

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

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

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

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

This Court knows Mr. Kelman’s testimony as an expert defense witness
in mold litigation is not based on accepted science..... 12

Prior to issuing the temporary injunctive relief order, this Court
was provided evidence of the continued adverse impact on the public
if Mrs. Kramer was stopped from writing of what prior courts had done..... 13

Mrs. Kramer is unable to sign proposed retraction without committing
perjury, defrauding the public, concealing judicial misconduct &
aiding to defile the Constitution.....14

Retraction by Justice Judith McConnell, Chair of the
California Commission on Judicial Performance..... 14

Declaration of Sharon Noonan Kramer..... 15

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

10 BRUCE J. KELMAN,) CASE NO. :
11) 37-2010-00061530-CU-DF-NC

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

22 *March 6, 2012*

Sharon Neenan Kramer

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

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

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

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

6 _____
7 SHARON N. KRAMER

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

10 All of the following information and corroborating evidence is within the case file of
11 Kelman v. Kramer, Case No 37-2010-00061530-CU-DF-NC, San Diego North County
12 Superior Court. Although not by Court Order or Judgment, this Court is verbally directing
13 Mrs. Kramer as of March 2, 2012, to sign this retraction stating that she did not mean to
14 accuse Mr. Kelman of committing perjury when testifying as an expert defense witness in a
15 mold trial in Oregon on February 18, 2005.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5
6 **(Omitted From the 2006 & 2010 Opinions):**

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

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

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

10 MR. KECLE: I do not.

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

11 JUDGE VANDYKE: How many pages do you have?

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

JUDGE VANDYKE: All right. Hand him the transcript.

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

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

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

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

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

19
20 **ALL COURTS SUPPRESSED THE EVIDENCE OF MRS. KRAMER'S**
21 **UNIMPEACHED EXPLANATION FOR USING THE PHRASE,**
"altered his under oath statements"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

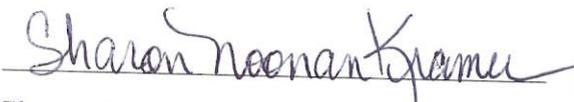
22 As evidenced above and repeatedly in this Court's case file; Justice McConnell's peers -
23 Justice Patricia Benke, Justice Richard Huffman and Justice Joan Irrion then concealed
24 Justice McConnell's unlawful and unethical conduct in their 2010 Appellate Opinion. The
25 required retraction to undo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

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

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

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

18
19 March 6, 2012

20 
21 Sharon Noonan. Kramer

22
23 **DECLARATION OF SHARON NOONAN KRAMER**

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

29
30 No 15
RETRACTION BY SHARON KRAMER

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

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

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

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

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

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

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

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

Executed on March 6, 2012 at Escondido, California.

Sharon N. Kramer
SHARON N. KRAMER