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January 25, 2011

San Diego County Grand Jury  
Hall of Justice  
330 W. Broadway, Suite 477  
San Diego, CA 92101

Re: Request for a Grand Jury Investigation of Fourth District Division One Appellate Court Administrative Presiding Justice Judith McConnell (and nine of her subordinate San Diego County judiciaries) for aiding intrastate and interstate insurer fraud by aiding with a strategic litigation carried out by criminal means against a whistle blowing citizen of San Diego county, Sharon Kramer, for *six years*. The malicious litigation is by the authors of a fraud in health policy, Bruce Kelman and GlobalTox, Inc. The fraud aids insurers to shift costs of illnesses caused by contaminants found in water damaged buildings (WDB) onto taxpayers via state and federal disability programs. It is a scientific fraud in the billions written into US and California policies in the early 2000's

This fraud in science and policy was legitimized by the American College of Occupational and Environmental Medicine ("ACOEM") and mass marketed to the courts by the ("US Chamber") of Commerce. ACOEM writes the workers comp guidelines physicians in the State of California must follow under Senate Bill 899. The fraud in policy over WDB illnesses was endorsed into California Workers Comp Policy by ex-Governor Arnold Schwarzenegger in October of 2005 under the premise of Workers Comp Reform. Eight months earlier, in March of 2005, I, Sharon Kramer, had blown the whistle on how the fraud in science was marketed into policy while I named the names of those involved in the scheme. I was the first to publicly write of the matter. The matter has been written of numerous times since by professional journalists and scientists.

For six years the San Diego court system has been trying to discredit me to cover up that their bias early in this case, caused them to ignore evidence of probably one of the biggest strategic litigations to ever come their way. I refuse to be silenced and discredited because the courts were blind and now need to cover their errors that have harmed thousands of people over the past several years. The courts have caused a tremendous hardship on my family because I refuse to be silenced of fraud and what they did that aided it. It has cost us practically everything we own for me not to be silenced.

How it became a fraud in US and California health policy that WDB do not harm people and who was involved as told through the tale of one litigation in Oregon, by Sharon Kramer, March 9, 2005:

PRWeb, March 9, 2005 Jury Finds "Toxic Mold" Harmed Oregon Family, Builder's Arbitration Clause Not Binding

Oregon City, OR - The case 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...

.....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. [ACOEM]

This may be read in its entirety at: <http://freepdfhosting.com/087a37b453.pdf>

Bruce Kelman and his business partner, Brian Hardin, had applied math extrapolations to a single rodent study and professed that based solely on these calculations; it was scientifically proven the toxins of mold in WDB could never reach a level to harm prior healthy humans. ACOEM legitimized the falsehood in science by making it their position statement portrayed to be the scientific understanding of thousands of physicians. The US Chamber of Commerce and the Manhattan Institute think-tank mass marketed it to stakeholders and to the courts. Brian Hardin is retired Deputy Director of CDC National Institute of Occupational Safety and Health (NIOSH). Bruce Kelman comes to the mold issue from Big Tobacco. They are PhD's with no background in the study of mold. They have never examined a person injured by mold as they are not physicians

Honorable Members of the San Diego County Grand Jury,

I need your help. There does not appear to be an elected, appointed or hired official, judiciary or employee in the State of California that will stand up to the US Chamber of Commerce and the insurance industry to stop the fraud in policy that harms average citizens. But I will. My name is Sharon Kramer. I have been a resident of San Diego County since 1977. I am fifty-five years old, a wife of 30 years, and mother of two grown college educated daughters. I am a North County real estate agent by profession with a degree in marketing. I am corporately trained in sales and marketing. As such, I have superior knowledge of how concepts are sold to influence decision.

In 2001, I had a tiny leak in an ice maker line that turned out to be a water shed event in my life. My family ended up in litigation with our insurer over the matter. We came out fine. We received a half a million dollar settlement caused by our insurer's agent's chosen remediator cross contaminating our house with mold as they botched the remediation; and the lab they hired falsely clearing the home as safe for re-occupancy.

While going through the nightmare and researching the issue, I came across thousands of families and workers who were not coming out fine. Their lives were being ruined by the false concept in health policy, claims handling practice and litigation that moldy buildings do not harm. I began to question why, write about it and lobby for change. From a new book, "Surviving Mold" by Dr. Ritchie Shoemaker of what I accomplished to help rid the fraud from US health policy:

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

Panelists were Vincent Marinkovich, MD; Chin Yang, PhD; David Sherris, MD; and Ritchie Shoemaker, MD, with Mrs. Kramer organizing and moderating the briefing. The EPA, CDC and HHS were supposed to send speakers as well so that an informed dialog could take place for the benefit of the Senate legislative staffers, and therefore the U.S. citizens. The agencies cancelled their appearance at the last minute. I can only imagine how some of the staffers attending must have felt as they were bombarded with words like Type III hypersensitivity, interleukin 13, eosinophils and innate immune responses. That's why there was a question-and-answer session, but it was getting close to 4:30 and the meeting broke up without much further discussion.

Understanding that (a) most elected officials aren't comfortable with potential threats to vested financial interests (in the case of water-damaged buildings, those interests involve building ownership and the property and liability insurance industries); and (b) discussion of human health effects due to exposure to water-damaged buildings exposes such threats to those interests, it was curious that such a conference could be held at all. No videos or minutes of the meeting were permitted to be taken so the Senate staffers could feel comfortable to ask questions. I expected that there would be some sort of maneuver surrounding this scientific and political event, so it was no surprise that government agencies, including the EPA, pulled their representatives at the last minute, though no explanation was given.

..Senate staffers, especially Senator Kennedy's, wanted information about illness that could be identified in areas of New Orleans, which had been hard hit with catastrophic damages after flooding from Hurricanes Rita and Katrina just four months before. Specifically, they wanted to know if human illness caused by exposure to water-damaged buildings actually existed. And if so, was it being covered up?

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

In 2006, little did I know just how deeply embedded in politics the fraud really was. Not mentioned in the book, the Senate HELP Committee and the Federal GAO specifically deleted from the original audit request of looking into who all was involved, had the conflicts of interest that propagated the false science in the first place and for what purpose. As a result, even with a Federal GAO audit that has exposed the fraud; ACOEM, the US Chamber and the insurance industry are still to this day, able

to use the fraud to shift cost onto taxpayers. This leaves the sick still nowhere to turn for medical treatment because of the systematic dis-education of US physicians by conflicted private sector medical associations. Evidence of the deletion of investigating the conflicts of interest from the audit may be read at <http://freepdfhosting.com/f2dcd6ffbb.pdf>

A short video of me speaking before the CA Fraud Assessment Commission ("FAC"), Nov 16, 2010, of the deceptive situation that Governor Schwarzenegger endorsed into workers comp policy may be viewed at: [http://www.youtube.com/watch?v=eIGlZT6g50Q&feature=mfu\\_in\\_order&list=UL](http://www.youtube.com/watch?v=eIGlZT6g50Q&feature=mfu_in_order&list=UL)

In May of 2005, Kelman and GlobalTox sued me for libel for my March 2005 writing, claiming my phrase "altered his under oath statements on the witness stand" was a maliciously false accusation of perjury. Although one will never see it mentioned in any ruling or opinion, in six years time, I have been stating and evidencing my logic for why I used that phrase. As one will never see my reasoning mentioned, one will also not see any evidence of me ever being impeached as to the subjective belief in the validity of my words – the first thing that must be established for the proof of libel.

For six years I have been providing the courts with uncontroverted and irrefutable evidence that in a case where a plaintiff's sole claim is that he was falsely and maliciously accused of perjury by a defendant; the plaintiff was commenting perjury to establish false reason for why a defendant would have reason to harbor malice. Reason for malice is the second thing that must be established in libel law. In rulings and Opinions, one will never see any mention of my irrefutable evidence of criminal perjury by the author of policy for the US Chamber and ACOEM used to establish false reason for my purported malice while strategically litigate to silence me over a matter adverse to public health.

**Please help.** Not only have the courts deemed me a "malicious liar" while not being able to cite a shred of evidence to support this finding, Kelman has sued me again seeking an injunctive relief that I be gagged from writing of this litigation, the role of the San Diego Courts and its impact on health policy. He sued me under the false premise that I have repeatedly reposted my purportedly libelous press release. But I never have without disclosing it is a part of a libel suit since the day he first sued me in May of 2005. As such, Kelman has now become an agent of the courts to silence me of their involvement in the suit from coming to public light. I will not be silenced of a fraud in policy and the San Diego court's role in aiding it to continue. As a result I will most likely be sent to jail by the courts when I refuse to be gagged by an injunctive relief order obtain by illegal methods.

The San Diego District Attorney's office has refused to intercede, wrongfully claiming it is a civil matter. Perjury is criminal. Abusing judicial position by aiding malicious prosecution and rewarding perjury is criminal. It is the duty and purview of the San Diego District Attorney to stop crime in San Diego county, including those occurring in the courts aided by elected and appointed judiciaries. District Attorney Dumanis needs to be encourage to ask newly re-elected Fourth District Division One Administrative Presiding Justice Judith McConnell, (who is also Chair of the California Commission on Judicial Performance that oversees the ethics of all California judiciaries), six simple questions:

**1. Why is it not mentioned in their Opinions that high level CDC NIOSH employee, Brian Hardin, is irrefutably evidenced by Sharon Kramer to be undisclosed as a party to this litigation as the sixth owner of Globaltox on the Certificate of Interested Parties submitted to the courts?** Certificates of Interested Parties are submitted to Appellate Courts to assure that judiciaries have no interest favorable to one party over another in the outcome of a legal proceeding.



**2. Why is it never mentioned that since July of 2005, Sharon Kramer has evidenced the reason she used the phrase, “altered his under oath statements on the witness stand” to describe Bruce Kelman’s testimony after he was forced to discuss the ACOEM and US Chamber papers together by a prior testimony of his from another case coming into the case of which she wrote?** The following is evidence in the court record never mentioned by the courts as even being in evidence. As such there is also no refuting evidence of Sharon Kramer being impeached as to the subjective belief in the validity of her words.

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

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

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

Together, these papers are the core of an elaborate sham that has been perpetrated on our courts, our medical community and the American public. Together, they are the vehicle used to give financial interests of some indecent precedence over the lives of others.’(Appellant Appendix Vol.1 Ex.8:157-158)”

(Appellant’s Petition For Rehearing, September 29, 2010, pg 10 & 11) May be read online at: <http://freepdfhosting.com/ba6733ea8e.pdf>

**3. Why is it never mentioned in any Opinion or ruling that Sharon Kramer provided the courts, since September of 2005, with uncontroverted evidence that Bruce Kelman committed criminal perjury to establish libel law needed reason for Kramer’s purported malice; and never mentioned that his attorney is irrefutably evidenced to have repeatedly and willfully suborned it, including in his Appellate Brief of September 2009?** One will never see this evidence that is in the court record mentioned in opinions or rulings. Merely one example of the courts being informed and evidenced::

“As has been proven to the courts with Scheuer being properly noticed many times over by uncontroverted and irrefutable evidence; the following is criminal perjury by Bruce J. Kelman submitted to the courts in September 2005 and May 2006 when defeating the anti-SLAPP motion; and again in March 2008 when defeating the MSJ.

“I first learned of Defendant Sharon Kramer in mid-2003, when I was retained as an expert in a lawsuit between her, her homeowner’s insurer [Mercury Casualty] and other parties regarding alleged mold contamination in her house. She apparently felt that the remediation work had been inadequately done, and that

she and her daughter had suffered life-threatening diseases as a result. I testified that the type and amount of mold in the Kramer house could not have caused the life-threatening illnesses that she claimed. I never met Ms. Kramer.” (Appellant Appendix Vol.IV Ex.28:1013)

And again the following is suborning of criminal perjury by Scheuer, as submitted to the courts on September 17, 2005 (Vol.I App.34) and May 7, 2006 (Vol.I App.238) when defeating the anti-SLAPP motion:

“Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not have caused the life threatening illnesses that Kramer claimed. Apparently furious that the science conflicted with her dreams of a remodeled house, Kramer launched an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox.”

(Appellant’s Reply To Court’s Query, January 29, 2010, Pg 14) This may be viewed online at: <http://freepdfhosting.com/afb6e9f0ae.pdf>

Just some of my irrefutable evidence in the court record of Kelman’s above perjury to make up a libel law needed reason for my malice may be viewed at: <http://freepdfhosting.com/c35afb9c81.pdf>

**4. When provided irrefutable evidence of an author of policy for ACOEM and the US Chamber committing criminal perjury in a strategic litigation against a whistle blower to make up a reason for malice; and being fully evidenced of what was at stake for the public when they acknowledge the evidence of perjury, why did the Fourth District, Division One Appellate Court ignore the evidence both in 2006 when denying an anti-SLAPP motion and again in 2010? The following evidence is never even mentioned as being in the court record of the courts being told what continues to happen in health policy when they ignore the evidence of Kelman’s perjury in this litigation:**

Kelman’s purported “role as a defense expert in Kramer’s own lawsuit” was perjury in this lawsuit to inflame the courts. As this court was informed of what will happen when they acknowledge the evidence of Kelman’s perjury, “When this Reviewing Court acknowledges what legally cannot be denied: Kramer’s overwhelming, uncontroverted and irrefutable evidence that seven judges and justices ignored Kramer’s overwhelming, uncontroverted and irrefutable evidence of Kelman’s perjury on the issue of malice and ignored Kramer’s vast evidence of Scheuer’s willful suborning of Kelman’s criminal perjury; then seven years worth of scientific fraud perpetrated on US Courts over the mold issue by the US Chamber of Commerce et al, will immediately cease by the acknowledgment that their author of their scientific fraud has no qualms about lying under oath to the courts and strategically litigating; and while their other author (sic, Bryan “Hardin”) does not disclose he is a party to the strategic litigation.”

(Appellant’s Petition for Rehearing, page 22),<http://freepdfhosting.com/ba6733ea8e.pdf>

**5. Why did Justice McConnell, in the capacity of soon to be re-elected Administrative Presiding Justice, Fourth District Division One, San Diego County, not stop her courts from aiding and abetting with a malicious litigation to silence, demean and discredit a Whistle Blowing citizen of a fraud in US health and California Workers Comp policy – by deeming the Whistle Blower to be a “malicious liar” without a shred of evidence to support this finding? On September 17, 2010, Justice McConnell was asked to answer the following:**

In the capacity of Presiding Justice and in accordance with Local Rule 1.2.1, please clarify for me how it is possible that ten San Diego judges and justices just cannot seem to grasp that one cannot use criminal perjury to prove they were wrongfully accused of criminal perjury, even if they are an author of two medico-legal policy papers - one for the US Chamber and one for ACOEM. The evidence is undeniable. ACOEM writes the workers comp guidelines physicians must follow for the state of California under SB 899. In the face of undeniable evidence that this has occurred in the San Diego courts for over five years, the only plausible explanation for such behavior could be "bias, prejudice, discrimination and unfair practice" in violation of Local Rule of the Court 1.2.1, Policy Against Bias.

(Complaint for Bias to McConnell, under local rules of the court, September 17, 2010 page 6)

This may be read online at <http://freepdfhosting.com/5857e4b797.pdf>

**6. How are the San Diego courts able to legally deem a San Diego county citizen to be guilty of being a "malicious liar" with no evidence in the court record of them ever being impeached as to the subjective belief in the logic and validity for the use of their words?**

California Rules of the Court 10.603(f)(3) states: *"The presiding judge must give written notice of receipt of the complaint to the complainant"* In violation of California Rules of the Court 10.603(f)(3), Administrative Presiding Justice McConnell, Chair of the CJP, did not even bother to acknowledge the complaint over criminal perjury going unchecked in her courts for over five years in a malicious litigation to silence a whistle blower while adversely impacting public health by the court's aiding of an insurer fraud cost shifting scheme.

I have filed a demand for damages for deliberate indifference of California government agencies, including the Commission on Judicial Performance, the State Bar and the SDCDA's office for failing to intercede to stop the courts from aiding with malicious prosecution carried out by criminal means. I am fearful and anticipating they will again take no action and I will be sent to jail by the exact same courts that ignored evidence of criminal perjury by the author of policy for the US Chamber of Commerce, when I refuse to be silenced.

**Please help!** I am available to speak before the Grand Jury members anytime upon request.

Sincerely,

Mrs. Sharon Noonan Kramer

Attached: Demand for Damages for Deliberate Indifference and a minute sampling of the reference material available. It may be read online at: <http://freepdfhosting.com/cbf8ce77ed.pdf>

The sordid tale and who all knows it's a sordid tale, may be read in detail with linked evidence, much of it obtained from this case, at: <http://katysexposure.wordpress.com/2010/04/30/truth-out-sharon-kramer-letter-to-andrew-saxon-mold-issue/>

January 24, 2011

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

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

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

Re: Demand for Damages Deliberate Indifference

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

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

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

Dr. Bruce Kelman of GlobalTox, Inc, a Washington based environmental risk management company, testified as an expert witness for the defense, as he does in mold cases throughout the country. Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the witness stand. He admitted the Manhattan Institute, a national political think-tank, paid GlobalTox \$40,000 to write a position paper regarding the potential health risks of toxic mold exposure. Although much medical research finds otherwise, the controversial piece claims that it is not plausible the types of illnesses experienced by the Haynes family and reported by thousands from across the US, could be caused by "toxic mold" exposure in homes, schools or office buildings.

In 2003, with the involvement of the US Chamber of Commerce and ex-developer, US Congressman Gary Miller (R-CA), the GlobalTox paper was disseminated to the real estate, mortgage and building industries' associations. A version of the Manhattan Institute commissioned piece may also be found as a position statement on the website of a United States medical policy-writing body, the American College of Occupational and Environmental Medicine.

In May of 2005, the authors of the fraud in policy, Kelman and GlobalTox, sued me for libel claiming my phrase "altered his under oath statements on the witness stand" was a maliciously false accusation of perjury. Although one will never see it mentioned in any Opinion or ruling, since July

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Mrs. Sharon Noonan Kramer

Attached:

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

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

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

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

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January 24, 2011

California Commission on  
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455 Golden Gate Avenue,  
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90015- 2299

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

**Re: DEMAND FOR DAMAGES, DELIBERATE INDIFFERENCE**

Case No. GIN055439 Kelman & GlobalTox v. Kramer, (2005) San Diego North County  
Superior Court  
Case No. D047758 Kelman & GlobalTox v. Kramer (2006) Fourth District Div. One  
Appellate Court  
Case No. S149090 Kelman and GlobalTox V. Kramer (2007) California Supreme Court  
Case No. D054496 Kelman & GlobalTox v. Kramer, (2010) Fourth District Div. One  
Appellate Court  
Case No. S187554 Kelman and GlobalTox V. Kramer (2010) California Supreme Court  
Case No. 37-2010-00061530-CU-DF-NC Kelman v. Kramer (2011) San Diego NC Superior  
Court

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

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

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

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

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

California licensed attorney, Keith Scheuer, State Bar # 82797

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

Justice Patricia Benke, Fourth District Division One Court of Appeal

Justice Richard Huffman, Fourth District Division One Court of Appeal

Justice Joann Irion, Fourth District Division One Court of Appeal

Justice Cynthia Aaron, Fourth District Division One Court of Appeal

Justice Alex MacDonald, Fourth District Division One Court of Appeal

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

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

Judge Joel Pressman, San Diego North County Superior Court

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

Justices of the California Supreme Court

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

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

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



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

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

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

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

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

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

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

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

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

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

Sincerely,

Mrs. Sharon Noonan Kramer

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

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

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

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

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

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





# **SURVIVING MOLD**

**Life in the Era of  
Dangerous Buildings**

**RITCHIE C. SHOEMAKER, MD**



heard on NBS news March 16, 2010 that a Wall Street Journal poll claimed that 77% of Americans want to toss out the incumbents from this Congress. I'd say the gubmint has some image problems to repair. I wonder what would happen to government responsiveness to the needs of the populace if the agencies lost 77% of their life-long staffers as well.

By 2006, as far as mold illness goes, the U.S. government had done precious little. The two agency-sponsored reports (CDC/Institute of Medicine, 2004, IOM) and EPA/UConn (2004) were in one case ill-informed and in the other stale when released. Interestingly I see the IOM misquoted often by the defense in litigation, but never the EPA/UConn. That report was the first to include a roster of symptoms that physicians actually see in mold illness patients, but it was stuck far in the back as Appendix D. And, no surprise, the EPA/UConn report also had nothing on the pathophysiology of the illness or on treatment, since none of the authors had ever treated any mold illness patients, forget successfully or not; and none had documented before and after lab parameters. Asking non-treating physicians to describe what treating physicians actually see is akin to asking the little boy standing outside the fence around the baseball park what's happening on the diamond. He jumps up and down, trying to see over the fence because he really wants to see the game, but in the end, all he can do is guess at what happened. For a physician to have any credibility in this field, you've got to treat the illness and prove that you're competent.

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



the Dirksen Building in January 2006. Thank goodness that it wasn't held in the Rayburn Building; (see Chapter 21, *Tourists' Guide to Mold DC*).

Panelists were Vincent Marinkovich, MD; Chin Yang, PhD; David Sherris, MD; and Ritchie Shoemaker, MD, with Mrs. Kramer organizing and moderating the briefing. The EPA, CDC and HHS were supposed to send speakers as well so that an informed dialogue could take place for the benefit of the Senate legislative staffers, and therefore the U.S. citizens. The agencies cancelled their appearance at the last minute. I can only imagine how some of the staffers attending must have felt as they were bombarded with words like Type III hypersensitivity, interleukin 13, eosinophils and innate immune responses. That's why there was a question-and-answer session, but it was getting close to 4:30 and the meeting broke up without much further discussion.

Understanding that (a) most elected officials aren't comfortable with potential threats to vested financial interests (in the case of water-damaged buildings, those interests involve building ownership and the property and liability insurance industries); and (b) discussion of human health effects due to exposure to water-damaged buildings exposes such threats to those interests, it was curious that such a conference could be held at all. No videos or minutes of the meeting were permitted to be taken so the Senate staffers could feel comfortable to ask questions. I expected that there would be some sort of maneuver surrounding this scientific and political event, so it was no surprise that government agencies, including the EPA, pulled their representatives at the last minute, though no explanation was given.

However, I'm told that super-managers were in attendance. A few Senators showed up; one staffer from Senator Jeffords' (an Independent from Vermont) office came in late and asked me for materials about the pathophysiology of mold illness. I gave her a color copy of the Biotoxin Pathway, an effort that distilled into one diagram information derived from thousands of hours of research. She asked if there was anything more. Yes, there is, much more.

The upshot of my talk (to the interior environment as a free download on staffers, especially Ser illness that could be i had been hard hit with Hurricanes Rita and K; they wanted to know if damaged buildings act up?

That area of inquiry sul Kennedy's office in Octob for a review of the Feder effort was instrumental in US GAO report that comp Nay-sayers' credibility in Senator Kennedy's staff, mycotoxins alone being t to rest, with the exception who don't know that the AAAAI-quoting defense a

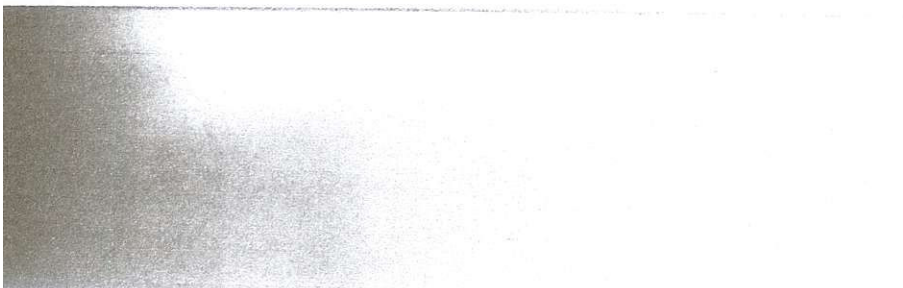
As for New Orleans and K wherever water-damage rough proportion to the g answers are easy enough interview some patients do visual contrast testing Treat the sick people—t that they get better on m *as long as they stay away their homes*. Since they of the world, then let th into harm's way without consent. They'll be right l days. Guaranteed. Or, ke



The upshot of my talk on the reality of human illness from exposure to the interior environment of water-damaged buildings (available as a free download on [www.biotoxin.info](http://www.biotoxin.info)) was that several Senate staffers, especially Senator Kennedy's, wanted information about illness that could be identified in areas of New Orleans, which had been hard hit with catastrophic damages after flooding from Hurricanes Rita and Katrina just four months before. Specifically, they wanted to know if human illness caused by exposure to water-damaged buildings actually existed. And if so, was it being covered up?

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

As for New Orleans and Katrina, I said "Yes, the illness actually exists wherever water-damaged buildings exist and illness will be found in rough proportion to the genetic susceptibility of those exposed. The answers are easy enough to obtain. All we need to do is to go there, interview some patients like we always do in our screening clinics, do visual contrast testing, and then draw blood and run the labs. Treat the sick people—that won't be a small number—and show that they get better on medication and don't get sick off medication *as long as they stay away from their source of exposure, often sadly their homes*. Since they won't get sick from the 'ubiquitous fungi' of the world, then let them then go back to their homes, basically into harm's way without medication, provided they give informed consent. They'll be right back into their horrible illness within three days. Guaranteed. Or, keep them on medication and use a whole



COURT OF APPEAL FOURTH APPELATE DISTRICT  
DIVISION ONE  
OF THE STATE OF CALIFORNIA

SHARON KRAMER,

Defendant and Appellant

v.

BRUCE KELMAN

Plaintiff and Respondent

) Court of Appeal No: D054496

) Denial, September 14, 2010

)

) Superior Court No.: GIN044539

) Date of Entry: October 16, 2008

)

) Court of Appeal No: D047758

) (2006 anti-SLAPP Opinion)

) November 16, 2006

)

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AFTER AN OPINION BY THE COURT OF APPEAL FOURTH APPELLATE  
DISTRICT, DIVISION ONE, CASE NO. D045596 & D047758  
SUPERIOR COURT OF CALIFORNIA  
HONORABLE JUDGE LISA SCHALL  
CASE NO. GIN044536

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PETITION FOR REHEARING AND MODIFICATION OF  
OPINION

---

Appellant Properia Persona: Sharon Kramer  
2031 Arborwood Place  
Escondido, California 92029  
(760) 746-8026

Attorney for Respondent: Keith Scheuer, Esq. SB#82797  
Scheuer & Gillett  
4640 Admiralty Way # 402  
Marina Del Rey, CA 90292  
(310) 577-1170



Not mentioned in this Opinion, nor the 2006 Opinion when determining Kramer's writing was false and malicious is that since July of 2005, Kramer has been stating and evidencing for all courts repeatedly in declarations and briefs that she finds Kelman's statements made on February 18, 2005, of "*lay translation*" going to "*two different papers, two different activities*" and flipping back again to "*translation*" to be obfuscating and "*altered [his] under oath statements*" because of her sincere views on the science; and of the deception in science and marketing that Kelman was trying to hide from the *Haynes* jury. (App. Opn. Brf. Erta, pp. 29, 30) There is no evidence Kramer has ever been impeached as to her "*subjective belief as the truthfulness of these alleged false statements*". (Res. Rply. Brf) This fact alone – never impeached by Kelman as to Kramer's belief of the truthfulness of her words, negates the Opinion of proof of writing a known falsehood or having reckless disregard for the truth, published with actual malice. Kramer's "Response To This Court's Query", January 28, 2010 described what she has told and evidenced for the courts since July 2005 of why she wrote "altered":

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

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

*In reality, they are authored by Kelman and Hardin, the principals of a corporation called GlobalTox, Inc. – a corporation that generates much income denouncing the illnesses of families, office workers, teachers and children with the*

*purpose of limiting the financial liability of others. One paper is an edit of the other and both are used together to propagate biased thought based on a scant scientific foundation.*

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

Pages 4 -6 of the Opinion cite Kelman’s testimony in Haynes. There are fourteen lines of the transcript omitted from the middle. (Typd.Opn.pp4)(App.Opn.Brf.Erta,pp.26) These were also omitted from the 2006 Opinion. They corroborate Kramer’s contention that the line of questioning of the US Chamber/Manhattan Institute’s relationship to ACOEM over the mold issue would have been stopped if the plaintiff attorney Calvin (“Vance”) had not had the Arizona Kilian v. Equity Residential Trust (U.S.Dist.Ct., D.Ariz., No. CIV 02-1272-PHX-FJM, (Kilian) transcript in its entirety.

These omitted 14 lines illustrate the defense attempting to invoke the rule of completeness, after Kelman shouted “..ridiculous..” when asked of paid edits, the ACOEM paper and the Manhattan Institute. (Typd Opn, pp.4) Below italicized words as in the Opinion falsely infer Kramer accused Kelman of lying about being paid by the Manhattan Institute to author the ACOEM Mold Statement:

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

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

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

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


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

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

(Omitted From Opinion):



If Kramer's views were important enough to Kelman that Kramer be forced to go against her views and endorse his science before he would stop litigating, then it should be obvious that Kramer needed to be able to discuss these views in trial to defend why she wrote what she did that Kelman wanted silenced. This court should modify the Opinion to acknowledge Kramer was not given the opportunity to defend the truth of her words in trial. This Opinion should take appropriate action to address the criminality of Kelman and Scheuer attempting to coerce Kramer into an endorsement adverse to the health and safety of the American public.



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

Page 9, the Opinion states, "A state of mind, like malice, 'can seldom be proved by direct evidence. It must be inferred from objective or external circumstantial evidence.' [Citation.]..... We found that in light of ...Kelman's role as a defense expert in Kramer's own lawsuit, and hostile statements Kramer made thereafter about Kelman, a jury could conclude Kramer had acted with constitutional malice in publishing the post." (Typd.Opn.pp.9)

what is at  
stake for the public  
by the acknowledgment  
of Kelman's perjury

Kelman's purported "role as a defense expert in Kramer's own lawsuit" was perjury in this lawsuit to inflame the courts. As this court was informed of what will happen when they acknowledge the evidence of Kelman's perjury, "When this Reviewing Court acknowledges what legally cannot be denied: Kramer's overwhelming, uncontroverted and irrefutable evidence that seven judges and justices ignored Kramer's overwhelming, uncontroverted and irrefutable evidence of Kelman's perjury on the issue of malice and ignored Kramer's vast evidence of Scheuer's willful suborning of Kelman's criminal perjury; then seven years worth of scientific fraud perpetrated on US Courts over the mold issue by the US Chamber of Commerce et al. will immediately cease by the acknowledgment that their author of their scientific fraud has no qualms about lying under oath to the courts and strategically litigating; and while their other author (sic, Bryan "Hardin") does not disclose he is a party to the strategic litigation." (App.Reply.To.Court.Query, pp.43-45).

Not mentioned in the Opinion, the following is perjury by Kelman to establish a false reason for malice: Declarations of Kelman submitted to the courts, 2005, 2006 and 2008: *"I first learned of Defendant Sharon Kramer in mid-2003, when I was retained as an expert in a lawsuit between her, her homeowner's insurer [Mercury Casualty] and other parties regarding alleged mold contamination in her house. She apparently felt that the remediation work had been inadequately done, and that she and her daughter had suffered life-threatening diseases as a result. I testified that the type and amount of mold in the Kramer house could not have caused the life-threatening illnesses that she claimed. I never met Ms. Kramer."* (App.Opn.Brff.Erta,pp.7)

Not mentioned in the Opinion, the following is suborning of perjury by Scheuer when establishing needed external circumstances of malice to inflame the courts: *"Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not*

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELELATE DISTRICT – DIVISION ONE

SHARON KRAMER,	)	Court of Appeal No.: D054496
	)	
Defendant and Appellant	)	Superior Court No.: GIN044539
	)	
v.	)	
	)	
BRUCE KELMAN	)	
	)	
Plaintiff and Respondent	)	
	)	
	)	

APPEAL FROM THE SUPERIOR COURT OF SAN DIEGO COUNTY

HONORABLE JUDGE LISA C. SCHALL

---

APPELLANT'S ERRATA OPENING BRIEF

---

Properia Persona Appellant:

Sharon Kramer  
2031 Arborwood Place  
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(760) 746-8026

Attorney for Respondent:

Keith Scheuer, Esq. SB#82797  
Scheuer & Gillett  
4640 Admiralty Way # 402  
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(302) 577-1170



In October of 2006, at Appellant's urging, the Honorable Senator Edward Kennedy requested a Federal Government Accountability Office (GAO) audit into the mold issue. (Vol. 4 RT. 390-392) The (GAO Report) that was issued on September 30, 2008, is titled, "*Indoor Mold: Better Coordination of Research on Health Effects and More Consistent Guidance Would Improve Federal Efforts*". (Vol. 5 App.)

With the issuance of this report, Appellant has eliminated Respondent's concept from US government public health policy. No more: "*Thus the notion that toxic mold is an insidious secret killer is a result of trial lawyers, the media and 'junk science'*".

With the GAO Report, the Federal government has now deemed it is indeed plausible mycotoxins found in water damaged buildings may harm people. (Vol. IV. App. 974-975) Appellant presented this information as new evidence after trial to illustrate what this case is really about. A court in transition the later part of 2008, Judge Schall did not grasp what Appellant was telling her.

#### D. Appellant Attempted To Blow The Whistle To The San Diego Courts As Early As July 7, 2005, To No Avail.

Appellant attempted to explain to the San Diego courts in her detailed declarations submitted on July 7, 2005, why Respondent wanted her silenced. (Vol. I App. 152-179) The courts, without verifying the validity or lack thereof, of Appellant's declaration statements concluded Appellant's tone was bad and should thus be used as evidence that Appellant harbored *personal malice* for Respondent because he was an expert defense witness in *Mercury*; and because this case was only about the phrase

*“altered his under oath statements”*. They concluded that Appellant was just a mean spirited, uneducated, mental case who wrote known falsities out of spite with *actual malice*. As written in the Appellate Court anti-SLAPP ruling of November 19, 2006:

“These declarations reflect a person who, motivated by personally having suffered from mold problems, is crusading against toxic mold and against those individuals and organizations who, in her opinion, unjustifiably minimize the dangers of indoor mold.”

“Although this case involves only the issue of whether the statement “Kelman altered his under oath statements on the witness stand” was false and made with malice, Kramer's declarations are full of language deriding the positions of Kelman, GlobalTox, ACOEM and the Manhattan Institute.

For example, Kramer states people were “physically damaged by the ACOEM Statement itself” that the ACOEM statement “is a document of scant scientific foundation; authored by expert defense witnesses; legitimized by the inner circle of an influential medical association, whose members often times evaluate mold victims o[n] behalf of insurers and employers; and promoted by stakeholder industries for the purpose of financial gain at the expense of the lives of others.” (Vol.I App.244-263)

THIS was then the false theme established by the Appellate Court who did not understand what was in Appellant’s press release that was so detrimental to many – not just Respondent. A misguided person crusading against a fictitious enemy became the theme of the case. The judicial perception bias went from court to court, ruling to ruling causing a manifest destiny verdict that the press release was wrong and Appellant had maliciously lied with the use of the word “altered”.



### E. The Case Is About Appellant's State Of Mind

With all due respect to the San Diego Courts, this case is not about their understanding of the politics in public health policy science behind the mold issue or whether they think to go from “two different papers, two different activities” to “translation”, “lay translation.” is clarifying. (Vol. 7 RT. 577)

This case is simply about Appellant's state of mind when writing the phrase “altered his under oath statements” in 2005. Whether the courts consider “two different version, two different papers” and “lay translation” to be clarifying statements should not be of relevance in making their rulings. (Vol. 7 RT. 577)

The determination should be if Appellant, who has knowledge of conflicts of interest over the mold issue, believes to describe two US health policy papers as “two different version, two different papers” and simultaneously “lay translation” to be obfuscating and altering testimony. (Vol. 7 RT. 556–557, RT. 559–560)

There was no evidence presented that Appellant did not and does not believe the truth of her words. She did and she does. As is stated in trial, Appellant is proud of this press release as it was the first to expose an unholy union when setting public health policy over the mold issue detrimental to US citizens.

Respondent did not prove actual malice on the part of Appellant by clear and convincing evidence presented in trial because **he provided no evidence** that Appellant does not believe describing two papers as being connected and not connected at the same time, is in Appellant's mind, altering testimony.



personal malice for Respondent stemming from when Respondent was retained as an expert witness for the defense in Appellant's personal mold case of 2002-2003. That case was *Mercury Casualty Company vs. Michael Kramer et. al*, San Diego Superior Courts Case No. GIN024147 (*Mercury*)(Vol.I App.1-114)

Beginning early in this case, Respondent and Scheuer started submitting false declaration statements of testimony never given by Respondent in *Mercury* that was then promoted as to why Appellant would harbor personal malice for Respondent. Without a shred of evidence to support the false theme that Appellant would have reason for malice stemming from *Mercury*, all courts assumed Appellant's statements and evidence were somehow not worthy as she repeatedly informed them of Respondent's false declarations.(Vol.I App.275-277) (Vol. IV App. 881-887) They took Respondent's never substantiated claimed reason for Appellant's personal malice, which reportedly caused animosity of actual malice, at face value. (Vol.II App.287)

In Respondent's declarations submitted to the courts on September 17, 2005; (Vol.I App 149) May 12, 2006, (Vol.II App.236); and March 27, 2008, (Vol.II App.287) he stated:

"I first learned of Defendant Sharon Kramer in mid-2003, when I was retained as an expert in a lawsuit between her, her homeowner's insure and other parties regarding alleged mold contamination in her house. She apparently felt that the remediation work had been inadequately done, and that she and her daughter had suffered life-threatening diseases as a result. I testified that the type and amount of mold in the Kramer house could not have caused the life-threatening illnesses that she claimed."

The malice causing testimony claimed to have been given by Respondent in Appellant's *Mercury* case was then ratified but never corroborated in Scheuer's briefs as to why Appellant harbored malice for Respondent. As submitted to the courts on September 17, 2005 (Vol.I App.34) and May 7, 2006 (Vol.I App.238)

"Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not have caused the life threatening illnesses that Kramer claimed. Apparently furious that the science conflicted with her dreams of a remodeled house, Kramer launched an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox."

After Scheuer presented Respondent's declaration regarding his purported malice causing testimony for the second time, in his appellate brief of May 12, 2006 (Vol.I App.236), Appellant's then attorney, William J. Brown III (Brown) requested the Appellate Court to take judicial notice of documentation showing that Respondent did not give the reported malice causing testimony in *Mercury*. (Vol.III App.753-759) The court declined to accept because it was not presented in the lower court. They then proceeded to find that Appellant *could have* malice for Respondent stemming from *Mercury*, with no evidence to support this theme, other than the false declarations of Respondent and false briefs of Scheuer. (Vol.I App.250, App.255) (Vol.IV App.1015, 1017)

In addition, within Brown's brief to the Appellate Court of April 7, 2005, Brown wrote:

"Kelman states in his declaration at page 5, paragraph 8, lines 7-10 (Appendix 358) that Mrs. Kramer and her daughter were claiming life threatening illness from exposure to mold in the underlying litigation, when in fact, in Mrs. Kramer's declaration in reply, she showed that she never claimed a life



threatening illness in that suit, and that her daughter, a cystic fibrosis sufferer (a life threatening illness) had also be inflicted with ABPA (an invariably fatal illness to cystic fibrosis sufferers) since 1998, before the improper mold remediation occurred.” (Vol.I App.208)

The claimed *Mercury* testimony given by Respondent was in reality, never given. But the false theme was off and running with the Appellate Court denial of November of 2006, that Appellant was a vindictive, know nothing, litigant out to get a great science expert stemming from *Mercury*. (Vol. I App. 244-263)

As directly evidence by its absence in the transcript of Respondent’s actual deposition testimony in Mercury, no such malice causing testimony as claimed of “I testified the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed” was ever given by Respondent in Appellant’s Mercury case. (Vol.I. App.1-114) & (Vol.V App.1168-1210) (Vol. 5 RT. 479)

As evidenced by the declaration of William J. Brown III, (Brown), and submitted to the courts on October 31, 2008 (Vol.III App.753-759); the courts have been informed complete with documentation of Respondent’s actual testimony in *Mercury* since June 30, 2006, but refused to take notice when denying Appellant’s anti-SLAPP motion. Brown was Appellant’s first attorney in this libel action and a co-counsel in *Mercury*.

As evidenced by the declaration of John Richards, Esq. and submitted to the court on October 31, 2008,(Vol.III App.751-752) who took Respondent’s deposition in *Mercury*, no such malice causing testimony was ever given by Respondent in *Mercury*, nor has there been any evidence in this case that Appellant has “*launched into an obsessive campaign to*

4th Civil Case No. D054496

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT -- DIVISION ONE

BRUCE J. KELMAN, GLOBALTOX, INC.,  
Plaintiffs,

v.

SHARON KRAMER,  
Defendant and Appellant.

*Appeal after Jury Trial, the Honorable Lisa C. Schall, Presiding  
San Diego County Superior Court,  
Case No. GIN 044539*

---

RESPONDENT'S BRIEF

---

SCHUEER & GILBERT, a professional corporation  
KEITH SCHUEER, ESQ. Cal. Bar No. 082797  
4640 Admiralty Way, Suite 402  
Marina Del Rey, CA 90292  
Telephone: (310) 577-1170  
Fax: (310) 301-0035  
Attorney for Respondent  
BRUCE J. KELMAN

SHARON KRAMER, in pro per  
2031 Arborwood Place  
Escondido, CA 92029  
(760) 746-8026  
Appellant

C.R.C. 8.124(b)(2). Her Appendix contains piles of meaningless and incomplete writings that were not evidence at trial, and would have been inadmissible on a variety of grounds, including irrelevance, lack of foundation, and multiple hearsay. Her Appendix also contains several documents created after judgment was entered in this action, including, as but one example, her correspondence with the State Bar of California. (Appellant's Appendix, 1239-1244.)

None of this material is properly part of the record and must be disregarded for purposes of appeal. Pulver v. Ayco Financial Services (1986) 182 Cal.App.3d 622, 632; Doers v. Golden Gate Bridge, Highway & Transport District (1979) 23 Cal.3d 180, 184.

Third, she ignores the actual forest and obsesses on the imaginary tree; i.e., even if her factual assertions about the Mercury Casualty case were true (which, emphatically, they are not), she closes her eyes to the clear and convincing evidence of her actual malice, and her lack of credibility. The jury listened to her disingenuous and incredible vacillations, contradictions, rationalizations and excuses, and rejected them. Nothing in her Brief or her Appendix changes that fact.

#### VII. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION IN EXCLUDING EVIDENCE ABOUT THE SCIENCE OF MOLD

Without much discussion, Appellant suggests that the trial court erred by granting Respondent's motions in limine. (Appellant's Appendix,

waiting for the transcript. She didn't even ask anyone to review her press release before she published it. (Reporter's Transcript, 330:6-13.)

She never asked Vance why he wanted her to wait for the transcript. (Reporter's Transcript, 335:2-4.) And she flailed at trial when she tried to justify her willful refusal to heed Vance's warning. (Reporter's Transcript, 334:5-19.)

VI. THE COURT PROPERLY DENIED APPELLANT'S  
MOTIONS FOR JUDGMENT NOTWITHSTANDING  
THE VERDICT AND FOR NEW TRIAL.

Although Appellant meanders somewhat incoherently over a host of topics, she apparently contends that she was entitled to a JNOV and/or new trial because (i) her defamatory statement about Respondent was true, (ii) she had no personal ill will toward Respondent, and (iii) the trial court erred by excluding evidence of her theories about the purported conspiracy to hide the harmful effects of mold from the public.

The trial court correctly rejected her post-trial motions for judgment notwithstanding the verdict and/or new trial. Judge Schall also properly denied Appellant's motion for a directed verdict. (Reporter's Transcript, 383:11-388:7.)

"A trial judge's power to grant a judgment notwithstanding the verdict is identical to his power to grant a directed verdict. ... The trial judge cannot weigh the evidence ... or judge the credibility of witnesses. ... If the evidence is conflicting or if several reasonable inferences may be



DISTRICT COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

DEPARTMENT NO. 31

HON. LISA C. SCHALL, JUDGE

BRUCE J. KELMAN, ET AL;

PLAINTIFF/RESPONDENTS,

VS.

SHARON KRAMER,

DEFENDANT/APPELLANT.

)  
)  
) COURT OF APPEAL  
) NO. D054496  
)

) SC NO. GIN044539  
)  
)  
)  
)

COPY

REPORTER'S APPEAL TRANSCRIPT

AUGUST 21, 2008

VOLUME 4

PAGES 301 THROUGH 439

PAMELA A. BERRY, CSR NO. 9982  
OFFICIAL REPORTER  
SAN DIEGO SUPERIOR COURT

1 WAIT?

2 "ANSWER: I DON'T KNOW IF I TOLD HIM CR NOT.

3 "QUESTION: DID YOU WANT TO WAIT?

4 "ANSWER: NO.

5 "QUESTION: WHY DIDN'T YOU WANT TO WAIT?

6 "ANSWER: BECAUSE THIS -- OLD NEWS IS NO NEWS, AND  
7 THIS WAS A CASE OF NATIONAL SIGNIFICANCE. IT WAS ONE OF THE  
8 FIRST IN THE NORTHWEST WHERE A JURY HAD FOUND THAT CHILDREN  
9 HAD SUFFERED NEUROCOGNITIVE DAMAGE FROM THE EXPCSURE TO  
10 MOLD, AND IT WAS IMPORTANT TO GET IT OUT.

11 "AND THE OTHER REASON I DIDN'T WANT TC WAIT IS  
12 BECAUSE I DIDN'T WANT TO SEE THIS SPUN BY INDUSIRY INTO,  
13 QUOTE, 'SOME STUPID JURY FOUND TOXIC MOLD DID BIAH, BLAH,  
14 BLAH,' END QUOTE. I HAVE A DEGREE IN MARKETING, AND I  
15 UNDERSTAND WHAT TIMING IS IMPORTANT --"

16 MR. BANDLOW: "THAT TIMING."

17 MR. SCHEUER: I'M SORRY.

18 Q (By MR. SCHEUER) -- "THAT TIMING IS  
19 IMPORTANT WHEN YOU ARE PUTTING INFORMATION OUT.

20 "QUESTION: DID YOU HAVE ANY UNDERSTANDING AT THAT  
21 TIME OF HOW LONG IT WOULD BE BEFORE A TRANSCRIPT WAS  
22 PREPARED?

23 "ANSWER: NO.

24 "QUESTION: DID YOU INQUIRE?

25 "ANSWER: NO. I'M NOT THE ONLY ONE WHO ISSUED A  
26 PRESS RELEASE ON THIS BEFORE THE TRANSCRIPT CAME OUT. THE  
27 TRIAL LAWYERS IN OREGON PUT OUT A PRESS RELEASE TOO, AS DID,  
28 I THINK, IT WAS SOME INDUSTRY GROUP PUT OUT A PFESS RELEASE

*ma  
"flaming"*



IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELELATE DISTRICT – DIVISION ONE

SHARON KRAMER,	)	Court of Appeal No.: D054496
	)	
Defendant and Appellant	)	Superior Court No.: GIN044539
	)	
v.	)	
	)	
BRUCE KELMAN	)	
	)	
Plaintiff and Respondent	)	
	)	

---

APPEAL FROM THE SUPERIOR COURT OF SAN DIEGO COUNTY  
HONORABLE JUDGE LISA C. SCHALL

---

APPELLANT'S REPLY BRIEF

---

Properia Persona Appellant: Sharon Kramer  
2031 Arborwood Place  
Escondido, California 92029  
(760) 746-8026

Attorney for Respondent: Keith Scheuer, Esq. SB#82797  
Scheuer & Gillett  
4640 Admiralty Way # 402  
Marina Del Rey, CA 90292  
(310) 577-1170

This denied Appellant to be able to add contextual meaning to her words by the wrongful exclusion of needed experts and evidence. Counsel encouraged the trial judge to rely on the anti-SLAPP ruling that he was well aware he had defeated through the use of perjury and suborning of perjury on the issue of malice. (Opening Brief, P.14)

#### **D. A SMOKE AND MIRRORS BRIEF**

According to the (Reporter's Transcript 334:5-19) Appellant used the words "what" when on the witness stand in August of 2008. The word "that" would have been proper English. Respondent's Brief deems this error to be, "*She flailed at trial when she tried to justify her willful refusal to heed Vance's warnings.*" (Respondent's Brief, Page 16) with his reference to (Reporter Transcript 334:5-19)

#### **E. OVER FOUR YEARS OF STRATEGIC LITIGATION**

As told to the courts since 2005, and now told to this Court again, four years and over one half of one million dollars in litigation defense expenses later: (Vol.V. App.1224,1225)

From Appellant's declaration of July 7, 2005:

"The ACOEM Statement and the Manhattan Institute Version, both authored by Kelman/GlobalTox, are nothing more than the core and the vehicle of an elaborate and injurious marketing campaign designed to deceive the American public."

The purposes for filing this lawsuit against me are as follows:

To intimidate me and others from speaking out. Others are threateningly referenced to in this case as defendants, John Doe 1  
- 20.

Beginning in September of 2005, Respondent and Counsel started submitting declarations to the courts providing a purported reason for Appellant's malice stemmed from a purported expert testimony Respondent claimed to have given in Appellant's personal mold litigation with Mercury Casualty, 2003. (Opening Brief. App.6-12)

In reality, Respondent never even gave the purported malice causing testimony that supposedly, in the words of Counsel, caused Appellant to be *"furious that the science conflicted with her dreams of a remodeled home"*. So she *"launched into an obsessive campaign to destroy the reputations of Dr. Kelman and GlobalTox"*. (Opening Brief App.8)

Appellant's evidence, uncontroverted by Respondent's Brief, proves Respondent's declarations submitted to the courts under penalty of perjury established a false theme for Appellant's malice. It also proves Counsel has been willing to suborn his client's perjury right up through September, 10, 2009 by "emphatically" denying the perjury, with no corroborating evidence to support the emphatic (and false) denial. (Resp. Brief P.20,21)

Their bamboozlement caused a wrongful anti-SLAPP ruling by this Court in 2006; and a wrongful denial of Appellant's Motion for Summary Judgment in 2008. (Appellant's Brief, P.6-12) In addition Respondent's perjury on the issue of malice impacted the framing of the scope of the trial in conjunction with the Honorable Lisa C. Schall's (trial judge) violating C.C.P 425.16.(b)(3) by erroneously relying on this Court's anti-SLAPP ruling for her understanding of the litigation. (Opening Brief, P. 12-16) She was days new to the case before the trial in August of 2008.



Respondent has been successfully strategically litigating since 2005 to vex, harass, and punish Appellant for writing a truth that needed to come to public light. But Respondent has been unsuccessful at attempting to keep the marketing of the scientific fraud that lies behind his expert witnessing from public view And it has adversely impacted his expert witnessing enterprise when the thin veil was removed, adding revenge and retribution to Respondent's motivation. Respondent comes to the mold issue circa 2000, from Big Tobacco. (Vol.5 RT.482-487)(Vol.3 RT.201-203; 283-285)

**A. THE FEDERAL GOVERNMENT ACCOUNTABILITY OFFICE  
AUDIT OF THE HEALTH EFFECTS OF MOLD**

Appellant has not been silenced or intimidated. Her speech has not been chilled even with the lack of protection by the San Diego court system. Appellant got the Federal Government Accountability Office, (Federal GAO) with the assistance of the Late Senator Edward Kennedy, to deem Respondent's science the unscientific "Junk Science" that it is. (Appellant's Errata "Opening Brief" P.39-45)(Resp. App, P.33, 41, 53,)

Respondent's Brief glaringly ignores the information within the Opening Brief that proves Respondent expertly testifies science concludes human illness from exposure to mycotoxins in an indoor environment is scientifically proven "Could not be"; but the Federal GAO Report of October of 2008 finds it is indeed biologically plausible exposure to mycotoxins in water damaged buildings can harm human health. In other words, most definitely "Could be." (Vol.IV. App 974-975)(Opening Brief P.41-45)

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**COURT OF APPEAL, FOURTH APPELLATE DISTRICT**

**DIVISION ONE**

**STATE OF CALIFORNIA**

BRUCE KELMAN et al.,

Plaintiffs and Respondents.

v.

SHARON KRAMER,

Defendant and Appellant.

D054496

(Super. Ct. No. GIN044539)

APPEAL from a judgment of the Superior Court of San Diego County, Lisa C.

Schall, Judge. Affirmed.

In this defamation case, Sharon Kramer appeals from a judgment entered on a jury verdict finding she libeled Bruce Kelman. The jury awarded Kelman nominal damages of one dollar and the trial court awarded Kelman \$7,252.65 in costs. The jury found that Kramer did not libel GlobalTox and judgment against GlobalTox was entered. The trial court awarded Kramer \$2,545.28 in costs against GlobalTox.

material difference in the evidence presented at trial, under law of the case the trial court was bound, as are we, by our prior determination that there was sufficient evidence of falsity and malice.

We recognize that with respect to malice "courts are required to independently examine the record to determine whether it provides clear and convincing proof thereof."

(*McCoy v. Hearst Corp.* (1991) 227 Cal.App.3d 1657, 1664.) However, in *Kelman v.*

*Kramer I* we expressly rejected Kramer's argument that such independent review entitled

her to judgment. Rather, we found that such review had taken place in the trial court and

following our own detailed analysis of the evidence of Kramer's hostility towards

Kelman, we left the trial court's determination undisturbed. 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. Because, as we have

indicated the record of malice presented at trial was just as fulsome as the one considered

in *Kelman v. Kramer I*, we cannot depart from our prior decision without also departing

from the doctrine of law of the case.

Finally, because we found in *Kelman v. Kramer I* that evidence of the falsity of Kramer's statement was sufficient to defeat the fair reporting privilege, the trial court, confronted with largely the same evidence, was bound by jury's falsity determination to find that the privilege did not apply. We too are bound by that determination.

no  
evidence  
of impropriety  
no mention  
of Kelman's  
privilege





The following documents that have been mailed to you and others may be read online at:  
<http://freepdfhosting.com/737d493356.pdf>

1. **October 25, 2010 Request to investigate to San Diego DA, Bonnie Dumanis, for ten San Diego judges and justices ignoring evidence of criminal perjury by the author of the US Chamber's and ACOEM's Mold Statements, carrying University of California's name.** Pdf pgs:1-4
2. **October 25, 2010 Request (second one) to the State Bar of California to discipline a CA licensed attorney for suborning of perjury and attempted coercion of a whistleblowing California citizen, while aiding and abetting interstate insurer fraud on behalf of the affiliates of the US Chamber of Commerce.** Pdf pages: 5-11
3. **October 25, 2010 Request to Governor Arnold Schwarzenegger, President of the Regents of the University of California, to let it be known among California government agencies that it is not acceptable for judiciaries to ignore criminal perjury in a strategic litigation by authors of policy papers for the US Chamber of Commerce to silence a California citizen whistleblower – even if those policy papers carry the name “University of California” in implied endorsement of the US Chamber's environmental science.** Pdf pages: 13 -15
4. **October 25, 2010 Complaint To The California Commission on Judicial Performance for TEN San Diego Judges and Justices Ignoring Criminal Perjury By The Author Of The US Chamber of Commerce while strategically litigating in the San Diego court system for five years. This complaint includes Justice Judith McConnell, Chair of the California Commission on Judicial Performance and Presiding Justice of the Fourth District Division One.** Pdf pages: 16 -38
5. **October 22, 2010 Petition to the California Supreme Court of a strategic litigation in which ten San Diego judges and justices ignored the evidence of a US Chamber of Commerce author's criminal perjury on the issue of malice while strategically litigating.** Pdf pages: 39 - 121
  - a.) Petition to CA Supreme Court Pdf pages: 39 – 68
  - b.) Petition for Rehearing & Modification to Appellate Court Pdf pages: 69 – 97
  - c.) 2010 unpublished Appellate Opinion Pdf pages: 98 – 114
  - d.) 2006 unpublished anti-SLAPP Appellate Opinion Pdf pages: 115 – 135
  - e.) US Chamber author's company's motion to tax costs (that were falsely stated in 2010 unpublished Opinion) Pdf. Pages 136 – 143
  - f.) Evidence of the Fourth District using the courts to cover up and retaliate against a whistleblower by writing false slurs not supported by the evidence in an October 13, 2010, modification Pdf pages 144 – 171

The first politician, or judicial decision maker, or district attorney, or disciplining legal government body that acknowledges the irrefutable evidence, ***“I testified the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed”*** is criminal perjury by an author of policy for the US Chamber of Commerce to establish false extenuating circumstances, false reason for malice, while strategically litigating to silence a whistleblower...Wins the Prize!!!! for stopping a deception in US public health policy adverse to public interest and for protecting democracy in the United States of America.



5  
Court of Appeal, Fourth Appellate District, Division One - No. D054496

S187554

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

---

BRUCE KELMAN et al., Plaintiffs and Respondents,

v.

SHARON KRAMER, Defendant and Appellant.

---

The petition for review is denied.

SUPREME COURT  
FILED

DEC 15 2010

Frederick K. Ohlrich Clerk

---

Deputy

**GEORGE**

---

*Chief Justice*



State of California  
Commission on Judicial Performance  
455 Golden Gate Avenue, Suite 14400  
San Francisco, CA 94102-3660  
(415) 557-1200  
FAX (415) 557-1266  
Web Site: <http://cjp.ca.gov>

December 14, 2010

Sharon Noonan Kramer  
2031 Arobrwood Place  
Escondido, Ca 92029

Dear Ms. Kramer:

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

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

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

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Karen Clay".

Karen Clay  
Staff Counsel

KC:kh/L1214Kramer



THE STATE BAR  
OF CALIFORNIA

OFFICE OF THE CHIEF TRIAL COUNSEL  
AUDIT & REVIEW

1149 SOUTH HILL STREET, LOS ANGELES, CALIFORNIA 90015-2299

TELEPHONE: (213) 765-1612

TDD: (213) 765-1566

FAX: (213) 765-1383

<http://www.calbar.ca.gov>

May 21, 2009

PERSONAL AND CONFIDENTIAL

Mrs. Sharon Noonan Kramer  
2031 Arborwood Place  
Escondido, CA 92029

RE: Case No.: 09-2006  
Respondent: Keith Scheuer

Dear Mrs. Kramer:

Your complaint and all supplemental documents and/or information you provided in your letter dated May 7, 2009, and other correspondence have been reexamined as part of the internal review process of the Office of the Chief Trial Counsel. After carefully analyzing the facts, the law, the high standard of proof in State Bar matters, and the likelihood of successful prosecution, it has been determined that your matter will remain closed.

You informed us that respondent represents plaintiffs in a libel matter against you, *Bruce J. Kelman, et al. v. Sharon Kramer, et al.*, San Diego County Superior Court, Case No. GIN044539, filed on or about May 16, 2005, and in related appellate matters. You complained, among many other complaints, that respondent suborned perjury by his client, made misrepresentations to the court, and engaged in other misconduct. Further, you requested in part that the State Bar compel respondent to provide proof that his client testified to certain statements in another civil matter, *Mercury Casualty Company v. Michael Kramer, et al.*, San Diego County Superior Court, Case No. GIN024147, filed on or about September 17, 2002.

The State Bar has the burden of proving by clear and convincing evidence that an attorney committed misconduct warranting discipline. We have reviewed your complaint file and determined that it does not demonstrate sufficient grounds for further investigation or prosecution of respondent for ethical misconduct, or establish an abuse of discretion in closing the complaint. Since we would not be able to meet our high burden of proof, your matter will remain closed.

Your complaints are more appropriately addressed with the civil court. It appears that the court of appeal affirmed the trial court's decision in the libel matter in about 2006, the Supreme Court denied your petition for review in about 2007, and your current appeal filed on or about January 14, 2009 is pending before the court of appeal. There is no evidence that any court found that respondent engaged in misconduct. You may also wish to consult with legal counsel for advice regarding your other available civil remedies. In the event that a court makes *specific findings* that respondent engaged in misconduct, please provide that information together with any relevant court documents.



Mrs. Sharon Noonan Kramer

May 21, 2009

Page 2

Please be advised that the State Bar cannot represent you, give you legal advice, or provide any other legal assistance to you in your civil matter. You will need to consult with your own legal counsel for advice and assistance regarding such matters. Your request that respondent be compelled to provide proof of his client's prior testimony must also be addressed with the civil court; the State Bar cannot assist you with that request.

In order to seek review of this decision that your matter will remain closed, you must file a verified accusation against the attorney with the California Supreme Court, pursuant to rule 9.13, subsections (d) through (i), California Rules of Court, within 60 days of the date of this letter.

The Clerk of the Supreme Court has instructed us to advise you that no specific form is used by the Supreme Court for the filing of a verified accusation against an attorney. You may obtain specific information by contacting the Clerk's office in Los Angeles or in San Francisco. The addresses and phone numbers of the respective offices are listed below.

California Supreme Court  
Clerk's Office  
300 South Spring Street  
Second Floor, Room 2752  
Los Angeles, CA 90013  
(213) 830-7570

California Supreme Court  
Clerk's Office  
350 McAllister Street  
San Francisco, CA 94102  
(415) 865-7000

Please be aware that if you file a verified accusation against the attorney, the Office of the Chief Trial Counsel will only reopen its file in this matter if the California Supreme Court issues an order granting your request.

You may also wish to consult with legal counsel for advice regarding any other civil, criminal, or administrative remedies available to you. If you seek representation, you may contact your local or county bar association to obtain the names of attorneys who might assist you further in this matter.

As stated above, this matter will remain closed and the State Bar will take no further action at this time.

Very truly yours,

OFFICE OF THE CHIEF TRIAL COUNSEL/AUDIT & REVIEW



THE STATE BAR  
OF CALIFORNIA

OFFICE OF THE CHIEF TRIAL COUNSEL  
AUDIT & REVIEW

1149 SOUTH HILL STREET, LOS ANGELES, CALIFORNIA 90015-2299

TELEPHONE: (213) 765-1612

FAX: (213) 765-1442

<http://www.calbar.ca.gov>

January 12, 2011

Sharon Kramer  
2031 Arborwood Place  
Escondido, CA 92920

RE: Inquiry No. 09-2006  
Respondent Keith Scheuer

Dear Ms. Kramer:

This letter is to confirm that the State Bar has received your additional information concerning attorney Keith Scheuer.

Please be advised that your correspondence and additional information has been added to the file, and you will be contacted when Audit and Review is ready to process the file for review.

Thank you for your continued patience and cooperation.

STATE BAR OF CALIFORNIA/AUDIT AND REVIEW  
054

JESUS RODRIGUEZ  
ASSISTANT DISTRICT ATTORNEY

OFFICE OF  
**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

BONNIE M. DUMANIS  
DISTRICT ATTORNEY

San Diego  
330 West Broadway  
San Diego, CA 92101  
(619) 531-4040

<http://www.sandiegoda.com>

November 5, 2010

Sharon Noonan Kramer  
2031 Arborwood Place  
Escondido, CA 92029

**Re: Petition for Rehearing and Modification of Opinion – Fourth District  
Petition for Rehearing and Modification of Opinion – Supreme Court  
Request for Investigation re Alleged Perjury**

Dear Mrs. Kramer,

I have received and reviewed the Petition for Rehearing and Modification of Opinion – Fourth District and Petition for Rehearing and Modification of Opinion – Supreme Court. I have also received and reviewed your request for investigation related to the alleged perjury regarding the issues raised in your civil case, *Kelman v. Kramer*. I have also reviewed the 2006 opinion from the Fourth District Court of Appeals; the 2010 opinion from the Fourth District Court of Appeals; your prior letters to this office; the applicable law; and independent research on some of the issues raised.

I appreciate your passion for your cause, and empathize with the difficulties it has created for you. Unfortunately, the current information and request for investigation does not alter this Office's previous decision on your matter. The issues raised and litigated in the matter of *Kelman v. Kramer* fall completely in the civil realm and contain no basis for action by my office. Our efforts remain focused on issues raised by the workers of Toyota of Poway.

Sincerely,

  
James D. Koerber  
Deputy District Attorney





January 19, 2011

Sharon Kramer  
2031 Arborwood Place  
Escondido, CA 92029  
760-746-8026

Justice Judith McConnell  
Administrative Presiding Justice  
Fourth District Division One Appellate Court

Honorable Justice McConnell,

I am attaching a Motion to Recall and Rescind The Remittitur. I am filing a complaint under Local Rule of the Court, Policy Against Bias, 1.2.1. This policy states, *"It is the policy of the court to provide an environment free of all types of bias, prejudice, any kind of discrimination, or unfair practice. All judges, commissioners, referees, court officers, and court attachés must perform their duties in a manner calculated to prevent any such conduct, either by court personnel or by those appearing in court in any capacity....Any violation of this policy by any judge, commissioner, referee, court officer, or court attaché should be reported directly to the presiding judge or executive officer, or assistant executive officer of the division in which the alleged violation occurred."*

. I would like for you to review how it is even remotely possible that your court can repeatedly ignore evidence of criminal perjury in a strategic litigation by authors of fraudulent health policy for the American College of Occupational and Environmental Medicine (ACOEM) and the US Chamber of Commerce.

I would like for you to review how it is even remotely possible your court could deem one who has helped to change US public health policy for the good of the public to be a "malicious liar" without a shred of evidence ever presented that she was ever impeached as to the subjective belief in the validity of her words.

I would like for you to review how it is even remotely possible that a retired high level CDC NIOSH employee could be an undisclosed party to a litigation for six years; and still end up awarded costs by a party that prevailed over him and four other owners of the corporation VeriTox, Inc., in trial.

I would like an explanation of why your did not acknowledge a prior complaint on the same matter, filed on September 17, 2010; or take any action.

Under California Rules of the Court 10.603(f)(3). *"The presiding judge must give written notice of receipt of the complaint to the complainant."*

California Rules of the Court 10.603(g)(4) states, *"The court must maintain a file on every complaint received, containing the following:(A) The complaint;(B) The response*

*of the subordinate judicial officer, if any;(C) All evidence and reports produced by the investigation of the complaint, if any; and(D) The final action taken on the complaint."*

*California Rules of the Court 10.603(i)(5) states, "If the presiding judge terminates the investigation and closes action on the complaint, the presiding judge must:(A) Notify the complainant in writing of the decision to close the investigation on the complaint. The notice must include the information required under (l)" which states: "When the court has completed its action on a complaint, the presiding judge must promptly notify the complainant and the subordinate judicial officer of the final court action.(2) The notice to the complainant of the final court action must:(A) Provide a general description of the action taken by the court consistent with any law limiting the disclosure of confidential employee information; and (B) Include the following statement: If you are dissatisfied with the court's action on your complaint, you have the right to request the Commission on Judicial Performance to review this matter under its discretionary jurisdiction to oversee the discipline of subordinate judicial officers. No further action will be taken on your complaint unless the commission receives your written request within 30 days after the date this notice was mailed. The commission's address is: Commission on Judicial Performance 455 Golden Gate Avenue, Suite 14400 San Francisco, California 94102"*

Sincerely,

Mrs. Sharon Noonan Kramer

Attachment (1)

CC: California Commission On Judicial Performance



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**FOURTH DISTRICT DIVISION ONE COURT OF APPEAL**

**SHARON KRAMER,**  
**Defendant & Appellant**

**v**

**BRUCE J. KELMAN &  
GLOBALTOX, INC.,**  
**Plaintiffs & Respondents**

**CASE NO.D054496**

**MOTION TO RECALL & RESCIND REMITTITUR**

- 1.) Remittitur Issued By Error Of Court Ignoring Respondent Fraud In Reply Brief,
- 2.) Clerical Error, Court Mailed Pro Per Kramer A Document in 2009 Not In Court File, No Judgment or Notice of Entry On Record To Be Affirmed
- 3.) Administrative Appellate Presiding Justice, Clerical Error. Local Rules of the Court; Policies Against Bias 1.2.1, Forgot That Court Must Respond To Complaints Under Ca Rules of the Court 10.603 & 10.703,
- 4.) Errors of Opinion Causing Malicious Prosecution To Gag Kramer From Writing of Opinion Ignored Fraud In Respondent's Reply Brief; Court Case No.37-2010-00061530- CU-DF-NC Kelman v. Kramer, NC Superior Court Dept. 30, Honorable Thomas Nugent, Served November 28, 2010
- 5.) Opinion & Remittitur Placing A Superior Count Judge In Compromised Position Of Having To Roll Over On His Judicial Peers & Superiors Or Send A Whistle Blower To Jail

**OPINION ISSUED SEPTEMBER 14, 2010**  
**REMITTITUR ISSUED DECEMBER 20, 2010**

**MOTION TO RECALL AND RESCIND REMITTITUR**

This Motion and accompanying Points and Authorities may be read online at \_\_\_\_\_ . It is filed in accordance with California Rules of the Court 8.54(a).

January 19, 2011

\_\_\_\_\_  
Sharon Kramer, Pro Per

MOTION TO RECALL AND RESCIND REMITTITUR

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**MEMORADUM OF POINTS & AUTHORITIES**

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Memorandum of Points and Authorities

I.

**BACKGROUND**

Although never mentioned in any Opinion or ruling, in this litigation Sharon ("Kramer")s use of the phrase, *"altered his under oath statements on the witness stand"* which was deemed by this court to be a malicious lie, just happened to be in

1 the same writing that was the first to publicly expose how it became a fraud in US  
2 public health policy that moldy buildings do not harm prior healthy people.

3  
4 Never mentioned in any Opinion or ruling, as even being in evidence; Kramer  
5 has evidenced since July of 2005, that she believes Bruce ("Kelman")'s statements  
6 of *"lay translation"* to *"two different papers, two different activities"* and back to  
7 *"translation"* were altered under oath testimony to hide the true connection of the  
8 medical policy writing body, ACOEM, from that of the US Chamber of Commerce  
9 when marketing the fraud into policy and to the courts.

10 As such, this court has deemed a whistle blower of fraud in US and California  
11 health and workers comp policies to be a malicious liar while not being able to cite  
12 to one piece of evidence of her ever being impeached as to the subjective belief in  
13 the validity of the truthfulness of her words *"altered his under oath statements on the*  
14 *witness stand"* ..because they never even mentioned she provided the  
15 unimpeached evidence of her logic for her use of these words.

16  
17 The fraud in policy that this court is aiding to cover up by deeming a never  
18 impeached whistle blower to be a malicious liar, is that Kelman (and irrefutably  
19 evidenced to be an undisclosed party to this litigation on the Certificates of  
20 Interested Parties; CDC NIOSH Big Wig Bryan ("Hardin")) could apply math to a  
21 single rodent study and prove no one is sick from the toxins found in water  
22 damaged buildings. Thousands of lives have been devastated from the fraud.

23  
24 Not mentioned in the Opinion, this court was clearly evidenced by Kramer that it  
25 is a fraud in science to make such an outlandish claim used to deny causation of  
26 illness in the courts, based on such limited data. Kramer also evidenced how it has  
27  
28



1 impacted policy and mold litigation for the past nine years. But that is not  
2 mentioned in the Opinion, either.

3  
4 Not mentioned in the Opinion, this court was evidenced that Kramer virtually  
5 castrated the defense in mold litigation when she exposed it as a fraud in policy by  
6 getting a Federal GAO audit into the current scientific understanding of the health  
7 effects of mold.

8  
9 Excerpts of a new book published in December 2010, by Dr. Ritchie Shoemaker  
10 and regarding Kramer's role in reshaping policy:

11 The arguments about health effects caused by exposure to the interior  
12 environment of water-damaged buildings were brought to the U.S.  
13 Senate Health Education Labor and Pension Committee (HELP) in  
14 January 2006, largely through the tireless efforts of Sharon Kramer.  
15 She'd provided Senator Ted Kennedy's office with an overwhelming  
16 amount of data to show that the current U.S. government approach to  
17 mold illness was not only shortsighted and biased, it was plain wrong.  
18 Senator Kennedy of HELP and Senator Jeffords of the Senate Public  
19 Works Committee called for a legislative staff briefing, with invitations  
20 provided to all Senate members. The meeting was held in the Dirksen  
21 Building in January 2006. Thank goodness that it wasn't held in the  
22 Rayburn Building; (see Chapter 21, Tourists' Guide to Moldy Buildings in  
23 DC). Panelists were Vincent Marinkovich, MD; Chin Yang, PhD; David  
24 Sherris, MD; and Ritchie Shoemaker, MD, with Mrs. Kramer organizing  
25 and moderating the briefing. The EPA, CDC and HHS were supposed to  
26 send speakers as well so that an informed dialog could take place for  
27 the benefit of the Senate legislative staffers, and therefore the U.S.  
28 citizens. The agencies cancelled their appearance at the last minute...

Understanding that (a) most elected officials aren't comfortable with  
potential threats to vested financial interests (in the case of water-  
damaged buildings, those interests involve building ownership and the  
property and liability insurance industries); and (b) discussion of human  
health effects due to exposure to water-damaged buildings exposes  
such threats to those interests, it was curious that such a conference  
could be held at all. No videos or minutes of the meeting were  
permitted to be taken so the Senate staffers could feel comfortable to

ask questions. I expected that there would be some sort of maneuver surrounding this scientific and political event, so it was no surprise that government agencies, including the EPA, pulled their representatives at the last minute, though no explanation was given...

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

Additionally, never mentioned in any ruling or Opinion, Kramer has provided the courts with uncontroverted evidence since September of 2005 that Kelman committed perjury and his attorney, Keith ("Scheuer") repeatedly and willfully suborned it, to establish false extenuating circumstances for Kramer's purported malice. This includes in his Reply Brief of September 2009 submitted to This Court.

Kramer evidenced this, but it was not mentioned in the Opinion that this court willfully accepted suborning of perjury in a legal brief by a California licensed attorney over a matter adversely impacting public health and involving billions of dollars.

There is now a new malicious litigation filed November 4, 2010, in which Kelman and Scheuer are seeking an injunctive relief that Kramer be gagged from ever writing of this libel litigation. This means Kramer would be gagged from writing of this court's aiding with interstate insurance fraud by not following the laws that govern proof of libel with actual malice and repeatedly ignoring what courts are

1 must to do by law, when provided irrefutable evidence that a litigant and their  
2 attorney are committing perjury to strategically litigate.

3  
4 With this newest attempt to gag Kramer, this now makes Kelman and Scheuer  
5 agents of this court in a new malicious litigation to cover up what this court was  
6 willing to do to aid the continuance of fraud in health policies on behalf of affiliates  
7 of the US Chamber of Commerce, primarily the insurance industry.

8  
9 This newest attempt to gag Kramer, also places a San Diego North County  
10 Superior Court Judge, the Honorable Thomas Nugent, in the compromised  
11 position that he will have either have to roll over on this court (and the Chair of the  
12 California Commission on Judicial Performance who did the same thing when  
13 denying Kramer's anti-SLAPP motion in 2006) for aiding with a malicious litigation  
14 to silence a Whistle Blower with this court being the true beneficiaries if Kramer  
15 were to be gagged;

16 or Judge Nugent will have to put the never once impeached Kramer behind bars  
17 when she refuses to be silenced of the fraud in US policy and the fraud of the  
18 Fourth District Division One Appellate Court aiding in the continuance of the  
19 insurance fraud adverse to public health, the public's best interest and in egregious  
20 dereliction of duty as Justices of the State of California.

21  
22 Email sent yesterday to the San Diego District Attorney's Office:

23 Dear. Mr. Koerber and Mr. Hawkins,

24 I hope you are doing well. Please share this email with District Attorney  
25 Dumanis.

26 I need to meet with you again and file a new complaint about what the  
27 Fourth District Division One Appellate Court has done. Kelman sued  
28

me again seeking an Injunctive Relief

[<http://freepdfhosting.com/bfaeafa6ea.pdf>] that I not repeat my phrase "*altered his under oath statements*" and many others for which I was not even sued, on the Internet or anywhere else.

I have never reposted or even discussed my purportedly libelous writing since the day he sued me in May 2005 without disclosing it was the subject of a libel suit [<http://freepdfhosting.com/2ea637d61d.pdf>], which is my right to do. Even people on death row are permitted to profess and evidence their innocence.

If I can never mention the phrase or my writing connecting ACOEM to the US Chamber and litigation; what this means is that a successful whistle blower [<http://freepdfhosting.com/40ef44be08.pdf>] of a fraud in US health and CA workers comp policy also would not be able to discuss how the San Diego courts turned a blind eye for six years to the undisputed facts that:

1. There was no evidence presented that I did not believe my words - because they never even acknowledged that I explained [<http://freepdfhosting.com/21f71b9b4e.pdf> (pdf pg 12 -18)] why I used my words in any of their rulings or Opinions.

2. They ignored the uncontroverted evidence that Kelman committed perjury [<http://freepdfhosting.com/21f71b9b4e.pdf> (pdf pg 25 to pg 29)] to establish false extenuating circumstances for my purported malicious motivation to publicly write of how it became false US health policy that mold does not harm prior healthy people. Never even mentioned there was evidence of the perjury to establish libel law needed reason for malice - not once.

3. Never mentioned, Bryan Hardin, retired Deputy Director of CDC NIOSH was irrefutably evidenced [<http://freepdfhosting.com/dc748c7054.pdf>] to be improperly undisclosed to be a party [<http://freepdfhosting.com/57726d547a.pdf>] to this litigation as the sixth owner of VeriTox, Inc. (and author of fraudulent environmental policy for the US Chamber and ACOEM). Never saw them mention his name in any opinion or ruling, once.

Now, with this newest litigation meant to gag me of what really occurred in my libel litigation at the hands of the Fourth District Division One [<http://freepdfhosting.com/9aa603f298.pdf>] - presided over by the



1 Chair of the California Commission on Judicial Performance;  
2 [http://freepdfhosting.com/de56fb0895.pdf] Kelman and his attorney Scheuer,  
3 have become agents of the court to cover up their six years of  
4 involvement in aiding [http://katysexposure.wordpress.com/2010/10/27/presiding-  
5 justice-candidate%C2%A0judith-mcconnell-nine-subordinate-san-diego-  
6 judicariesassisting-with-strategic-litigation-by-criminal-means-by-an-author-of/] this  
7 insurer fraud cost shifting scheme  
8 [http://www.youtube.com/watch?v=eIGZT6g50Q&feature=mfu\_in\_order&list=UL] to  
9 continue [http://freepdfhosting.com/21f71b9b4e.pdf(pdf pg 6 & 7)] to be promoted  
10 in policy by private sector medical associations adverse to the public  
11 interest and not based on science (as you know from the Toyota of  
12 Poway case), and while the Regents of the UC profit from it  
13 [http://freepdfhosting.com/1d6ae0b8a2.pdf]

14 This newest litigation is placing a San Diego Superior Court judge,  
15 Judge Thomas Nugent, in a compromised position. He will either have  
16 to:

17 1. acknowledge the evidence that this is new strategic litigation in the  
18 interest of the Fourth District Division One and Justice McConnell to  
19 see me gagged that they ignored a well connected plaintiff's perjury on  
20 the issue of malice while strategically litigating; and ignored there was  
21 no evidence impeaching the whistle blowing defendant -but deemed  
22 her a "malicious liar" anyway to the advantage of the insurance industry  
23 and US Chamber of Commerce by discrediting her; or

24 2. put a US citizen who has done more than her part for her fellow man  
25 behind bars when she refuses to be silenced of the fraud in health  
26 policy and those who have aided it to continue.

27 I have to have a reply brief to the court by January 27th. I am not even  
28 hopeful the court will take seriously a Pro Per's amateur writing by one  
who has been deemed a "malicious liar" describing his 10 judge and  
justice peers ignoring irrefutable evidence of perjury over a matter of  
public health and billions of dollars.

This has got to stop somewhere. The State Bar turned a blind eye. The  
CA Supreme Court turned a blind eye. The Commission on Judicial  
Performance turned a blind eye. The Regents turned a blind eye. And  
so did Governor Arnold Schwarzenegger who had endorsed the fraud  
into CA workers comp policy

[http://www.cdph.ca.gov/programs/IAQ/Documents/moldInMyWorkPlace.pdf]

1 I think it stops with you and Bonnie Dumanis of the San Diego District  
2 Attorney's office.

3 At least that is what the CA Ins. Fraud Assessment Commission says.  
4 [http://www.youtube.com/watch?v=az7laEuLCtA] I am aware that the LA County  
5 DA's office investigates local judiciaries and elected officials of the court  
6 and county as part of their purview.

7 PLEASE HELP, Mr. Koeber, Mr. Hawkins and District Attorney Dumanis.  
8 Or if you ever want to come visit me, it will be in the San Diego County  
9 Jail when I refuse to be silenced of the insurer fraud written into policy  
10 and the Fourth District Division One Appellate Court's aiding it,  
11 including Presiding Justice Judith McConnell, Chair of the CJP.

12 I don't deserve this for delving deeply into a problem that is harming  
13 thousands, daring to write the truth of a matter and working diligently  
14 to change it.

15 When would be a good time to meet? And thank you in advance for  
16 stopping this tragic situation of the San Diego courts being unduly  
17 influenced in a manner not in the public's best interest or in fulfilling  
18 their duties as officers of the courts - while working to punish,  
19 discredit and silence a whistle blower of the fraud, ME..

20 Sincerely,  
21 Sharon Kramer  
22 760-746-8026

23 Forwarded Message To the San Diego DA's Office in same email:

24 Oversight Needed Of Federal Funds Used To Educate US Pediatricians  
25 Of The Dangers Of Water Damaged Buildings

26 Dear CDC, Agency For Toxic Substance & Disease Registry and EPA, Are  
27 We Federally Funding Insurer Cost Shifting Environmental "Science"  
28 When Educating US Doctors on Behalf  
of the Affiliates of the US Chamber of  
Commerce?



On January 17, 2011, Seventy Five  
Physicians, Scientists & Citizens sent a  
letter to CDC ATSDR & EPA requesting

1 transparency and oversight of what America's pediatricians and other  
2 US physicians are being taught of children's illnesses caused by  
3 exposure to Water Damaged Buildings (WDB) through the  
4 collaboration of private medical associations and Federal funds. The  
5 gist of the concerns raised is \*"Certainly, the directors can understand  
6 the concern when tax dollars are used to potentially harm the public  
7 when some of the US policy writers involved in influencing America's  
8 pediatricians and occupational physicians of the causes and effects of  
9 WDB exposures also generate income aiding insurers to deny any  
causation or effect even exists. This in turn, may aid insurers to shift the  
cost of WDB-illness onto us, the US taxpayer."\* View the letter sent to  
our nation's leaders in entirety at [KatysExposure.Wordpress.Com](http://katysexposure.wordpress.com/2011/01/18/request-for-transparency-oversight-of-federal-funds-used-to-educate-us-pediatricians-of-children%E2%80%99s-illnesses-caused-by-water-damaged-buildings-%E2%80%9Cwdb%E2%80%9D/)  
"Exposing Environmental Health Threats And Those Responsible" -  
Katy's Exposure Blog

10 [[http://katysexposure.wordpress.com/2011/01/18/request-for-](http://katysexposure.wordpress.com/2011/01/18/request-for-transparency-oversight-of-federal-funds-used-to-educate-us-pediatricians-of-children%E2%80%99s-illnesses-caused-by-water-damaged-buildings-%E2%80%9Cwdb%E2%80%9D/)  
11 [transparency-oversight-of-federal-funds-used-to-educate-us-pediatricians-](http://katysexposure.wordpress.com/2011/01/18/request-for-transparency-oversight-of-federal-funds-used-to-educate-us-pediatricians-of-children%E2%80%99s-illnesses-caused-by-water-damaged-buildings-%E2%80%9Cwdb%E2%80%9D/)  
12 [of-children%E2%80%99s-illnesses-caused-by-water-damaged-buildings-](http://katysexposure.wordpress.com/2011/01/18/request-for-transparency-oversight-of-federal-funds-used-to-educate-us-pediatricians-of-children%E2%80%99s-illnesses-caused-by-water-damaged-buildings-%E2%80%9Cwdb%E2%80%9D/)  
13 [%E2%80%9Cwdb%E2%80%9D/](http://katysexposure.wordpress.com/2011/01/18/request-for-transparency-oversight-of-federal-funds-used-to-educate-us-pediatricians-of-children%E2%80%99s-illnesses-caused-by-water-damaged-buildings-%E2%80%9Cwdb%E2%80%9D/)] "

14 A video of Kramer before the California Fraud Assessment Commission,  
15 November 16, 2010, discussing how Governor Schwarzenegger endorsed the fraud  
16 of Kelman, Hardin, ACOEM and the US Chamber into California Workers Comp  
17 Policy, that this court is aiding to continue may be viewed at:

18 [http://www.youtube.com/watch?v=eIGlZT6g50Q&feature=mfu\\_in\\_order&list=UL](http://www.youtube.com/watch?v=eIGlZT6g50Q&feature=mfu_in_order&list=UL)

19 In summary, please rescind the remittitur and step down as Justices of the State  
20 of California. Your Opinion and the actions of the newly re-elected Administrative  
21 Presiding Justice, who is also Chair of the California Commission on Judicial  
22 Performance, are clearly evidenced to have lost sight of your duties to uphold the  
23 law on behalf of the citizens of California, the citizens of United States and in  
24 protection of the First Amendment of the Constitution. You are willfully aiding in  
25 discrediting truthful speech for the public good and chilling speech of others for  
26 fear of retribution by judiciaries such as yourselves.

1 As such, you have become the epitome of exactly what the First Amendment is  
2 meant to protect against from occurring for the sake of public good. And you are  
3 now willing participants and beneficiaries of a new malicious litigation to attempt  
4 to gag a Whistleblower of fraud in policy and your involvement in aiding the fraud  
5 by your blatant refusal to acknowledge irrefutable evidence of criminal perjury in a  
6 strategic litigation. by authors of a deception in US policy for ACOEM and the US  
7 Chamber of Commerce. Please rescind the remittitur and step down as Justices of  
8 the State of California. You no longer deserve the right to be in such a position of  
9 authority while adversely impacting the lives of thousands of citizens by your  
10 actions.

11 II.

12 RESCIND THE REMITTITUR, OPINION ISSUED BY IGNORING EVIDENCE OF  
13 KELMAN'S & SCHEUER'S FRAUD ON THE APPELLATE COURT

14 1. On September 9, 2009, Kelman filed a reply brief. Within the brief the  
15 following statement is made on page 16:

16 "She never asked Vance why he wanted her to wait for the  
17 transcript. (Reporter's Transcript, 335:2-4.) And she flailed at trial  
18 when she tried to justify her willful refusal to heed Vance's  
19 warning. (Reporter's Transcript, 334:5-19.)"

20 2. As evidenced for this court in Kramer's Reply Brief of October 5, 2009, page  
21 31, Scheuer made the above statement to mislead this court that Kramer had  
22 been impeached as to the subjective belief in the validity of her words in trial.  
23 He then cited to a "Reporter's Transcript, 334:5-19", that does not support the  
24 fallacy that Kramer was ever impeached as to the subjective belief of her words  
25 or maliciously rushed to publish.  
26  
27  
28



1 3. From Kramer's Reply Brief of October 2009, while citing the fraud in  
2 Kelman's Brief of September 2009, of which this court must have overlooked  
3 that they were evidenced there is simply no evidence of Kramer ever being  
4 impeached as to the subjective belief in the truthfulness of her words "*altered*  
5 *his under oath statements on the witness stand*" in trial or any other time, or that  
6 her Press Release was maliciously motivated:

7 "(Respondent's Brief, Page 16) proves that Respondent knows he  
8 did not impeach Appellant as to the belief in her words. For  
9 Counsel to resort to the statement, "*And she flailed at trial when she*  
10 *tried to justify her willful refusal to heed Vance's warning. (Reporter's*  
11 *Transcript, 334:5-19)*" in which Appellant had mixed the word  
12 "*what*" with "*that*", is an acknowledgement that Respondent and  
13 Counsel know they have never impeached Appellant as to the  
14 belief in her words." (Kramer's Reply Brief, pg 31)

15 4. Reporter Transcript, 334:5-19 of the trial states:

16 Mr. Scheuer: Why didn't you want to wait?

17 Mrs. Kramer: Because this – old news is no news, and this was a  
18 case of national significance. It was one the first in the northwest  
19 where a jury had found that children had suffered neurocognitive  
20 damage from the exposure to mold, and it was important to get it  
21 out.

22 "And the other reason I didn't want to wait is because I didn't want  
23 to see this spun by industry into, 'Some stupid jury found toxic  
24 mold did blah, blah, blah'. I have a degree in marketing, and I  
25 understand what time is important –"

26 Mr. Bandlow: "That timing"

27 Mr. Scheuer: I'm sorry.

28 Q. (by Mr. Scheuer) – "That timing is important when you are  
putting information out".

5. As shown above this court was informed and evidenced, "Reporter  
Transcript, 334:5-19", does not support the statement in Kelman & Scheuer's

1 brief of *"And she flailed at trial when she tried to justify her willful refusal to heed*  
2 *Vance's warning. (Reporter's Transcript, 334:5-19.)"* Its fraud in a brief to falsely  
3 portray impeachment and malice and this court was evidenced it was fraud.

4 6. In Kelman's reply brief of September 9, 2009, on page 20 the following  
5 statements are made:

6 "Appellant virtually ignores this mountain of evidence of actual  
7 malice, and fixates instead on purported deposition testimony  
8 from her old lawsuit against Mercury Casualty (which settled long  
9 before the instant action commenced).

10 Appellant's theory apparently is that Dr. Kelman bamboozled  
11 several trial court judges and this Court about the substance of his  
12 testimony in her Mercury Casualty case, and that this  
13 bamboozlement irretrievably tainted this entire lawsuit – creating  
14 what Appellat calls "insurmountable judicial perception bias of the  
15 case." (Appellant's Errata Opening Brief, page 33.)

16 She claims that this bias "stopped Appellant from being able to  
17 discuss what she needed to in order to defend herself."  
18 (Appellant's Errata Opening Brief, page 35.)

19 "The judicial perception bias went from court to court, ruling to  
20 ruling causing a manifest destiny verdict that the press release  
21 was wrong and Appellant had maliciously lied with the use of the  
22 word 'altere.' (Appellant's Errata Opening Brief, page 45.)

23 There are many, many problems with Appellant's theory.  
24 First, it has no factual basis."

25 7. This court must have missed the numerous times and numerous amounts  
26 of uncontroverted evidence Kramer provided that Kelman committed perjury  
27 in this litigation to establish false extenuating circumstances based on a  
28 testimony he is irrefutably evidenced to have never even given in Kramer's  
Mercury case of long ago - because the Opinion does not even mention any of  
the evidence of the fraud. Some of the bate stamped evidence from Kramer's

1 appendix, Vol. 4, 988 -1055) may be viewed online at  
2 <http://freepdfhosting.com/c35afb9c81.pdf> (huge pdf, takes a minute to open)

3  
4 8. The court must have missed the irrefutable evidence that Scheuer willfully  
5 suborned Kelman's perjury including in his reply brief, to inflame all courts to  
6 make Kramer's writing appear to be maliciously motivated from a lawsuit in  
7 which she received approximately one half of one million dollars in settlement.

8  
9 9. Kramer evidenced this to this court in her reply brief of October 5, 2009,  
10 but "*insurmountable judicial perception bias*" must have caused this court to not  
11 be able to understand that one cannot use perjury to make up a reason why  
12 someone would want to accuse them of perjury. This rule of law holds true,  
13 even if the Regents of the UC profit from the perjury in this strategic litigation  
14 and even if it benefits an insurer fraud that Governor Schwarzenegger signed  
15 into workers comp policy, while aiding to shift cost onto taxpayers.

16 10. From Kramer's Reply Brief of October 2009, page 8:

17 Beginning in September of 2005, Respondent and Counsel started  
18 submitting declarations to the courts providing a purported  
19 reason for Appellant's malice stemmed from a purported expert  
20 testimony Respondent claimed to have given in Appellant's  
21 personal mold litigation with Mercury Casualty, 2003. (Opening  
22 Brief. App.6-12)

23 In reality, Respondent never even gave the purported malice  
24 causing testimony that supposedly, in the words of Counsel,  
25 caused Appellant to be "*furious that the science conflicted with her*  
26 "*dreams of a remodeled home*". So she "*launched into an obsessive*  
27 "*campaign to destroy the reputations of Dr. Kelman and GlobalTox*".  
28 (Opening Brief App.8) Appellant's evidence, uncontroverted by  
Respondent's Brief, proves Respondent's declarations submitted  
to the courts under penalty of perjury established a false theme  
for Appellant's malice. It also proves Counsel has been willing to

1 suborn his client's perjury right up through September, 10, 2009  
2 by "emphatically" denying the perjury, with no corroborating  
3 evidence to support the emphatic (and false) denial. (Resp. Brief  
4 P.20,21)

5 Their bamboozlement caused a wrongful anti-SLAPP ruling by this  
6 Court in 2006; and a wrongful denial of Appellant's Motion for  
7 Summary Judgment in 2008. (Appellant's Brief, P.6-12) In addition  
8 Respondent's perjury on the issue of malice impacted the framing  
9 of the scope of the trial in conjunction with the Honorable Lisa C.  
10 Schall's (trial judge) violating C.C.P 425.16.(b)(3) by erroneously  
11 relying on this Court's anti-SLAPP ruling for her understanding of  
12 the litigation. (Opening Brief, P. 12-16)

13 11. As repeatedly evidenced for this court, the perjury by Kelman that set the  
14 false theme of Kramer's purported malice is:

15 "I first learned of Defendant Sharon Kramer in mid-2003, when  
16 I was retained as an expert in a lawsuit between her, her  
17 homeowner's insure and other parties regarding alleged mold  
18 contamination in her house. She apparently felt that the  
19 remediation work had been inadequately done, and that she and  
20 her daughter had suffered life-threatening diseases as a result. I  
21 testified that the type and amount of mold in the Kramer house  
22 could not have caused the life-threatening illnesses that she  
23 claimed."

24 12. As repeatedly evidenced for this court, the suborning of perjury by  
25 Scheuer that set the false them of malice is:

26 "Dr. Kelman testified in a deposition that the type and amount  
27 of mold in the Kramer house could not have caused the life  
28 threatening illnesses that Kramer claimed. Apparently furious  
that the science conflicted with her dreams of a remodeled  
house, Kramer launched an obsessive campaign to destroy the  
reputation of Dr. Kelman and GlobalTox."

13. As evidenced above, Scheuer's brief submitted to THIS court and when  
rendering THIS opinion practiced a fraud on THIS court on September 9,



1 2009. It is a fraud in Kelman and Scheuer's Reply Brief to state, "There are  
2 many, many problems with Appellant's theory. First, it has no factual basis."

3  
4 14. "If the remittitur issues by inadvertence or mistake or as a result of fraud or  
5 imposition practiced on the appellate court, the court has inherent power to recall  
6 it and thereby reassert its jurisdiction over the case. This remedy, though described  
7 in procedural terms, is actually an exercise of an extraordinary substantive power.  
8 ...its significant function is to permit the court to set aside an erroneous judgment  
9 on appeal obtained by improper means. In practical effect, therefore, the motion or  
10 petition to recall the remittitur may operate as a belated petition for rehearing on  
11 special grounds, without any time limitations." (9 Witkin, Cal. Procedure (4th ed.  
12 1997) Appeal, § 733, pp. 762-763.)

13 III.

14 KRAMER PRO PER WAS MAILED A FALSE DOCUMENT FROM THE COURTS NOT  
15 IN COURT RECORD OF A JUDGMENT NEVER ENTERED, RECALL REMITTITUR TO  
16 CLARIFY "JUDGMENT AFFIRMED" and "RESPONDENTS" OF OPINION &  
REMITTITUR

17 1. California Rule of the Court 8.278(b)(2) states "If the clerk fails to enter  
18 judgment for costs, the court may recall the remittitur for correction on its own  
19 motion, or on a party's motion made not later than 30 days after the remittitur  
20 issues." California Rule of the Court 8278(a)(3) states, "If the Court of Appeal  
21 reverses the judgment in part or modifies it..., the opinion must specify the award or  
22 denial of costs."

23  
24 2. Not mentioned in the Opinion, this court was evidenced that there was no  
25 judgment entered after amended rulings awarding costs to both Kelman and  
26 Kramer of December 16, 2008; and that. Kramer, Pro Per, was sent a fraudulent  
27 document from the clerk of the court, Department 31 in January 2009 falsely  
28

1 indicating there *was* judgment entered after rulings. What Kramer was sent was  
2 a false document awarding only Kelman costs.

3  
4 3. On December 16, 2008 after oral argument of December 12th (which was  
5 Judge Schall's last day to preside over Department 31), an amended ruling after  
6 trial that differed from the judgment entered on October 16 (that had  
7 originally awarded only Kelman costs and not Kramer's as prevailing over  
8 GlobalTox) was issue. In the 12/16/08 ruling, Kelman was awarded costs and it  
9 was determined Kramer could motion for her costs. Kramer was later awarded  
10 costs in a ruling of April 3, 2009. There was no amended judgment entered or  
11 notice of entry after either of these two rulings.

12 4. On December 22, Kramer filed a motion for reconsideration to the presiding  
13 judge of the North County court, Judge Joel ("Pressman") in Schall's absence.  
14

15 5. On January 7<sup>th</sup>, 2009, Kramer was mailed a denial for reconsideration based  
16 on the statement in the denial that the court had lost jurisdiction because a  
17 judgment was entered on December 18, 2008. (Appellate Appendix Vol.5,  
18 1078)  
19

20 6. Kramer had received no Notice of Entry of any judgment. On January 9,  
21 2009, she physically went to the court house and checked the court record file.  
22 There was no evidence of any judgment entered on December 18, 2008. (And  
23 there still is not.)  
24

25 7. Kramer went upstairs to Department 31. She was directed to go to Judge  
26 Thomas Nugent's Department 30 where Judge Schall's clerk, Michael  
27 ("Garland"), would come out to speak with her.  
28

1 8. In front of two of Judge Nugent's court personnel, Kramer asked Garland why  
2 she was mailed a denial for reconsideration based on a judgment being  
3 entered, but there was no record in the court file of any judgment entered after  
4 amended rulings and she had received no notice of such.

5 9. Garland, in front of the Department 30 personal replied *"We are all sick of*  
6 *you."* Kramer being a new Pro Per because she could no longer afford legal  
7 counsel to help defend the truth of her words for the public good, thought she  
8 had done something wrong, and questioned Garland no further.

9  
10 10. On January 9, 2009, the new clerk of the court for Department 31 mailed Pro  
11 Per Kramer a false document indicating that a judgment was entered on  
12 December 18, 2008, awarding only Kelman costs contrary to the recent ruling  
13 mailed on 12/16/08. Next to the dollar amount it had a hand written *"Michael*  
14 *Garland 12/18/08"*. This document with its *"12/18/08"* and mailed to Kramer  
15 from the court, is not in the court record. Kramer is the only one who appears  
16 to have any such document, as evidenced in her (Appendix, Vol. 5, 1081-1083)

17  
18 11. As "Notice of Entry", the document mailed to Pro Per Kramer was attached  
19 to a yellow Post it that stated:

20 "Ms. Kramer – 9-24-2008 judgment reflects costs of \$7252.65 entered as  
21 of 12-18-2008. See page 3 of highlighted [illegible]. This is the  
22 information you are seeking. Lynn D31". (Appellant's Appendix Vol.5,  
1081)

23 12. *"For example, courts have held that the 'document entitled 'Notice of Entry' '*  
24 *mentioned in the rule must bear precisely that title, and the 'file stamped copy of*  
25 *the judgment' [citation] must truly be file stamped."* (Id. At p. 903, quoting rule  
26  
27  
28

1 8.104(a)(1).)"Citizen for Civic Accountability v. Town of Danville (2008) 167  
2 Cal.App.4th 1162.

3  
4 13. Based on a false date of entry of 12/18/08 of a purported judgment not  
5 found in the court records and not consistent with the amended rulings mailed  
6 December 16<sup>th</sup>; the lower court claimed they lost jurisdiction over the case.

7  
8 14. On November 28, 2010, Kramer was served papers for an Injunctive Relief that  
9 she not be permitted to discuss the words "*altered his under oath statements*" and  
10 many others for which she was not even sued, which means she would gagged  
11 from this writing of this court ignoring her evidence of Kelman's perjury while  
12 strategically litigating and ignored Kramer was mailed a false document from the  
13 case of a judgment never entered in the court record after amended rulings. It is  
14 Case No.37-2010-00061530-CU-DF-NC Kelman v. Kramer, NC Superior Court Dept.  
15 30, Honorable Thomas Nugent.

16 15. What is relevant on this point is that Kelman is now seeking an injunctive relief  
17 in a new case that Kramer be gagged of writing of this court's involvement in  
18 aiding insurer fraud, based on a fictional judgment that was never even entered in  
19 this case after amended rulings of December 16, 2008 and April 3, 2009.

20  
21 16. On January 13, 2011, Scheuer submitted costs on appeal of \$762.30

22  
23 17. Page 16 of the Opinion states, "*Judgment affirmed. Respondents to recover*  
24 *their costs of appeal*". "*Respondents*" is restated in the Remittitur.

25  
26 18. Not mentioned in the Opinion, this court was evidenced, Bryan ("Hardin") is  
27 the sixth owner of GlobalTox. He is also a retired Deputy Director of CDC  
28



1 NIOSH. As this court was evidenced he was an improperly undisclosed party to  
2 this litigation on the Certificate of Interested Parties in 2006 when denying  
3 Kramer's anti-SLAPP motion. When this court uses the plural term "*respondents*  
4 *to recover costs*" in the Opinion and Remittitur, is this court referring to  
5 undisclosed party, Hardin, as an additional party to recover costs and one who  
6 Kramer prevailed over in trial as one of the owners of GlobalTox? Because on  
7 the Certificate of Interested parties submitted to this court in 2009, there is only  
8 one disclosed respondent, Bruce Kelman.

9 19 . As such, this court needs to recall the remittitur to clarify what they mean  
10 by the term "*judgment affirmed*" and "*respondents*" (plural) of what costs are  
11 being awarded to whom; based on what date a judgment properly noticed as  
12 entered becomes the valid judgment; and whom they are referring to with the  
13 plural "*respondents*" being awarded costs on appeal.

14  
15 20. California Rule of the Court 8278(a)(3) states, "*If the Court of Appeal reverses*  
16 *the judgment in part or modifies it..., the opinion must specify the award or denial*  
17 *of costs.*"

18  
19 21. "*A remittitur can be recalled to permit the court to 'clarify and make certain' any*  
20 *matters that are implicit in the court's opinion and judgment. (Ruth v. Lytton Sav.*  
21 *& Loan Ass'n (1969) 272 Ca 2d 24, 25, 76 CR 926, 927"* Witkins Rule of Law 14;41

22  
23 22. "*A recall may also be ordered on the ground of the court's inadvertence or*  
24 *misapprehension as to the true facts, or if the judgment was improvidently*  
25 *rendered without due consideration of the facts"* McGee (1951) 37 C2d 6,9, 229  
26 P2d, 780, 782" Witkins 14:38  
27  
28

IV.

RECALL REMITTITUR ADMINISTRATIVE PRESIDING JUSTICE "CLERICAL ERROR"

1. The Opinion was rendered on September 14, 2010 deeming Kramer a malicious liar for the word "altered"; in which the Opinion by inadvertence, neglect or error, did not mention Kramer's evidence within her Appellate Reply Brief of fraud on this court, ie, Scheuer again suborning Kelman's perjury on the issue of malice in his reply brief of September 2009; and the Opinion did not mention being evidenced of Scheuer's citing to trial transcript that did not support statements in the brief to falsely portray Kramer had been impeached in trial and was falsey portray she evidenced to have written with malice.

2. On September 17, 2010, Kramer filed a complaint with the Administrative Presiding Justice under Local Rules of the Court, Policy Against Bias 1.2.1. This policy states, "*It is the policy of the court to provide an environment free of all types of bias, prejudice, any kind of discrimination, or unfair practice. All judges, commissioners, referees, court officers, and court attachés must perform their duties in a manner calculated to prevent any such conduct, either by court personnel or by those appearing in court in any capacity....Any violation of this policy by any judge, commissioner, referee, court officer, or court attaché should be reported directly to the presiding judge or executive officer, or assistant executive officer of the division in which the alleged violation occurred.*"

3. In error and in violation of California Rules of the Court; no acknowledgement of even receiving the date stamped complaint Kramer had submitted was sent to Kramer from the Administrative PJ

4.. Under California Rules of the Court 10.603(f)(3). "*The presiding judge must give written notice of receipt of the complaint to the complainant.*"

1 5. California Rules of the Court 10.603(g)(4) states, *"The court must maintain a*  
2 *file on every complaint received, containing the following:(A) The complaint;(B) The*  
3 *response of the subordinate judicial officer, if any;(C) All evidence and reports*  
4 *produced by the investigation of the complaint, if any; and(D) The final action*  
5 *taken on the complaint."*

6 6. California Rules of the Court 10.603(i)(5) states, *"If the presiding judge*  
7 *terminates the investigation and closes action on the complaint, the presiding*  
8 *judge must:(A) Notify the complainant in writing of the decision to close the*  
9 *investigation on the complaint. The notice must include the information required*  
10 *under (l)" which states: "When the court has completed its action on a complaint,*  
11 *the presiding judge must promptly notify the complainant and the subordinate*  
12 *judicial officer of the final court action.(2) The notice to the complainant of the final*  
13 *court action must:(A) Provide a general description of the action taken by the court*  
14 *consistent with any law limiting the disclosure of confidential employee*  
15 *information; and (B) Include the following statement: If you are dissatisfied with the*  
16 *court's action on your complaint, you have the right to request the Commission on*  
17 *Judicial Performance to review this matter under its discretionary jurisdiction to*  
18 *oversee the discipline of subordinate judicial officers. No further action will be taken*  
19 *on your complaint unless the commission receives your written request within 30*  
20 *days after the date this notice was mailed. The commission's address is:*  
21 *Commission on Judicial Performance 455 Golden Gate Avenue, Suite 14400 San*  
22 *Francisco, California 94102"*

23 7. As the Opinion failed to mention the fraud in Kelman's Reply brief that was  
24 evidenced by Kramer to falsely portray to this court that Kramer had been  
25 impeached in trial and falsely portray that Kelman had *not* committed perjury,  
26 when in fact he had; review for bias in the court is essential and the remittitur  
27 should be recalled and stayed for the Administrative PJ to perform her duty,  
28

1 required actions and adhere to the policies against bias, as dictated under  
2 Local and California Rules of the Court.

3  
4 8. *"A recall may also be ordered on the ground of the court's inadvertence or*  
5 *misapprehension as to the true facts, or if the judgment was 'improvidently*  
6 *rendered without due consideration of the facts"* McGee *"A stay may be ordered*  
7 *only for 'good cause'. 'Good cause' for this purpose requires a showing of some*  
8 *extraordinary reason for retaining appellate court jurisdiction and further delaying*  
9 *lower court proceedings on the judgment (e.g., likely irreparable damage from*  
10 *immediate enforcement of the judgment)* Reynolds v. E. Clemens Horst Co. *supra,*  
11 36 CA at 530, 172 P at 624] Witkins 14:30

12 9. Clerical error of the Administrative Presiding Justice not acknowledging her  
13 subordinates bias that deemed a Whistle Blower of a fraud in policy to be a  
14 *"malicious liar"* ; while ignoring the fraud in policy author's fraud in his Reply  
15 Brief; or not acknowledging she even received a complaint is "Good Cause" for  
16 this remittitur to be recalled and the Opinion re-evaluated. Irreparable  
17 damaged is being done to Kramer by having to answer to a new malicious  
18 litigation filed by Kelman and Scheuer seeking Kramer be gagged from  
19 discussing this case and the bias in the Opinion.

20 IV  
21 NEW MALICIOUS LAWSUIT TO GAG KRAMER FROM WRITING OF FRAUD IN  
22 OPINION  
Kelman & Scheuer Now Agents Of This Court

23  
24 1. In a litigation where the sole claim of the case has been over the phrase  
25 *"altered his under oath statements on the witness stand"*, Kelman is seeking  
injunctive relief that Kramer be:

26 "restrained from stating, repeating, publishing or paraphrasing, by any  
27 means whatsoever, any statement that was determined to be libelous

1 in an action titled Kelman [sic & GlobalTox] v. Kramer San Diego  
2 Superior Court case no. GIN044539. The libelous passage of the press  
3 release states:

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

14 IT IS FURTHER ORDERED that, before this order may take effect,  
15 Plaintiff [sic Kelman] must file a written undertaking in the sum of  
16 \$\_\_\_\_\_, as required by C.C.P. 529, for the purpose of  
17 indemnifying Defendants for the damaged they may sustain by  
18 reason of the issuance of this preliminary injunction if the Court  
19 finally decides that Plaintiff is not entitled to it. The preliminary  
20 injunction shall issue on Plaintiff's filing of such written  
21 undertaking."

22 Pacific Legal Foundation v. California Costal Comm'n, *"The court can recall the*  
23 *remittitur if the appellate judgment resulted from a fraud or 'imposition' perpetrated*  
24 *upon the court. "* Although this case says nothing of fraud or imposition  
25 perpetrated by the court, with an Administrative Presiding Justice ignoring she was  
26 evidenced of such and evidenced of her own involvement when denying an anti-  
27 SLAPP in 2006; and with the Fourth District Division One Appellate Court being the  
28 beneficiary of a new malicious litigation to gag Kramer; a recall of the remittitur in  
this case would appear to be legally required to stop the court from covering up  
that they have been aiding insurer fraud in health policy by aiding with a strategic  
litigation carried out by criminal means to silence a Whistle Blower. It is also



1 required so as not to put the Honorable Judge Thomas Nugent in a compromised  
2 position when Kramer files a new anti-SLAPP motion in the new case while  
3 detailing the fraud in the Opinion as the primary reason for strategic litigation  
4 against public participation.

5 January 19, 2011  
6

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9 Sharon Kramer , Pro Per  
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