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

8 BRUCE J. KELMAN

9 Plaintiffs,

10 v.

11 SHARON KRAMER, and DOES 1 through 20,  
12 inclusive,

13  
14 Defendant.

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

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S  
TEMPORARY INJUNCTIVE RELIEF MOTION  
(TO GAG DEFENDANT FROM WRITING OF  
INSURER FRAUD IN HEALTH POLICY &  
LEGAL PROCEEDINGS – AND THE COURTS  
AIDING AND ABETTING A MALICIOUS  
LITIGATION CARRIED OUT BY CRIMINAL  
MEANS BY AUTHORS OF THE FRAUD FOR  
THE US CHAMBER OF COMMERCE &  
ACOEM)**

Department 30, North County Superior  
Court,

The Honorable Judge Thomas Nugent

Claim For Injunctive Relief Against  
Purported Republication of Libel and For  
Damages

Filed November 4, 2010

Served November 28, 2010

Temporary Injunctive Relief Motion  
Hearing, March 25, 2011

22 Defendant's Opposition to Plaintiff's Motion for Temporary Injunctive Relief that Defendant be  
23 gagged from writing or referencing the five words for which she was sued "*altering his under*  
24 *oath statements*" in Kelman & GlobalTox v. Kramer, GIN044539, D047758, S149090, DO54496,  
25 S187554 and additional words for which she was never sued; and Memorandum of Points and  
26 Authorities.

27 March 4, 2011

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

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14 **Memorandum of Points & Authorities**

15 **I.**  
16 **BACKGROUND**

17 1. The gist or sting of this injunctive relief motion is that influential California justices have established  
18 new underground case law in the State of California that:

19 a.) if one authors medico-legal policy for the ("US Chamber") of Commerce, the courts  
20 will reward them for using criminal perjury to establish false, yet libel law needed reason for  
21 malice while strategically litigating to silence any citizen who speaks out against the fraud  
22 in medico-legal policy of the US Chamber and how it was marketed into public policy and  
23 marketed to the courts; and.

24 b.) if a California citizen dares to speak the truth of the fraud in US Chamber medico-  
25 legal policy; how it got into public health policy via a medical trade organization called the  
26

1 American College of Occupational and Environmental Medicine (“ACOEM”) and the courts  
2 aiding with the insurance fraud caused by the unholy union; the courts will ignore the  
3 existence of the First Amendment to aid the US Chamber et. al., to silence the citizen by  
4 deeming them to be a malicious liar with no evidence required to be provided that what  
5 they have written of the deceit is incorrect, let alone malicious; and

6 c.) the courts can then use other courts to (try to) forever gag the never impeached  
7 citizen from ever being able to write of the fraud of the medico-legal policy of the US  
8 Chamber et. al., and of the courts involvement in aiding and abetting it to continue by  
9 aiding with a malicious litigation against the citizen, carried out by criminal means with the  
10 court’s assistance; and.

11 d.) in collusion with the authors of fraud in policy for the US Chamber & ACOEM (two owners of  
12 VeriTox, Inc, with PhD’s but not medical degrees –Bruce (“Kelman”) and Brian (“Hardin”))  
13 with the assistance of a California licensed Attorney, Keith (“Scheuer”) (who willfully  
14 suborned Kelman’s criminal perjury to establish malice and did not disclose Hardin was a  
15 party in the first malicious litigation –with the courts being evidenced of these fact); the  
16 Fourth District Division One (“Appellate Court”), presided over by the Chair of the California  
17 Commission on Judicial Performance, can seek to use a lower court to stop the citizen,  
18 Sharon (“Kramer”) from petitioning her government to stop the fraud in policy and the  
19 corruption in the California courts - while the Appellate Court serves as direct evidence of  
20 the death of Democracy in the State of California; with all legal system policing agencies  
21 turning blind eyes in incestuous deliberate indifference when the interests of the US  
22 Chamber, the insurance industry and the (“Regents”) of the University of California are  
23 involved.

24 e.) if in the best interest of the US Chamber et. al. and the courts, other courts can be used to  
25 gag a US and California citizen by injunctive relief, from ever writing words again that the  
26 citizen was never sued for writing.

27 ***“American democracy ‘may well be at risk’ as judicial campaigns turn into special-interest funded  
28 political contests in which candidates are pressured into taking political stances..‘Judicial  
independence does not mean judges are unaccountable or allowed to follow their whims, it means  
they are independent of the other branches of government,’ ‘Judges should not be accountable to  
politicians...or the clamor of the moment...’***

1 2. The above are illuminating statements made on May 24, 2010 by Fourth District Court of Appeal  
2 Presiding Justice Judith McConnell, who in addition to presiding over Div. One is the chair of the  
3 Commission on Judicial Performance and a member of the Statewide Commission for Impartial  
4 Courts. She is also the first justice in the litigation of ("Kelman & GlobalTox v Kramer") GIN044539,  
D047758, S149090, D054496, S187554, who wrote the first opinion that:

- 5 i.) rewarded criminal perjury by author of policy for the US Chamber of Commerce, Kelman, to  
6 establish false reason for Kramer's malice in a libel litigation over a matter adversely  
7 impacting public health (she ignored Kramer's undisputed evidence of Kelman's perjury);  
8 and  
9 ii.) avoided the irrefutable evidence that Kelman's business partner, Hardin, who is a retired  
10 high level federal employee NIOSH, was improperly not named on the Certificate of  
11 Interested Parties as an owner of VeriTox, Inc, formerly known as ("GlobalTox") Inc.; and  
12 iii.) she wrote a double speak opinion in which she deemed prima facie evidence of a falsehood  
13 of Kramer's purportedly libelous ("Press Release") of March 2005 had been established while  
14 interpreting Kelman's testimony in question of February 2005 exactly how Kramer had  
15 written it, i.e., Kelman and ("GlobalTox") – now known as ("VeriTox") were paid by the  
16 Manhattan Institute think-tank for the US Chamber version, not the ACOEM; and  
17 version.  
18 iv.) she ignored the evidence that Kelman & Hardin's math calculations, which are the primary  
19 foundation for ACOEM, the US Chamber and the defense in mold litigations had been  
20 deemed a "huge leap" even as far back as April 2006 by a California judge; and  
21 v.) she deemed Kramer's explaining the deceit behind ACOEM's, the US Chamber's and  
22 Kelman's science as evidence of Kramer having personal malice for Kelman because she did  
23 not care for Kramer's tone, without verifying that Kramer was telling her the truth as Kramer  
24 blew the whistle on the fraud in health policy; and  
25 vi.) she ignored there is evidence in the court records that Kramer explained why she used the  
26 purportedly libelous phrase "*altered his under oath statements*", even citing to Kelman's  
27 exact words Kramer considers altering by Kelman to hide how the UC Chamber is closely  
28 tied to ACOEM; and  
vii.) since she ignored there was evidence of why Kramer chose the phrase, she also ignored  
there was no evidence of Kramer being impeached of her belief in her logic for using that  
phrase – the first thing that must be established to prove libel.

3. Six years, a trial and hundreds of thousand of litigation expenses (financial crippling the Kramer  
family) later, none of the above facts have changed. No evidence was ever provided to refute the  
above seven facts that are key to proving libel with actual malice; and what the courts are legally  
obligated to do when faced with irrefutable evidence of criminal perjury by a plaintiff while

1 strategically litigating. Yet, the ("2010 Opinion) mirrors the same flawed, non-evidence based and  
2 illegal findings

3 4. In the case of Kelman & GlobalTox v Kramer, **McConnell is clearly evidenced to be playing politics**  
4 **with the courts on behalf of the interest of the US Chamber of Commerce while victimizing Kramer**  
5 **and her First Amendment guranteed right to speak the truth in America. Justice Benke, in a double**  
6 **speak opinion in 2010, is clearly evidenced to have covered for McConnell. Now both would benefit**  
7 **from seeing Kramer gagged by this lower court for words of which she was never even sued.**

8 MetropolitanNews of McConnell explaining how Democracy is being lost in this courts, without  
9 disclosing her first hand knowledge, may be read at:

10 <http://www.metnews.com/articles/2010/foru052410.htm>

11 5. On January 19, 2011, Kramer filed a Motion to the Appellate Court to Recall and Rescind the  
12 Remittitur. She also sent a letter to Justice McConnell regarding Local Rules Policy Against Bias in the  
13 Courts. By this time being fully aware that the courts *knew* they had rewarded criminal perjury in a  
14 stragetic litigation by an author of policy for the US Chamber, over a highly political matter impacting  
15 public health; this motion was to evidence that there can be no question that Appellate Court Justices  
16 McConnell, Benke, Aaron, MacDonald, Huffman and Irion are fully aware they rewarded Kelman's  
17 criminal perjury and rewarded Scheuer's suborning of criminal perjury, even in his Appellate Reply  
18 Brief of September 2009. The filing of this motion was to evidence that the above named justices are  
19 now fully aware that their aiding with a malicious litigation carried out by criminal means, now makes  
20 them the stealth beneficiaries of this new injunctive relief motion of seeing Kramer gagged from  
21 being able to write of this case and what they have done to Kramer and democracy to aid the  
22 interests of the US Chamber, the insurance industry and the Regents on the backs of the sick, injured  
23 and deceased.

24 6. On January 20 and 21, Justices Benke and McConnell replied, providing Kramer the evidence she  
25 needed that Appellate justices are fully aware of their roles in the continuing illegalality of malicious  
26 litigation that aids the interests of the US Chamber, the insurance industry and the Regents.  
27 (Attached collectively hereto as Exhibits 1, 2, 3, and 4 is Kramer's Motion to Recall & Rescind; Kramer's

1 letter to McConnell; Benke and McConnell's responses; and a letter detailing the matter and sent to all  
2 the justices involved plus many CA government entities dated February 10, 2011.)

3 7. (Attached hereto as Exhibit 5, is Kramer's Internet writing "**Governor Schwarzenegger Picks Tani**  
4 **Cantil Sakauye As Ca Chief Justice, Will She Mold Justice For The People of California?**) It is the evidence  
5 of what the courts and the state of California would like to see Kramer be stopped from publicly  
6 writing by injunctive relief, i.e., that Justice McConnell and the other five justices know what they  
7 have politically done to aid with malicious litigation carried out by criminal means; and are now the  
8 stealth beneficiary of seeing Kramer be gagged from writing of their involvement in aiding and  
9 abetting an interstate insurer cost shifting scheme of epic proportion on behalf of the affiliates of the  
10 US Chamber of Commerce, the insurance industry, the ("Regents") of the University of California and  
11 the political whims of ex-Governor Arnold Schwarzenegger; with the Benke Panel of Huffman and  
12 Irion covering it up in their 2010 Opinion for the McConnell panel of Aaron and MacDonald in their  
anti-SLAPP ("2006 Opinion").

13 8 The Appellate Court's actions served the political whims of ex-Governor Arnold Schwarzenegger's  
14 version of "workers comp "reform" in which ACOEM was brought into California under Senate Bill 899  
15 to author workers comp policy for the state's occupational physicians, including policy over illness  
16 caused by water damaged work environments. Exhibit 5 is best read online because of the  
17 voluminous links to:

- 18 i.) videos of Kelman's & Kramer's depositions discussing Kelman's perjury to establish  
needed reason for Kramer's purported malice,
- 19 ii.) court rulings and opinions from Kelman & GlobalTox v. Kramer,
- 20 iii.) billing records for the US Chamber paper showing no physician actually wrote it only  
Kelman & Hardin did
- 21 iv.) evidence of its false authorship,
- 22 v.) its usage in litigation, interstate, in false validation of Kelman's expert opinion,
- 23 vi.) profits for the Regents from the US Chamber mold statement;
- 24 vii.) profits for the Regents from the ACOEM mold statement;
- 25 viii.) the fraudulent spin in science that is the foundation for both the ACOEM & US Chamber  
mold statements as penned by Kelman & Hardin;
- 26 ix.) evidence that Hardin and Kelman's fraudulent conclusion from their math calculations  
27 applied to a single rodent study and used to set policy by ACOEM and the Chamber have

1           been deemed unscientific by the scientific community, courts and the Federal Government  
2           Accountability Office

3           x.) evidence of what McConnell *knows she has done* to support the whims of Schwarzenegger in  
4           violation of Kramer's Constitution First Amendment rights to speak the truth in America  
5           without fear of politically motivated retribution from the courts that are clearly evidenced to  
6           be partial, biased and down right illegal.

7           ***"Governor Schwarzenegger Picks Tani Cantil Sakauye As Ca Chief Justice, Will She Mold Justice For The***  
8           ***People of California?"*** and its link to ***"TRUTH OUT Sharon Kramer's Letter To Andrew Saxon"*** may and  
9           should be read online by this court for a greater understanding of why Kelman seeks to have Kramer  
10          gagged at:

11          [http://katysexposure.wordpress.com/2010/07/22/governor-schwarzenegger-picks-tani-cantil-](http://katysexposure.wordpress.com/2010/07/22/governor-schwarzenegger-picks-tani-cantil-sakauye-as-ca-chief-justice-will-she-mold-justice-for-the-people-of-california/)  
12          [sakauye-as-ca-chief-justice-will-she-mold-justice-for-the-people-of-california/](http://katysexposure.wordpress.com/2010/07/22/governor-schwarzenegger-picks-tani-cantil-sakauye-as-ca-chief-justice-will-she-mold-justice-for-the-people-of-california/) Additionally,

13          9. In the underlying case of Kelman & GlobalTox v. Kramer, the sole claim of the case is that Kramer's  
14          use of the phrase, *"altered his under oath statements"* was a maliciously false accusation that Kelman  
15          committed perjury. No other words that Kramer has ever written has ever even been questioned as  
16          inaccurate. (Attached hereto collectively, as Exhibits 6 & 7 are the Complaint and Kramer's Press  
17          Release. Kramer's Press Release in relevant part states:

18               March 9, 2005 Oregon City, OR - The case is a first in the Northwest to award personal injury  
19               damages to a family exposed to toxic mold in a newly built home. This verdict is significant  
20               because it holds construction companies responsible when they negligently build sick  
21               buildings.....Dr. Bruce Kelman of GlobalTox, Inc, a Washington based environmental risk  
22               management company, testified as an expert witness for the defense, as he does in mold  
23               cases throughout the country. Upon viewing documents presented by the Hayne's attorney  
24               of Kelman's prior testimony from a case in Arizona, Dr. Kelman altered his under oath  
25               statements on the witness stand. He admitted the Manhattan Institute, a national political  
26               think-tank, paid GlobalTox \$40,000 to write a position paper regarding the potential health  
27               risks of toxic mold exposure. Although much medical research finds otherwise, the  
28               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.

1 10. Evidenced extensively in the court records file, but not mentioned in any ruling or Opinion, since  
2 September of 2005, Kramer has provided all courts to oversee the litigation with irrefutable proof that  
3 Kelman committed perjury to establish false, yet libel law needed reason for Kramer's purported  
4 malice. Kelman and Kramer in depositions discussing the impact of Kelman's perjury and the damage  
5 to Kramer may be viewed online at <http://www.blip.tv/file/2063366/> (Attached hereto as Exhibit 8 is  
6 the Appellate Court being informed and evidenced in 2010 that they would stop the fraud of the US  
7 Chamber by acknowledging the criminal perjury of their author, Kelman, in the malicious litigation.)

8 11. Impeached many times over and as evidenced at nausea in the court records, the following is  
9 criminal perjury by Kelman to establish false yet needed reason for Kramer's purported malice. Not  
10 mentioned in the 2006 Opinion or the 2010 Opinion, undisputed evidence in the court records file is  
11 that Kelman never even gave the never once corroborated, following testimony in Kramer's litigation  
12 with her insurer in her own mold case of long ago.

13 "I testified the types and amount of molds in the Kramer house could not have caused the life  
14 threatening illness she claimed."

15 12. Irrefutably evidenced extensively in the court records, but not mentioned in the 2010 Opinion;  
16 since September of 2005, Kramer has provided all courts to oversee the litigation with irrefutable  
17 proof that Kelman's attorney, Scheuer, willfully and repeatedly suborned Kelman's perjury used to  
18 establish false reason for Kramer's malice; even doing so in his Appellate Reply Brief of September  
19 2009, and the courts *know* it. (Attached hereto collectively as Exhibit 9 is a sampling from the  
20 Appellant Appendix of how many times the courts were provided uncontroverted evidence of  
21 Kelman's perjury; and the courts being evidenced – again –of the suborning of perjury while being  
22 made aware of it causing and aiding this new malicious litigation on January 19, 2011.)

23 13. Impeached many times over, the following is suborning of criminal perjury by Scheuer to establish  
24 false reason for Kramer's malice. The undisputed evidence in the court records file is that Kramer had  
25 no reason to "*launch into an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox*",  
26 because he was a non-entity in the Mercury case who did not give the above claimed malice causing  
27 testimony:

28 "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."



1 14.. Double speak in the anti-SLAPP 2006 Opinion and more double speak in the 2010 Opinion, in six  
2 years time, the courts have never even been able to state what is incorrect in Kramer's writing, let  
3 alone a maliciously false accusation of perjury, *and they know it*. (Attached hereto collectively as  
4 Exhibit 10 are the Appellate Court deeming Kramer a liar in 2006 and 2010 while interpreting  
5 Kelman's testimony in question exactly how Kramer had written it in her Press Release and evidence  
6 that they know this.)

6 In the 2006 Opinion, Justice McConnell, deemed that a prima facie showing of the falsehood  
7 of Kramer's writing had been established; while interpreting Kelman's testimony in question,  
8 exactly how Kramer had written it. 2006 anti-SLAPP Opinion, page 10:

9 "This testimony supports a conclusion Kelman did not deny he had been paid by the  
10 Manhattan Institute to write a paper, but only denied being paid by the Manhattan  
11 Institute to make revisions of the paper issued by ACOEM. He admitted being paid  
12 by the Manhattan Institute to write a lay translation...In sum, Kelman and GlobalTox  
13 presented sufficient evidence to satisfy a prima facie showing the statement in the  
14 press release was false" And on page 20, "The order is affirmed. Kelman is awarded  
15 costs on appeal". McConnell, McDonald, Aaron, November 16, 2006.

13 From Kramer's purportedly libelous writing of March 2005 stating the same thing:

14 He admitted the Manhattan Institute, a national political think-tank, paid GlobalTox  
15 \$40,000 to write a position paper regarding the potential health risks of toxic mold  
16 exposure... A version of the Manhattan Institute commissioned piece may also be  
17 found as a position statement on the website of a United States medical policy-  
18 writing body, the American College of Occupational and Environmental Medicine."

18 From 2010 Opinion using double speak while covering up that the courts have never even  
19 been able to state what is incorrect in Kramer's writing, let alone a malicious, libelous lie:

20 "In our prior opinion, we found sufficient evidence Kramer's Internet post was false  
21 and defamatory as well as sufficient evidence the post was published with  
22 constitutional malice. We also found there was sufficient evidence to defeat Kramer's  
23 claim she was protected by the fair reporting privilege provided to journalists by Civil  
24 Code section 47, subdivision (d)(1). Under the doctrine of the law case, these  
25 determinations are binding on us and compel us to find there is sufficient evidence  
26 to support the jury's determination Kramer libeled Kelman and was not entitled to  
27 the fair reporting privilege.

25 We do not propose to catalogue or to attempt to conjure up all possible  
26 circumstances under which the 'unjust decision' exception might validly operate, but  
27 judicial order demands there must at least be demonstrated a manifest  
28 misapplication of existing principles resulting in substantial injustice before an

1 appellate court is free to disregard the legal determination made in a prior appellate  
2 proceeding."...

3 Our review of our prior opinion does not show our analysis of the evidence of falsity  
4 and malice or our application of the fair reporting privilege were in any sense  
5 manifestly incorrect or radically deviated from any well-established principle of law.  
6 Thus any disagreement we might entertain with respect to our prior disposition  
7 would be no more than that: a disagreement. Given that circumstance and the fact  
8 that only nominal damages were awarded against Kramer, the value of promoting  
9 stability in decision making far outweighs the value of any reevaluation of the merits  
10 of our prior disposition.

11 We find no error in the trial court's award of costs. Accordingly, we affirm the  
12 judgment....Application of the law of the case doctrine disposes of Kramer's initial  
13 argument on appeal that the trial court erred in relying on our prior opinion in  
14 framing the issues tried on remand. The trial court was bound by our determinations  
15 of law and thus did not err in relying on those determinations in framing the issues  
16 for trial... Benke, Huffman, Irion September 13, 2010.

17 15. Not mentioned in any ruling or Opinion, the undisputed evidence found in the court records is  
18 that Kramer's writing was the first to publicly expose how the US Chamber of Commerce got their  
19 unclean hands into US health policy over this issue via plaintiff, Kelman. (Attached hereto as Exhibit  
20 11, undisputed evidence of the Appellate Court being made aware that Kramer's writing was the first  
21 to expose. There is no refuting evidence in the court records file.)

22 16. Not mentioned in any ruling or Opinion, the next time it was publicly written of, was on the front  
23 page of the Wall Street Journal. (Attached hereto collectively as Exhibit 12 & 13, the WSJ article of  
24 January 2007 "*Amid Suits Over Mold Experts Wear Two Hats Authors of Science Papers Also Help Defense  
25 In Mold Litigation*" & the courts being told that Kelman and Hardin were the subject "experts" of the  
26 front page expose')

27 17. Not mentioned in any ruling or Opinion, the undisputed facts found in the court records is that  
28 since September of 2005, Kramer has been citing to the exact words of Kelman's found in black and  
white of the Haynes trial transcript that she considers "*altered his under oath statements*" to hide how  
the US Chamber got their unclean hands into policy over the mold issue while being closely  
connected to Kelman, GlobalTox and ACOEM. As Kramer's logic for the belief in the validity of her  
words are never mentioned as being in evidence, the courts avoided the fact that there is no evidence  
in a libel litigation of a defendant even once being impeached as to the subjective belief in the

1 validity of their words. NO EVIDENCE. ZERO. (Attached hereto as Exhibit 14, Kramer evidencing for the  
2 courts for the umpteenth time she was never impeached in trial or at any other time.)

3 18. Undisputed evidence in the court records file is that the Appellate court was informed and  
4 evidenced, repeatedly, of Kelman's and Hardin's fraudulent single set of math calculations used to set  
5 false health policy that it had been scientifically proven the toxic components of mold cannot harm  
6 and how they are they corner stone of the defense in mold litigation. The Appellate Court was  
7 evidenced that the Federal GAO had deemed it is indeed plausible people are harmed by the toxins of  
8 mold. The Appellate court was evidenced that Kramer is responsible for causing the GAO Report that  
9 discredited the fraud marketed into policy that Kramer first wrote of in her Press Release. (Attached  
10 hereto collectively as Exhibit 15, is the 2010 Opinion acknowledging the courts understand Kramer is  
11 right on the science and evidence they know Kramer is responsible for causing the GAO audit)

12 19. Not completely shut down from private sector policy because of the courts aiding with a  
13 malicious litigation carried out by criminal means by the authors of the fraud in policy; ACOEM has  
14 issued a new mold statement, February 24, 2011. Reminiscent of the Tale of the Emperor's New Robe,  
15 Kelman's and Hardin's fraudulent math calculations are again included. Without these calculations,  
16 the ACOEM PhD toxicologist expert defense witnesses in mold litigation have NOTHING with which to  
17 deny liability for causation of illness on behalf of the affiliates of the US Chamber and ACOEM.  
18 (Attached hereto collectively as Exhibit 16, is ACOEM new mold statement and evidence of Kramer  
19 and many scientists and physicians speaking of the fraud of science and the adverse impact on health  
20 policy)

21 20. Now we have an injunctive relief motion, which if granted, would gag Kramer from writing words  
22 far beyond ones for which she was even sued, "*altered his under oath statements*", and would also gag  
23 Kramer from being able to ever write of how the Appellate Court aided with a maliciously aiding the  
24 interests of the US Chamber by rewarding criminal perjury in a libel litigation; while deeming a US  
25 citizen who spoke out against the Chamber to be a malicious liar without a shred of evidence their  
26 writing was even incorrect, let alone malicious. If granted, the injunctive relief would stop Kramer  
27 from writing of how the US Chamber got their unclean hands in the mold issue by being closely  
28 affiliated with ACOEM via Plaintiff, Kelman, in a new malicious abuse of the courts. (Attached hereto  
as Exhibit 17 are the words Kelman seeks to have Kramer gagged from writing again)

1 To cite specifically from the injunctive relief motion sought, Kelman is now seeking an injunctive relief  
2 that Kramer be gagged from *“stating, repeating, publishing or paraphrasing, by any means whatsoever,*  
3 *any statement that was determined to be libelous in the action titled Kelman v Kramer, San Diego*  
4 *Superior Court Case No. Gin 044539”*. Words far beyond “altered his under oath statements” being  
5 sought to be gagged, Kelman and his California licensed attorney, Scheuer, are seeking I be gagged  
6 from ever writing again:

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

10 22. In the court records, but not mentioned in the 2010 Opinion, Kramer is peer reviewed and  
11 published in the medical journal, the International Journal of Occupational and Environmental Health  
12 (“IJOEH”) using most of the words above and many more of how it became a fraud in policy involving  
13 the US Chamber and ACOEM. (Attached hereto as Exhibit 18, is Kramer’s 2007 for IJOEH of the fraud  
14 in policy over the mold issue)

14 23. In seeking this injunctive relief, Kelman’s claim in Paragraph 12 of Complaint for Preliminary and  
15 Permanent Injunction Against [Purported] Republication of Libel, and For Damages, states:

16 “ However, even though the jury had found that the press release was false and  
17 defamatory and libeled KELMAN, and even though Judgment had been entered against  
18 her in the action, KRAMER and the other Defendants since the entry of the Judgment  
19 have willfully, wrongfully, maliciously and with full knowledge of the Judgment  
20 continued to repeat and republish the press release and the statements defaming  
21 KELMAN that were found to be libelous in the Action, including but not limited to  
22 posting the defamatory statements on the [katysexposure.wordpress.com](http://katysexposure.wordpress.com) website in or  
23 about February 2010 and the [AskFamillys.Com](http://AskFamillys.Com) website in or about September, 2010”

## 22 II.

### 23 AFFIRMATIVE DEFENSES

#### 24 **A. First Affirmative Defense**

25 As and for the affirmative defense the complaint fails to state cause of action against Kramer.  
26 It cites many irrelevant documents and makes many false and inflammatory statements and  
27 inferences. It seeks to have Kramer gagged from writing “statements” when only five words in

1 one sentence of Kramer's Press Release, "altered his under oath statements", was the sole cause  
2 of action in Kelman & GlobalTox v. Kramer.

3 This court should know that Scheuer has a no less than twenty-nine year history of litigating  
4 by these deceptive means in the State of California. "Defendants, in their zeal to present a  
5 portrait of plaintiff Roston...that would enhance their position, made reference to a multitude of  
6 cases which were inappropriate for consideration by the trial court... The presentation of such  
7 matter, if designedly done, is certainly to be discouraged. One might mistake it for an attempt to  
8 inflame the court against a party to the action." Roston v. Edwards (1982) 127 Cal.App.3d 842  
9 [179 Cal.Rptr. 830, The inflaming attorney in Roston was Scheuer.

10 Sued only for: "altered his under oath statements" with no evidence of Kramer even once being  
11 impeached as to the belief of her words. Now trying to gag Kramer from writing all of the below:

12 *"Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony*  
13 *from a case in Arizona, Dr. Kelman altered his under oath statements on the witness stand.*  
14 *He admitted the Manhattan Institute, a national political think-tank, paid GlobalTox*  
15 *\$40,000 to write a position paper regarding the potential health risks of toxic mold*  
16 *exposure."*

17 This would call all of the rest of the Press Release to be gagged, too. Kramer would never be  
18 able to write of how the medical policy writing body, ACOEM, is closely tied to the US  
19 Chamber's unclean hands over the mold issue by the link of criminal perjury committing Bruce  
20 J. Kelman and GlobalTox. She would be gagged from writing of how the courts have abetted  
21 malicious litigation; while being the stealth beneficiaries from an injunctive relief to cover up  
22 their involvement. Kramer would be gagged from writing of the rest of her Press Release of  
23 who all was involved in mass marketing the fraud:

24 *"Although much medical research finds otherwise, the controversial piece claims that it is not*  
25 *plausible the types of illnesses experienced by the Haynes family and reported by thousands*  
26 *from across the US, could be caused by "toxic mold" exposure in homes, schools or office*  
27 *buildings. In 2003, with the involvement of the US Chamber of Commerce and ex-developer, US*  
28 *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"*

1 "When this evidence is considered in the important context of an author's right to choose appropriate  
2 words and phrases, Synanon's quibbling over the use of the word 'spectacular' in no way constitutes a  
3 legitimate showing of defamation." Readers Digest v. Superior Ct. (1984)37Cal.3d 244,263-264

#### 4 **B. Second Affirmative Defense**

5 As and for a second affirmative defense, Kramer asserts that the complaint fails to be corroborated by  
6 Kelman's documents produced in January, 2011. There are no alleged defamatory "statements". Five  
7 words of a phrase "altered his under oath statements" does not constitute several statements to be  
8 gagged.

9 On December 17, 2010, Kramer asked Kelman to produce documents showing she had reposted the  
10 phrase "altered his under oath statements" in a untruthful manner defaming to Kelman. Kelman  
11 produced a stack of paper that appear to be taken off of the internet on January 7, 2011. Most appear  
12 to be from 2005 to 2008. Many are not Kramer's writings or postings. Several, such as  
13 AskFamilys.Com and Healthstip.Com are easily determined to be from a network of malware and not  
14 evidenced to have been posted by Kramer.

15 VeriTox/GlobalTox has an Internet Technology ("IT") department. It took Kramer, who does not have  
16 an IT department, about 15 minutes of internet searching to find these domaine names are in a  
17 network of malware and are evidenced to be posted by someone named "remo bramanti painting"  
18 Easily determined, Healthstip.Com is a fraud that mimics Health Magazine, owned by Time Magazine.  
19 (Attached hereto as Exhibit 19, is evidence that AskFamilys.Com and Healthstip.Com are a network  
20 malware known to mimic legitimate websites while phishing and there is no evidence Kramer made  
21 these posting after trial or at any other time. )

22 Much of the information that "they" are trying to decieve this court by making false inflammatory  
23 claims and "they" would like to see taken off of the Internet is on Katy's Exposure Blog out of Texas  
24 and dated April 30, 2010. It is titled ("TRUTH OUT") *Sharon Kramer Letter To Andrew Saxon MOLD*  
25 *ISSUE*". It can and should be read online by this court to understand what it is "they" want silenced by  
26 this malicious injunctive relief motion. It may be read at:

27 [http://katysexposure.wordpress.com/2010/04/30/truth-out-sharon-kramer-letter-to-andrew-saxon-](http://katysexposure.wordpress.com/2010/04/30/truth-out-sharon-kramer-letter-to-andrew-saxon-mold-issue/)  
28 [mold-issue/.](http://katysexposure.wordpress.com/2010/04/30/truth-out-sharon-kramer-letter-to-andrew-saxon-mold-issue/)

29 This internet posting, TRUTH OUT, was mailed to Scheuer by Certified Mail on May 1, 2010. It was  
30 also emailed to the sixth owner of VeriTox, Brian Hardin. Within the email, Kramer specifically asked  
31 Hardin, "Please look at the links of attached exhibits. If there is anything I have stated incorrectly  
32 regarding your role in the mold issue, will you please let me know?" No response or request for  
33 correction was received from Hardin.

1 Within the Truth Out document are the following statements along with the linked evidence (bolded  
2 below) from the court records regarding Hardin, Kelman and the Appellate court:

3 31) So you know, Brian, retired high level CDC/NIOSH employee, was **never disclosed to**  
4 **be an owner** of VeriTox or a party to the **Kelman Case** on the **Certificate of Interested Parties**  
5 submitted to the Appellate Court in 2006. When denying the anti-SLAPP motion, the current  
6 Chair of the California **Commission on Judicial Performance**, Justice Judith McConnell, wrote  
7 the **anti-SLAPP opinion** being **informed and evidenced**, yet **ignoring this fact**. The courts were  
8 also informed via irrefutable evidence, that undisclosed party, Brian's, business partner, Bruce,  
9 **committed perjury to establish a fictional reason** for my malice for him, personally – in a libel  
10 litigation where the sole claim of the case is that I maliciously accused Bruce of committing  
11 perjury by my use of the phrase "altered his under oath statements" that just happened to be  
12 in the same writing that was the first to publicly write of the deceit of the US Chamber paper.

13 32) It was a **unanimous, unpublished Appellate opinion** issued on November 16, 2006  
14 with Justices Cynthia Aaron and Alex McDonald concurring – and **no one addressing the**  
15 **evidence that Brian's name was oddly missing from the Certificate of Interested Parties or that**  
16 **his US Chamber co-author and business partner, Bruce, was committing perjury to establish a**  
17 **needed reason for personal malice.**

18 33) I sure hope the Appellate panel grasps the law this time around, ie, that legally, one  
19 cannot use criminal perjury to prove they were falsely accused of criminal perjury – because  
20 four San Diego lower court **judges failed to understand this** – just like the anti-SLAPP  
21 Appellate panel did in 2006. I have provided uncontroverted and irrefutable evidence of  
22 **Bruce's perjury to establish a needed libel law reason** for me to harbor malice for him  
23 personally, no less than **fifteen times** for the San Diego courts since September of 2005.

24 No reply was received from Scheuer that the above evidence was incorrect. No request for corrections  
25 were received. TRUTH OUT on [KatysExposure.WordPress.Com](http://KatysExposure.WordPress.Com) is the tale, told through evidenced  
26 linked documents of how it became a fraud in US public health policy that mold does not harm and  
27 how the Appellate court has aided it to continue by aiding with malicious litigation favorable to the  
28 interests of the US Chamber. Besides the irrefutable evidence of the criminal perjury to establish  
malice, one of the biggest "secrets" evidenced in it on the Internet, that the State of California would  
like hidden, is that the US Chamber paper cites false authorship, and the Regents have been profiting  
off of the fraud promoted by the Chamber paper and ACOEM's for years. Also, the Chamber paper is  
being used as purported scientific validation in a litigation in Arizona involving infant deaths in  
support of Kelman's expert opinion – yet no one will even claim they wrote the Chamber paper on  
their CV's. This too, is in the Appellate court records.

1 Again evidenced to know what she had done to aid the politics of the issue, Justice McConnell also  
2 received a copy of TRUTH OUT along with many US and California decision makers. (Attached hereto  
3 collectively as Exhibit 20, email to Hardin, Certification that TRUTH OUT was mailed to Scheuer and  
4 Ceritifed letter to McConnell, in the capacity as Chair of the California Commission on Judicial  
Performance).

5 Since May of 2005, when Kramer was first sued, she has never once republished her Press Release or  
6 written the words *"altered his under oath statements"* other than when discussing the case and while  
7 disclosing it is the subject of a lawsuit, of which the case is a matter of public record and of which  
8 Kramer has given an fair and well evidenced reporting. Kramer has even asked Hardin, undisclosed  
9 party to the litigation, if corrections were needed and sent the writing by certified mail to Scheuer.  
10 *"Although California courts have never directly addressed this concept of literary license, there is an  
11 appropriate analogy in the "fair report" privilege. Civil Code section 47, subdivision 4, provides that a  
12 privileged publication is one made by a "fair and true report" of various official proceedings. Several cases  
13 have been decided under this statute, and all permit a certain degree of flexibility/literary license in  
14 defining "fair report." "It is well settled that a defendant is not required in an action of libel to justify every  
15 word of the alleged defamatory matter; it is sufficient if the substance, the gist, the sting of the libelous  
16 charge be justified..." (Hayward v. Watsonville Register-Pajaronian and Sun (1968) 265 Cal.App.2d  
17 255, 262, 71 Cal.Rptr. 295, citing Kurata v. Los Angeles News Pub. Co. (1935) 4 Cal.App.2d 224.)  
18 Reader's Digest v. Superior Court (1984) 37 Cal 3d.244, [13]*

18 Contrary to the history of how the parties to this case have been treated by the courts while causing  
19 past egregious violations of Kramer's Constitutional rights, in the United States a person is innocent  
20 until proven guilty. Accusations of guilt of Kramer maliciously republishing her Press Release must be  
21 corroborated by evidence before an injunctive relief motion is granted, temporary or otherwise.

22 Kelman's production of documents provided *no evidence* that Kramer has maliciously reposted her  
23 phrase *"altered his under oath statements"* or the entire Press Release, for that matter. *"Truth is a  
24 complete defense to liability for defamation". Philadelphia Newspaper, Inc. v. Hepps (1986) 475 U.S.  
25 767, 768-769; Gantry Constr. Co v. America Pipe & Constu. Co. (1975) 49.CalApp.3d 186, 191-192).  
26 "The truth defense requires only a showing that the substance, gist or sting of the communication or  
statement is true." Gantry Constu.Co v American Pipe & Constr. Co., at p. 194*



1 **C. Third Affirmative Defense**

2 As and for a third affirmative defense, Kramer asserts that the complaint seeks relief based on a  
3 judgment not in the court records after amended rulings of December 12, 2008, in the case of Kelman  
4 and GlobalTox v. Kramer. There is no judgment in the court records file after amended rulings in  
5 which both Kelman and Kramer were both awarded costs. Kelman is seeking to mislead this court by  
6 attaching the judgment entered on October 16, 2008, prior to amended rulings; and deceptively  
7 presenting it as after amended rulings.

8 Kelman has no grounds to gag Kramer from writing anything based on a judgment against her that  
9 does not exist. Should this court choose to grant this injunctive relief motion, the court would also be  
10 ratifying a fictitious judgment not in the record and awarding costs only to Kelman, contrary to the  
11 last rulings of the case. Again, the Appellate court is evidenced to know there is no judgment that  
12 they "affirmed" and evidenced that they awarded costs to Hardin, an undisclosed party to this  
13 litigation. *"For example, courts have held that the 'document entitled 'Notice of Entry' ' mentioned in the*  
14 *rule must bear precisely that title, and the 'file stamped copy of the judgment' [citation] must truly be file*  
15 *stamped."* (*Id. At p. 903, quoting rule 8.104(a)(1).*)" Citizen for Civic Accountability v. Town  
16 of Danville (2008) 167 Cal.App.4th 1162. (Attached hereto as Exhibit 21, is evidence that there is no  
17 judgment in the court records file and no notice of judgment were mailed to either party in Kelman &  
18 GlobalTox v. Kramer after amended rulings of December 12, 2008, and the Appellate Court and  
19 Kelman know they affirmed a non-existent judgment)

20 **D. Fourth Affirmative Defense**

21 As and for a fourth affirmative defense, Kramer asserts that, by reason of Kelman's misconduct  
22 and actions, Kelman is estopped to seek the relief requested. Plainly stated, Kelman is evidenced to be  
23 a criminal who used perjury in a malicious litigation adverse to public health; and who the courts  
24 aided and rewarded. Now, both Kelman and the courts are seeking to benefit from prior  
25 improvidently entered orders to now gag Kramer for words which she was not even sued and there  
26 have no judgment against her for writing.

1 **E.. Fifth Affirmative Defense**

2 As and for a fifth affirmative defense, Kramer asserts that, by reason of Kelman’s legal  
3 counsel’s misconduct and actions, Kelman has unclean hands by benefiting from improvidently  
4 entered orders that ignored irrefutable evidence of perjury and suborning of perjury to establish  
5 malice in the libel litigation of Kelman and GlobalTox v. Kramer, which bars the relief sought. “..once  
6 the attorney realizes that he or she has misled the court, even innocently, he or she has an affirmative duty  
7 to immediately inform the court and to request that it set aside any orders based upon such  
8 misrepresentation; also, counsel should not attempt to benefit from such improvidently entered orders.”

9 Datig v. Dove Books, Inc. (1999) 73 Cal.App.4th 964, 981

10 **F. Sixth Affirmative Defense**

11 As and for a six affirmative defense, Kramer asserts that, by reason of Judicial misconduct  
12 and actions, Kelman has unclean hands by benefiting from improvidently entered orders that  
13 ignored irrefutable evidence of his perjury and his attorney’s suborning of perjury to establish  
14 malice in the libel litigation of Kelman and GlobalTox v. Kramer, which bars the relief sought.  
15 Legally, courts cannot aid criminal perjury and then benefit to see the victim of their willful  
16 misconduct gagged by yet another malicious litigation. Datig v. Dove Books, Inc. (1999) 73  
17 Cal.App.4th 964, 981. Judicial Conduct Canon 3D(2) states, “ *Whenever a judge has personal  
18 knowledge that a lawyer has violated any provision of the Rules of Professional Conduct the judge  
19 shall take appropriate corrective action.*”

20 **G. Seventh Affirmative Defense**

21 As and for a seventh affirmative defense, Kramer asserts that, by reason of judicial misconduct  
22 and actions, Kelman has unclean hands by benefiting from improvidently entered orders that ignored  
23 there was no evidence presented in Kelman and GlobalTox v. Kramer of Kramer ever being  
24 impeached as to her subjective belief in the validity of the truthfulness of her words, which bars the  
25 relief sought. The courts have egregiously and dangerously violated the First Amendment of the  
26 Constitution by deeming a US citizen to be guilty of libel without a shred of evidence their written  
27 words were even incorrect. If this is where democracy is headed when the interests of the US  
28 Chamber are involved, then God help us all. Section 3 of article XX of the California Constitution  
requires that judges, among others, take and subscribe an oath that, in pertinent part, reads as

1 follows: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the  
2 Constitution of the United States and the Constitution of the State of California against all enemies,  
3 foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and  
4 the Constitution of the State of California; that I take this obligation freely, without any mental  
5 reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am  
6 about to enter."

### 7 **H Eighth Affirmative Defense**

8 As and for an eighth affirmative defense, Kramer asserts that, by reason of misconduct and perjury,  
9 Kelman, who is a limited public figure, has unclean hands in seeking to violate Kramer's first  
10 amendment rights as a whistle blower, to gag her from further exposing intrastate and interstate  
11 insurer unfair advantage in claims handling practices of illnesses caused by water damaged buildings  
12 ("WDB"), adverse to the public's and taxpayers' best interest. He is seeking to gag her from writing of  
13 the fact that ACOEM, again, wrote a fraud in their mold statement in 2011. Without these fraudulent  
14 calculations being legitimized by ACOEM, Kelman and many other prolific expert toxicologists have  
15 NOTHING to testify of when denying causation of illness. Kelman is seeking to gag Kramer to keep his  
16 enterprise of expert witnessing going while giving unfair advantage to the insurance industry,  
17 interstate. In its simplest from the legal definition of racketeering is a pattern of illegal activity to give  
18 unfair advantage in furtherance of interstate enterprises.

### 18 **I. Ninth Affirmative Defense**

19 As and for a ninth affirmative defense, Kramer asserts that, by reason of judicial misconduct, Kelman  
20 has unclean hands and is now the stealth agent of the courts in seeking to further violate Kramer's  
21 first amendment rights to stop her from exposing the courts issuing improvidently entered orders in a  
22 strategic litigation against public participation carried out by criminal means, which aids intrastate  
23 and interstate insurer unfair advantage in claims handling practices adverse to public's, workers' and  
24 taxpayers' best interest; and in furtherance of Kelman's and many others' expert witnessing  
25 enterprises. Judicial Ethic Canon 2 A. Promoting Public Confidence states, "A judge shall respect and  
26 comply with the law\* and shall act at all times in a manner that promotes public confidence in the  
27 integrity and impartiality of the judiciary. Canon 2 B.(1) A judge shall not allow family, social, political, or  
28

1 *other relationships to influence the judge's judicial conduct or judgment, nor shall a judge convey or*  
2 *permit others to convey the impression that any individual is in a special position to influence the judge.*

3 Canon 3 B. (2) *A judge shall be faithful to the law\* regardless of partisan interests, public clamor, or fear*  
4 *of criticism, and shall maintain professional competence in the law. Canon 3B(5)* *A judge shall perform*  
5 *judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, engage in*  
6 *speech, gestures, or other conduct that would reasonably be perceived as (1) bias or prejudice, including*  
7 *but not limited to bias or prejudice based upon...disability.... [Sic, bias against a class of people - those*  
8 *disabled by molds who are costly for insurers and affiliates of the US Chamber of Commerce; along*  
9 *with bias to the point of aiding criminal activity in legal proceedings against their advocates].*

10 Canon3B(8) *A judge shall dispose of all judicial matters fairly, promptly, and efficiently. A judge shall*  
11 *manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly*  
12 *adjudicated in accordance with the law.*

### 12 **J. Tenth Affirmative Defense**

13 As and for a tenth affirmative defense, Kramer asserts that, by reason of deliberate indifference of  
14 California legal system policing agencies, Kelman has unclean hands and is now the stealth agent of  
15 the state in seeking to further violate Kramer's first amendment rights to stop her from exposing the  
16 courts issuing improvidently entered orders in a strategic litigation against public participation  
17 carried out by criminal means, which aids intrastate and interstate insurer unfair advantage in claims  
18 handling practices adverse to public's, workers' and taxpayers' best interest; and of which state legal  
19 system policing agencies were deliberately indifferent to take action to stop –while the Regents  
20 continue to profit from the fraud when their employees testify as expert defense witnesses in mold  
21 litigations while citing the fraudulent ACOEM paper and the US Chamber paper as authoritative  
22 science. The legal definition of Deliberate Indifference in its simplest form is the conscious or reckless  
23 disregard of the consequences of one's acts or omissions.

### 23 **K. Eleventh Affirmative Defense**

24 As and for an eleventh affirmative defense, Kramer asserts that Kelman is violating Kramer's right of  
25 free speech as a citizen of the State of California. Kramer has a right to petition her state government  
26 to make them aware of crimes in the courts of which Kramer is a victim; and the fraud in both the old  
27 and new ACOEM mold statements on behalf of the interest of the US Chamber, the insurance

1 industry, the Regents and interstate enterprises of many. Both the US Chamber and ACOEM papers  
2 carrying the name "University of California" in violation of Article IX of the California Constitution.  
3 Without being able to write the phrase, "*altered his under oath statements*", Kramer cannot articulate  
4 and evidence the web of crimes occurring in the State of California that are adverse to the public's  
5 best interest.

#### 6 **L. Twelfth Affirmative Defense**

7 As and for a twelfth affirmative defense, Kramer asserts that Kelman is violating Kramer's first  
8 amendment guaranteed right of free speech as a citizen of the United States of America. Kramer has a  
9 right to petition her federal government to intercede and stop the deliberate indifference in legal  
10 system policing agencies who are to stop crime in the courts along with the courts themselves that  
11 are to police themselves. Kramer is the victim of many in positions of authority turning blind eyes to  
12 the Fourth District Division One Appellate Court practicing politics. Without being able to write the  
13 phrase "*altered his under oath statements*", Kramer cannot articulate and evidence the crimes to the  
14 federal officials. Judicial Ethics Canon 3 D. (1) "*Whenever a judge has reliable information that another*  
15 *judge has violated any provision of the Code of Judicial Ethics, the judge shall take or initiate appropriate*  
16 *corrective action, which may include reporting the violation to the appropriate authority*". Thus far, none  
17 have.

### 18 **III** 19 **CONCLUSION**

20 For six years, Kramer has been reporting that she is a victim of the crimes of criminal perjury and  
21 suborning of criminal perjury in a strategic litigation on behalf of the interests of the US Chamber of  
22 Commerce, with all courts and all California legal system policing agencies never denying the  
23 evidence is irrefutable, but simply ignoring the evidence exists. The financial and emotional damage  
24 to Kramer and her family from the courts aiding with crime while the legal system policing agencies  
25 have been deliberately indifferent have been has been horrendous. For six years, Kramer has been  
26 made to watch in horror as innocent citizens lose everything they own, sometimes even their lives,  
27 because of corruption in the California legal system aiding and abetting the interest of the US  
28 Chamber of Commerce.

1 Given that Kelman and Scheuer felt confident enough that they could seek to have Kramer gagged for  
2 words of which she was not even sued; and given the California courts' involvement with aiding and  
3 abetting a malicious litigation carried out by criminal means while being evidenced of what Kelman  
4 and Scheuer are now doing with this injunctive relief motion; it may be unfair to this court but it is not  
5 unreasonable to assume this court will not be the first court in California to follow the laws that are  
6 meant to protect Kramer, the public and democracy. It is reasonable to assume this court may not  
7 only grant the fraudulent injunctive relief motion, but may even seek to have the court records file of  
8 Kelman & GlobalTox v. Kramer forever illegally sealed.

9 With all due respect to this court, if no one else is required to follow the law in the State of California  
10 to protect Kramer from being a victim of vicious, unbridled retribution for daring to speak the truth in  
11 America while the courts play politics, then Kramer is not going to stop speaking and writing of the  
12 fraud in policy involving the US Chamber, Kelman, GlobalTox, and ACOEM that she first wrote of in her  
13 Press Release of March 2005, while the courts have been playing politics and aided it to continue, no  
14 matter what this court rules. Nor does she have any intention of writing checks to anyone who has  
15 used criminals means in malicious litigations to silence her.

16 March 4, 2011

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

## DECLARATION OF SHARON KRAMER, PRO PER

In Support Of Opposition To Plaintiff's Motion Seeking Temporary Injunctive Relief To Gag Me From Writing Of How It Became A Fraud In Policy That Moldy Building Were Proven Not To Harm.

I, Sharon Kramer, have gone above and beyond for my fellow man and have rid a fraud in US health policy that has harmed thousands of people and wasted billions of tax dollars. For this effort, the California judicial system had deemed me to be a "malicious liar" while never being able to ever once cite evidence of me being impeached as to the belief of my words.

The courts have financially crippled my family, demeaned my reputation, and subjected me to years of malicious litigation carried out by criminal means for daring to expose a deeply seeded fraud in policy. Now, their past errors are aiding in seeking to gag me from being able to write of the fraud, of the courts' involvement and various California government agencies Deliberate Indifference by an injunctive relief; while placing a Superior Court Judge in a compromised position of having to acknowledge the criminality of the matter and the court's involvement, or sending me to jail when I refuse to be silenced.

I am fearful of the California courts and for the future of First Amendment of the Constitution of the United States. A copy of the Declaration, the Opposition and the Memorandum of Points and Authorities have been mailed to Keith Scheuer.

The courts aiding and abetting with a strategic litigation carried out by criminal means may be verified by the records on file in the North County Appellate Division.

I declare under penalty of perjury the above is true and correct.

March 4, 2011

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





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

1 SHARON NOONAN KRAMER, PRO PER  
2 2031 Arborwood Place  
3 Escondido, CA 92029  
4 (760) 746-8026  
5 (760) 746-7540 Fax

6 **FOURTH DISTRICT DIVISION ONE COURT OF APPEAL**

7 **SHARON KRAMER,**  
8 **Defendant & Appellant**

9 **v**

10 **BRUCE J. KELMAN &**  
11 **GLOBALTOX, INC.,**  
12 **Plaintiffs & Respondents**

13 **CASE NO.D054496**

14 **MOTION TO RECALL & RESCIND REMITTITUR**

- 15 1.) Remittitur Issued By Error Of Court Ignoring  
16 Respondent Fraud In Reply Brief,
- 17 2.) Clerical Error, Court Mailed Pro Per Kramer A  
18 Document in 2009 Not In Court File, No  
19 Judgment or Notice of Entry On Record To Be  
20 Affirmed
- 21 3.) Administrative Appellate Presiding  
22 Justice, Clerical Error. Local Rules of the Court;  
23 Policies Against Bias 1.2.1, Forgot That Court  
24 Must Respond To Complaints Under Ca Rules of  
25 the Court 10.603 & 10.703,
- 26 4.) Errors of Opinion Causing Malicious  
27 Prosecution To Gag Kramer From Writing of  
28 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 Court  
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**

24 **MOTION TO RECALL AND RESCIND REMITTITUR**

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

28 January 19, 2011

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

MOTION TO RECALL AND RESCIND REMITTITUR

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6 **FOURTH DISTRICT DIVISION ONE COURT OF APPEAL**

7 **SHARON KRAMER,**  
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9 **v**

10 **BRUCE J. KELMAN &**  
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**MEMORADUM OF POINTS & AUTHORITIES**

- 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,
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- 5.) Opinion & Remittitur Placing A Superior Court 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**

23 Memorandum of Points and Authorities

24 I.

25 **BACKGROUND**

26 Although never mentioned in any Opinion or ruling, in this litigation Sharon  
27 ("Kramer")s use of the phrase, *"altered his under oath statements on the witness*  
28 *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

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  
and regarding Kramer's role in reshaping policy:

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

28 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

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

4 That area of enquiry subsequently led to a request from Senator  
5 Kennedy's office in October 2006 to the General Accountability Office  
6 for a review of the Federal effort. Again, Sharon Kramer's incredible  
7 effort was..... instrumental in the GAO request that led in turn to the  
8 2008 US GAO report that completely destroyed the defense or  
9 government Nay-sayers' credibility in mold illness issues. Thanks to  
10 Sharon and Senator Kennedy's staff, the longstanding idiotic  
11 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.

12 Additionally, never mentioned in any ruling or Opinion, Kramer has provided the  
13 courts with uncontroverted evidence since September of 2005 that Kelman  
14 committed perjury and his attorney, Keith ("Scheuer") repeatedly and willfully  
15 suborned it, to establish false extenuating circumstances for Kramer's purported  
16 malice. This includes in his Reply Brief of September 2009 submitted to This Court.  
17

18 Kramer evidenced this, but it was not mentioned in the Opinion that this court  
19 willfully accepted suborning of perjury in a legal brief by a California licensed  
20 attorney over a matter adversely impacting public health and involving billions of  
21 dollars.  
22

23 There is now a new malicious litigation filed November 4, 2010, in which Kelman  
24 and Scheuer are seeking an injunctive relief that Kramer be gagged from ever  
25 writing of this libel litigation. This means Kramer would be gagged from writing of  
26 this court's aiding with interstate insurance fraud by not following the laws that  
27 govern proof of libel with actual malice and repeatedly ignoring what courts are  
28

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



1 me again seeking an Injunctive Relief

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

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

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

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

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

27 3. Never mentioned, Bryan Hardin, retired Deputy Director of CDC  
28 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-justice-candidate%C2%A0judith-mcconnell-nine-subordinate-san-diego-judicariesassisting-with-strategic-litigation-by-criminal-means-by-an-author-of/>] this  
5 insurer fraud cost shifting scheme  
6 [[http://www.youtube.com/watch?v=eIGZT6g50Q&feature=mfu\\_in\\_order&list=UL](http://www.youtube.com/watch?v=eIGZT6g50Q&feature=mfu_in_order&list=UL)] to  
7 continue [[http://freepdfhosting.com/21f71b9b4e.pdf\(pdf pg 6 & 7\)](http://freepdfhosting.com/21f71b9b4e.pdf(pdf pg 6 & 7))] to be promoted  
8 in policy by private sector medical associations adverse to the public  
9 interest and not based on science (as you know from the Toyota of  
10 Poway case), and while the Regents of the UC profit from it  
11 [<http://freepdfhosting.com/1d6ae0b8a2.pdf>]

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

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

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

25 I have to have a reply brief to the court by January 27th. I am not even  
26 hopeful the court will take seriously a Pro Per's amateur writing by one  
27 who has been deemed a "malicious liar" describing his 10 judge and  
28 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  
10 causation or effect even exists. This in turn, may aid insurers to shift the  
11 cost of WDB-illness onto us, the US taxpayer."\* View the letter sent to  
12 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/)  
13 "Exposing Environmental Health Threats And Those Responsible" -  
14 Katy's Exposure Blog

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

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

23 [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)

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

1 5. As shown above this court was informed and evidenced, "Reporter  
2 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  
P.20,21)

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

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

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

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

24 "Dr. Kelman testified in a deposition that the type and amount  
25 of mold in the Kramer house could not have caused the life  
26 threatening illnesses that Kramer claimed. Apparently furious  
27 that the science conflicted with her dreams of a remodeled  
28 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

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.

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

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

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

IV.

1 RECALL REMITTITUR ADMINISTRATIVE PRESIDING JUSTICE "CLERICAL ERROR"

2  
3 1. The Opinion was rendered on September 14, 2010 deeming Kramer a  
4 malicious liar for the word "altered"; in which the Opinion by inadvertence,  
5 neglect or error, did not mention Kramer's evidence within her Appellate Reply  
6 Brief of fraud on this court, ie, Scheuer again suborning Kelman's perjury on the  
7 issue of malice in his reply brief of September 2009; and the Opinion did not  
8 mention being evidenced of Scheuer's citing to trial transcript that did not  
9 support statements in the brief to falsely portray Kramer had been impeached  
10 in trial and was falsey portray she evidenced to have written with malice.

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

21 3. In error and in violation of California Rules of the Court; no  
22 acknowledgement of even receiving the date stamped complaint Kramer had  
23 submitted was sent to Kramer from the Administrative PJ  
24

25 4.. Under California Rules of the Court 10.603(f)(3). "*The presiding judge must give*  
26 *written notice of receipt of the complaint to the complainant."*  
27

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  
23 Kelman & Scheuer Now Agents Of This Court

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  
26 injunctive relief that Kramer be:

27 "restrained from stating, repeating, publishing or paraphrasing, by any  
28 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  
6 January 19, 2011

7  
8 \_\_\_\_\_  
9 Sharon Kramer , Pro Per