Kramer informed
9 this Court as respectfully as possible that she would not be able to adhere to any court order
10 that precludes her from being able to write of how the courts, Mr. Kelman and Mr. Scheuer
11 did it while knowing the lives that were continuing to be harmed from their actions. Mrs.
12 Kramer submitted to this Court on April 27, 2011:

13 This order is making it against the law for the never impeached citizen to write and
14 speak of errors of the courts in Kelman & GlobalTox v. Kramer that have aided with
15 a fraud in US public health policy to continue by the courts ignoring the evidence
16 that an author of policy for the Chamber and ACOEM used criminal perjury in a
17 malicious, strategic, libel litigation. It is a matter of court record that the appellate
18 court was informed and evidenced that "**WHEN**" the acknowledged the plaintiff's
19 criminal perjury, "**THEN**" the fraud in policy would immediately cease by rightfully
20 exposing the conflicts of interest and lack of truthfulness in legal proceedings by the
21 plaintiff, policy author and professional witness, Kelman. Instead, the courts
22 rewarded the criminal behavior. This order is furthering the abuse of the prior courts
23 that aids the US Chamber adverse to public interest.

24 As such, Kramer respectfully informs this court that she will not stop writing and
25 speaking of the fraud in policy and of the courts rewarding criminal perjury in a
26 malicious, strategic litigation that aids the fraud to continue; regardless of the order
27 this court may issue. She informs this court of because she will not lie to this court
28 that she will follow an injunctive relief order based on prior improvidently entered
orders and false documents submitted to this court. What this court does with this
information is unknown to Kramer. But public safety and integrity in the courts are
more important to Kramer than consequences of refusing to be silenced of fraud in
policy aided to continue by the judiciary to oversee Kelman & GlobalTox v. Kramer.

1 **MRS KRAMER IS UNABLE TO SIGN PROPOSED RETRACTION WITHOUT**
2 **COMMITTING PERJURY, DEFRAUDING THE PUBLIC, CONCEALING**
3 **JUDICIAL MISCONDUCT & AIDING TO DEFILE THE CONSTITUTION**

4 Mrs. Kramer is unable to retract that she accused Mr. Kelman of perjury by her use of
5 the phrase, "*altered his under oath statements*" because she did not. Mr. Kelman, Mr.
6 Scheuer, and the Courts falsely made it appear that she had. If this fraudulent and unlawful
7 retraction is required by the Court to be signed by Mrs. Kramer to avoid coercive
8 incarceration; that would criminal coercion into perjury of a framed whistleblower - aiding
9 to conceal judicial misconduct of crafting opinions to the false finding of libel. Then
10 gagging the framed whistle blower from being able to write of what the courts have done
11 and its continued adverse impact on public health policy and US courts over the mold issue.
12 Mrs. Kramer refuses to be coerced by the court into a criminal act, aiding the courts to
13 continue to defraud the public through their collective judicial misconduct

14 **RETRACTION BY JUSTICE JUDITH MCCONNELL**
15 **CHAIR OF THE CALIFORNIA COMMISSION ON JUDICIAL PERFORMANCE**

16 Mrs. Kramer is not being sent to jail or being held in Contempt of Court for repeating
17 the words, "*altered his under oath statements*". She is being sent to jail for providing the
18 direct evidence on the Internet on September 13, 2011 of how Justice Judith McConnell
19 framed her for libel for these words in the November 2006 anti-SLAPP Opinion she wrote,
20 while she suppressed the evidence that Mr. Kelman committed perjury to establish a false
21 theme for Mrs. Kramer to harbor malice for Mr. Kelman.


22 As evidenced above and repeatedly in this Court's case file; Justice McConnell's peers -
23 Justice Patricia Benke, Justice Richard Huffman and Justice Joan Irrion then concealed
24 Justice McConnell's unlawful and unethical conduct in their 2010 Appellate Opinion. The
25 required retraction to undo this fine mess the courts have gotten themselves into of having
26 to indefinitely incarcerate a framed US citizen to conceal judicial misdeeds; needs to come
27 from Justice Judith McConnell, the Chair of the California Commission on Judicial
28 Performance "CJP".

1 The CJP is "independent state agency" that polices ethics in the judicial branch. Justice
2 McConnell is also the Presiding Justice of the Fourth District Division One Appellate
3 Court. As evidenced in this Court's case file, Justice McConnell knows what she has done,
4 the continued adverse impact on the public and that an honest US citizen is about to be sent
5 to jail to stop her and her judicial peers' unlawful behavior from coming to public light. Yet
6 Justice McConnell remains silent.

7 The RETRACTION OF JUSTICE JUDITH MCCONNELL needs to come in the form
8 of recalling and rescinding the Remittitur that was issued for the fraudulent 2006 anti-
9 SLAPP Appellate Opinion, in which she willfully framed a US citizen for libel over a
10 writing impacting public health. *"If the remittitur issue by inadvertence or mistake or as a*
11 *result of fraud or imposition practiced on the appellate court...its significant function is to*
12 *permit the court to set aside erroneous judgment on appeal obtained by improper means.*
13 *In practical effect, therefore the motion or petition to recall the remittitur may operate as a*
14 *belated petition for rehearing on special grounds, without any time limitations."* 9 Witkin,
15 Cal.Procedure (4th ed. 1997) Appeal, 733, pp762-763.

16 There is no other way out for the courts to undo the harm that they have done to
17 Mrs. Kramer and to the public, other than rescind the anti-SLAPP remittitur.

18
19 March 6, 2012

20 
21 Sharon Noonan Kramer

22
23 DECLARATION OF SHARON NOONAN KRAMER

24 I am unable to sign Mr. Kelman's, Mr. Scheuer's and the Court's proposed
25 RETRACTION BY SHARON KRAMER for the words, "altered his under oath
26 statements" without committing perjury, aiding to defraud the public and aiding to conceal
27 that the courts have forgotten their oath is to uphold the Constitution of the United States -
28 not the Constitution of the US Chamber of Commerce and the insurance industry.

1 Even under threat of permanent coercive incarceration, I refuse to be coerced into
2 becoming a criminal and a party to defrauding the public by aiding to conceal judicial
3 misconduct that aids false science to continue in US courts over the mold issue and
4 continues to harm the lives of thousands.

5 If the Court is intending to incarcerate an honest US citizen who dared to speak of a
6 fraud in US public health policy that benefits the affiliates of the US Chamber of
7 Commerce and for repeating the truthful and never impeached words while providing the
8 undeniable I was framed by the courts for libel, "*altered his under oath statements*"; then
9 may God protect the Constitution of the United States – because this Court and the justices
10 of the Fourth District Division One Court of Appeals certainly are not.

11 If I am a liar about what the courts have done to me while knowing they are defraud ing
12 the public; all the courts would have to do to prove it is show two pieces of evidence:

13 1. That I was ever impeached in my belief that Mr. Kelman "*altered his under*
14 *oath statements*" while obfuscating to hide how the US Chamber's Mold Statement
15 is closely connected to ACOEM's.

16 2. One piece of evidence that I was even remotely unhappy with Mr. Kelman's
17 involvement in my mold litigation of long ago, having malice stemming from his
involvement in the case.

18 This Court and no other can provide that evidence. It does not exist. I am precluded
19 from filing a writ regarding this Court's irregularities in the Contempt of Court hearing of
20 January 6, 2012 and subsequent irregular actions. This is because I would be submitting it
21 to the Presiding Justice of the Appellate Court, Justice Judith McConnell. This Justice; her
22 Justice peers; and their Clerk of the Court (who falsified court documents and computer
23 records) benefit from seeing me incarcerated and silenced of their judicial misconduct and
24 Government Code 6200 violations - which are criminal and punishable by up to four years
25 in prison.

26 Public sunlight is my only hope to stop this travesty. As such, this legal filing, which is
27 a matter of public record in a case that is a matter of public record, may be read online at
28 the blog of ContemptOfCourtFor.ME

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

3 Executed on March 6, 2012 at Escondido, California.

4 _____
5 SHARON N. KRAMER
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Exhibit

4

TOXLAW.com

Toxic Tort Professionals

Black Mold Chatboard

LATEST POSTS | FULL CHATBOARD | SUB

SELL IT FAST - SELL IT FREE with Counsel.Net Classified

Post: UPDATE??? Bruce Kelman v. Sharon Kramer

Posted by Sharon Kramer on 7/08/12

Someone sent me this 6/29 post on ToxLaw yesterday.

Anonymous poster (who appears to have possibly been drunk posting on a Friday night), claims the courts have found me mentally incompetent, a criminal and will be sending me away for a long time (to conceal they already incarcerated me once, March 2012 for refusing to be coerced into perjury by signing a document which states, "I do not believe Dr. Kelman committed perjury". Then falsified the Sheriff dept record, April 2012, to conceal what they had unlawfully done.

To my knowledge, I have not be charged with a crime, let alone found guilty of one. However, I wouldn't know for certain. I did not attend the June 25, 2012 trial. I did not receive notification that there even was such a trial being held on June 25th until June 28th.

Looks to me like this "court house friend" may be tipping back a few on a Friday night out of concern for what happens to court personnel who falsify court documents - and aid to unlawfully incarcerate a US citizen who refuses to commit perjury which would have aided the defrauding of the public over the mold issue, and absolved seven years of plaintiff, plaintiff counsel, clerk and judiciary misconduct.

This has been going on for over seven years. You would think by now that the courts understand I have no intention of shutting up of how their unlawful actions have aided the

Toxiaw.com Nav
Toxic Tort Forum
ToxBoard (Gn)
Attorneys
Law Students
Practice Areas
Legal Jobs
Classified Ads
MCLE/CLE
Legal Questions

Report this post

Attached as Exhibit to Ex me 8/7/12
Re: accusation

defrauding of the public by rewarding Kelman's perjury to establish false theme for malice as they framed me for libel over the first public writing (mine) of how it became a fraud in public health policy that it was scientifically proven moldy buildings do not harm.

Kelman committed perjury in the malicious litigations. The courts suppressed the evidence of it. I got sent to jail for refusing to sign a piece of paper which states, "I do not believe Dr. Kelman committed perjury". Hell yes he did - and I am not shutting up. Too many lives hang in the balance.

So here is what tipsy Court HOUSE FRIEND posted. Let's hope they are not correct:

<http://toxlaw.com/chatboards/blackmold/topic2759/6.29.12.07.37.13.html>

Re: Update

Posted by Court HOUSE FRIENDS on 5/29/12

NOW its final Sharon is BARRED forever by court Order from

continuing her UNFOUNDED and UNBASED accusations /

The

Judge

has RULED she is not only wrong but has severe Psych issues and has ordered her to pay for all her illegal activities.

Hopefully from this her family will force her into a Psychiatric facility for longterm care after she serves her jail time for her latest criminal activities/ Enjoy your time at the California Public facilities where you have earned your latest vacation retreat Sharon Remember as they say they are Condos designed to last a lifetime with Bars in every Room and in some case have a great view of the pacific ocean (if you happen to get a condo need a water location such as in San Francisco However we understand your reservation has been arranged for a desert Location

F I L E D
Clerk of the Superior Court

JUL 02 2012

BY: A. LUM

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, NORTH COUNTY DIVISION

BRUCE J. KELMAN,

Plaintiff,

v.

SHARON KRAMER, and DOES 1
through 20, inclusive,

Defendants.

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

JUDGMENT AND ORDER FOR
CIVIL CONTEMPT AND PERMANENT
INJUNCTION

On June 25, 2012, in Department N-30 of the above Court, the Honorable Thomas P. Nugent, Judge presiding, this matter came on regularly for trial, and for hearing on the Revised Order to Show Cause re civil contempt issued by this Court on April 24, 2012. Keith Scheuer, Esq. of Scheuer & Gillett appeared on behalf of Plaintiff Bruce J. Kelman. No one appeared on behalf of Defendant Sharon Kramer.

The Court, having heard the testimony and reviewed the written evidence submitted by Plaintiff, and Defendant having failed to appear at trial, to produce a defense or to oppose the Revised Order to Show Cause, rules as follows:

///

1 IT IS ORDERED, ADJUDGED AND DECREED that, with respect to Plaintiff's
2 request that Defendant be held in civil contempt, the Court finds that, in the course
3 of proceedings in the case of Kelman v. Kramer, 37-2010-00061530-CU-DF-NC, this
4 Court issued a preliminary injunction, filed on May 2, 2011, enjoining Defendant
5 Sharon Kramer from republishing a statement that had been found to be libelous in
6 an action titled Kelman v. Kramer, San Diego Superior Court Case No. GIN 044539.
7 In relevant part, the preliminary injunction provided:

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

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

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

19 1. With full knowledge of the preliminary injunction, Defendant
20 republished the defamatory statement by posting it on the Internet on three
21 separate occasions: on March 19, 2012, on the online discussion board of the
22 American Industrial Hygiene Association; on March 27, 2012, on the blog Contempt
23 of Courtfor.ME; and April 2, 2012, on the blog ContemptofCourtfor.ME. Each of
24 these publications constitutes a separate act of civil contempt and, pursuant to
25 C.C.P. § 1218(a), subjects Defendant/Contemner for each act of contempt to a
26 fine not exceeding one thousand dollars (\$1,000.00), payable to the Court or
27
28

1 imprisonment not exceeding five days, or both and payment of Plaintiff's attorney's
2 fees and costs incurred in seeking the Order to Show Cause.

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

5 3. Upon the application of Plaintiff, a Revised Order to Show Cause re
6 contempt was issued and filed on April 24, 2012. The Revised Order to Show Cause
7 ordered her to appear before this Court on June 25, 2012, and show cause why she
8 should not be held in contempt for violating the preliminary injunction by
9 republishing the libel as set forth above.

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

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

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

18 (c) That, pursuant to C.C.P. section 1218(a), contemner is ordered
19 to pay to Plaintiff the attorney's fees of \$8,400.00 incurred by Plaintiff in bringing the
20 Order to Show Cause for contempt.

21 (d) That contemner shall, not more than thirty (30) days from the
22 entry of this Judgment and Order, publish on the American Industrial Hygiene
23 Association website and on the blog ContemptofCourtfor.ME a retraction of the
24 defamatory statement set forth above. At the conclusion of such thirty (30) day
25 period, the Court will determine the appropriate punishment, pursuant to C.C.P.
26 section 1218(a), and in making such determination the Court will take into
27

consideration whether contemner has published the retraction as set forth in this paragraph.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment be entered in favor of Plaintiff and against Defendant Sharon Kramer on the Complaint in this action, and that Defendant Sharon Kramer is hereby permanently enjoined and restrained from stating, repeating or publishing, by any means whatsoever, the following statement:

"Dr. Kelman altered his under oath statements on the witness stand" while he testified as a witness in an Oregon lawsuit.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, in addition to \$8,400.00 in attorney's fees as set forth above, Plaintiff hereby is awarded One Dollar (1.00) in nominal damages; and costs of suit in an amount to be determined pursuant to code.

DATED: JUL 02 2012


THOMAS P. NUGENT
Judge of the Superior Court

March 09, 2005

Jury Finds "Toxic Mold" Harmed Oregon Family, Builder's Arbitration Clause Not Binding

The case (Haynes vs. Adair Homes Inc.) is a first in the Northwest to award personal injury damages to a family exposed to toxic mold in a newly built home. "This verdict is significant because it holds construction companies responsible when they negligently build sick buildings," said Kelly Vance, the family's attorney.

(PRWEB) March 9, 2005 -- A Clackamas County jury on Friday (March 4, 2005) held Adair Homes Inc. responsible for faulty construction practices that caused toxic mold to thrive inside Paul and Renee Haynes' new home in Sandy, Oregon. The jury also found Adair's negligence caused illness in Mrs. Haynes and the couple's two small children - Michael, 6, and Liam, 4. The family experienced severe respiratory, digestive and cognitive impairment. One half of a million dollars was awarded to the injured family.

The case is a first in the Northwest to award damages for personal injury to a family exposed to mold in a newly built home. "This verdict is significant because it holds construction companies responsible when they negligently build sick buildings," said Kelly Vance, the family's attorney.

Adair Homes, Inc. which builds hundreds of residences each year in Oregon, Washington and Idaho, built the house on the Hayne's five acres in early 2002. Four months after moving in and becoming ill, the family discovered rampant mold growth inside the walls of their new home. Dry wall and insulation were installed while the frame was wet from recent heavy rains. Evidence presented during the trial proved there was standing water in the wall cavities and the crawl space long after the construction was completed. This led to the growth of the toxigenic fungi. "You couldn't have made the framing in that house more wet if you had sprayed it with a firehose," stated Vance.

By the time the Haynes discovered the mold, it was too late. Mrs. Haynes and the children were exhibiting neurologic and immune system damage. Paul Haynes reported the problem to Adair Homes, but the company refused to take responsibility. The family was forced to flee their new house in an effort to save the health of the mother and young sons.

Two separate medical evaluations substantiated that both Renee Haynes and her son, Michael, had mold antibodies in their blood, indicative of dangerous exposure levels to mold. Numerous experts, including a fungal immunologist, an occupational therapist and a neuropsychologist testified concerning the Haynes children's developmental and sensory integration disorders that began shortly after moving into the Adair built home. The family's treating physicians and therapists agreed that Liam's and Michael's medical needs from the mold exposure will continue for several years to come. Michael's teacher testified that he was placed in a special disabled room at school and may need to remain there until at least junior high school. She expects Liam to suffer the same fate.

Amazingly, the Haynes family almost did not even get to tell their story to a jury. Adair, like many other commercial entities, utilizes an arbitration clause in its contract. That clause designates a specific preferred arbitration service. Adair uses Construction Arbitration Services, Inc., a company based far away from Adair's

market, in Dallas, Texas. After the case was filed, Adair moved to stay the case pending arbitration and submitted an affidavit from the owner of the arbitration service, Marshall Lippman. The judge allowed the case to go to trial when the family's attorney showed that Lippman had submitted a false affidavit concealing the fact that he had been disbarred by the State of New York and Washington D.C. The disbarments occurred because Lippman had been found to have stolen funds from his clients.

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.

Contact:
Sharon Kramer
Mycotic Disease Awareness
760-822-8026