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

7 BRUCE J. KELMAN,
8 Plaintiff

9 v.

10 SHARON KRAMER,
11 Defendant

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

12 NOTICE TO COUNSEL, EXPARTE HEARING RE:
13 COURT FALSIFICATION OF SHERIFF
14 DEPARTMENT RECORD ON APRIL 5, 2012 TO
15 CONCEAL JUDICIAL et.al., CRMINAL
16 MISCONDUCT~ COURT'S INTENT TO MITIGATE
17 IT'S DAMAGE TO DEFENDANT SHARON
18 KRAMER; & DECLARATION OF SHARON
19 KRAMER

[Assigned for All Purposes To Hon. Thomas
Nugent]

20 Unlawful Incarceration For Refusal To Commit
21 Perjury & Collude With Courts, Plaintiff, Plaintiff
22 Counsel & Public Defender To Defraud The
23 Public In Billions Of Insurer Fraud:
24 March 12, 2012 –March 14, 2012

25 Newest False Sheriff & Department of Justice
26 Record by Minute Order, April 5, 2012

27 ExParte Hearing Date: April 12, 2012 9AM

28 To all parties and their attorney of record, please take notice that on April 12, 2012 at 9am there is an Exparte hearing in Department 30 of the North San Diego County Superior Court, Judge Thomas Nugent presiding. This 5TH NOTICE TO COURT of the need to immediately address the mishandling of contempt charges, libelous Sheriff Department Record and traumatizing, unlawful incarceration/harassment of Kramer to conceal Court et.al., misconduct while defrauding the public, may be read online at ContemptOfCourtFor.Me Short Link: <http://wp.me/p20mAH-fg> The four prior requests, Court's four replies and correspondences with the San Diego Sheriff Department are read at same link. Some large pdfs may be slow to open. The following information and direct, uncontroverted evidence is found extensively in the case file of Kelman v. Kramer.

NOTICE TO COUNSEL, EXPARTE HEARING RE: COURT FALSIFICATION OF SHERIFF DEPARTMENT RECORD ON APRIL 5, 2012 TO CONCEAL JUDICIAL et.al., MISCONDUCT~ COURT'S INTENT TO MITIGATE IT'S DAMAGE TO DEFENDANT SHARON KRAMER; & DECLARATION OF SHARON KRAMER

1 In March of 2005, Sharon "Kramer" was the first to publicly write of how it became a fraud in US
2 public health policy that it was scientifically proven moldy buildings do not harm for the purpose of
3 misleading the courts. She named the names of those involved and described how they were
4 connected in mass marketing the deceit: Plaintiff Bruce "Kelman", his company Globaltox (now known
5 as VeriTox), the Manhattan Institute think-tank, the US Chamber of Commerce, US Congressman
6 Gary Miller (R-CA) and the American College of Occupational and Environmental Medicine "ACOEM".

7 Kramer used the phrase, "*altered his under oath statements*" to describe Mr. Kelman weaseling on
8 a witness stand in Oregon, February 19, 2005 to hide the trail of the deceptive mass marketing from
9 the eyes of a jury. He was trying to say that the think-tank paid for hire US Chamber's Mold Position
10 Statement was not connected to the US medical policy setting ACOEM Mold Position Statement;
11 while at the same time having to admit they were closely tied. The forced discussion of the two
12 papers' true relationship occurred after a prior testimony of Kelman's from a case in Arizona was
13 permitted into the Oregon trial over Kelman's shouting of "ridiculous" when asked about the money
14 involvement and the defense counsel's objections. The phrase was used by Kramer in the sentence,
15 "*Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a case*
16 *in Arizona, Dr. Kelman altered his under oath statements on the witness stand.*"

17 Kelman and his business partner at Veritox, Bryan "Hardin" had authored both of the unscientific
18 and fraudulent policy papers. The two men, who hold no medical degrees, had applied math
19 extrapolations to data taken from a single rodent study and based solely on these calculations had
20 professed they had proven all claims of illness and death from "*toxic mold*" were only being made
21 because of "*trial lawyers, media and Junk Science*". When serving extensively as prolific expert
22 defense witnesses, they claim they have proven these illnesses "*Could not be.*" caused by the moldy
23 buildings – based solely on their math extrapolations. Their conclusions have never been duplicated
24 and their testimony is a scientific fraud on the courts.

25 Never the less, ACOEM – which is a trade association of workers comp physicians with several of
26 their members making their livings denying the workplace caused injury - legitimized the science
27 fraud in 2002, by making it appear to be the scientific understanding of thousands of learned
28 physicians.

1 In 2003, the US Chamber then mass marketed it to the private sector stakeholders and to US
2 Courts. Kelman states under oath that he and Hardin were paid by the think-tank to write the
3 sentence for the US Chamber “**Thus, the notion that ‘toxic mold’ is an insidious, secret**
4 **‘killer,’ as so many media reports and trial lawyers would claim, is ‘junk science’**
5 **unsupported by actual scientific study.”** for the express purpose that it could be shared
6 with judges.

7 Kelman and Veritox sued Kramer in May of 2005 claiming her phrase “*altered his under oath*
8 *statements*” was a maliciously false accusation of perjury. The case was Kelman & GlobalTox v.
9 Kramer. North San Diego County Superior Court. All courts to oversee the case suppressed the
10 evidence that Kelman committed perjury to establish needed reason for malice – reason for malice is
11 a requirement in libel litigation. All courts suppressed the evidence that Kramer gave an
12 unimpeached explanation of why she used that phrase.

13 False hearsay documents got into the jury room in August of 2008, causing a verdict for Kelman.
14 Kramer prevailed over VeriTox. The Plaintiff Special Jury Instructions instructed the jurors that they
15 had to find Kramer had malice for Kelman, personally and her writing was incorrect. The trial judge,
16 Lisa C Shall, was under public admonishment from the Commission on Judicial Performance “CJP” at
17 the time of trial and was moved to Family Court. This was her last case to oversee in civil court.
18 Since she has been in family court, many families have submitted complaints to the CJP. She is still
19 on the bench.

20 **The judgment document was falsified and anti-dated by her clerk, Michael Garland. Kramer**
21 **was not acknowledged as a trial prevailing party on the document.** What the Appellate Court
22 then did on review in September of 2010 is one for the history books. Among other aspects, they
23 fixed the Opinion to make it appear a judgment had been entered in Kramer’s favor. Then CCMS
24 was falsified in December of 2010 to state Globaltox prevailed in trial, which made the electronic
25 history of the case that all courts share, consistent with the fraudulent judgment document that was
26 actually on record of only Kelman being the prevailing party in trial.

1 As a result of the courts practicing politics from the bench and willfully deeming the wrong party to
2 be the malicious liar, thousands of lives have been destroyed by the inability to receive medical
3 treatment or restitution for injury. Billions of dollars of insurer liability has been shifted to the tax payer
4 because the insurer can feign generally accepted scientific proof that the moldy buildings do not
5 cause illness and thus they are not financially responsible for the illnesses and deaths.

6 With the assistance of Kelman's attorney, Keith "Scheuer" the Fourth District Division One
7 "Appellate Court", twice took Kramer's accurate writing and made it appear to be a malicious lie. In
8 their 2006 anti-SLAPP Opinion and their 2010 "review" Opinion, they made it appear that Kramer
9 falsely accused Kelman of getting caught lying on the Oregon witness stand about being paid by the
10 think-tank to author ACOEM's Mold Position Statement. They framed Kramer for libel.

11 **But as hard as the courts may try, they cannot get around the direct evidence that Kramer's**
12 **writing accurately states Kelman was paid by the think-tank to author the US Chamber's Mold**
13 **Statement. And that ACOEM's was "version of the Manhattan Institute commissioned piece".**

14
15 On March 9, 2012, this Court sent Kramer to jail for two nights for refusing to be coerced to commit
16 criminal perjury and aid the courts to continue to defraud the public and US courts, by concealing their
17 role in aiding the fraud to continue by what they have been doing to Kramer for now seven years.
18 The Court sent Kramer to jail for refusing to sign an apology, under penalty of perjury, that she did not
19 mean to accuse Mr. Kelman of perjury, knowing full well that she did not do that in her writing. The
20 prior courts made her truthful writing appear that way, with this Court suppressing the evidence of it,
21 in its case file. The proposed retraction Kramer refused to sign on March 9th was crafted by the
22 architect of the framing of Kramer for libel with actual malice, Scheuer, on February 10, 2012.

23 **On March 26th and again on April 5th, the Court submitted false documents to the San Diego**
24 **Sheriff Department that Kramer was lawfully incarcerated by the Court for violating the**
25 **January 19th Contempt of Court Order. This was to conceal that Kramer was, in reality, sent to**
26 **jail by this Court for refusing to commit the crime of perjury.** (Attached hereto as **Exhibit 1**, is
27 the fraudulent retraction the Court required Kramer to sign to avoid incarceration along with the
28 evidence of why she could not sign it without being a coerced criminal participant in defrauding the

1 public.) Read online at: <http://freepdfhosting.com/ce5fe87905.pdf> (Attached hereto as **Exhibit 2**, is
2 the Minute Order of March 9th, stating Kramer was sent to jail for refusing to sign the fraudulent
3 retraction under penalty of perjury) Read online at: <http://freepdfhosting.com/d702f8ee18.pdf>
4 (Attached hereto as **Exhibit 3** are the Minute Orders of March 26th and April 5th that were sent from
5 the Court to the Sheriff Department libelously stating Kramer was lawfully incarcerated for violating
6 the January 19th Order of Contempt & April 3rd Minute Order of the Court refusing to remove the libel.)
7 Read online at: <http://freepdfhosting.com/ef3990c4ce.pdf> (Attached hereto as **Exhibit 4**, is the
8 transcript of the March 9th sentencing hearing showing the Honorable Thomas Nugent knows he
9 incarcerated a never impeached US citizen for refusing to commit criminal perjury while aiding the
10 courts to continue to defraud the public and that Kramer could not comply with the Contempt of Court
11 Order to avoid incarceration at the hands of the compromised courts) Read online at:
12 <http://freepdfhosting.com/ac0b9ecc72.pdf> (Attached hereto as **Exhibit 5**, is Kramer's February 10th,
13 Notice to Court of Inability to Comply With Unlawful Order & Judgment of Contempt, January 19,
14 2012) Read online at: <http://freepdfhosting.com/5002768ab6.pdf>

15 Kramer used to have a net worth of approximately \$3M. Now, she and her husband teeter on the
16 verge of bankruptcy directly because of seven years of being framed for libel with actual malice by the
17 compromised San Diego Superior Court and the compromised Fourth District Division One Appellate
18 Court – while she is forced to watch thousands of lives continue to be destroyed by their criminal
19 actions. The Court also knows that Kramer is a superior problem solver who has held up well
20 considering she has suffered tremendous emotional damage and stress from being “in a hostile
21 environment” and “subject and aligned to libel” for now seven years at the hands of the Court.
22 (Attached hereto as **Exhibit 6** is the mental status examination of Kramer, submitted to the Court on
23 February 10, 2012) Read online at: <http://freepdfhosting.com/41fcecfd34.pdf>

24 This Exparte hearing is necessary for this Court to explain how it will be mitigating the damage to
25 Kramer and her husband, including but not limited to libeling her in documents sent from the Court to
26 the San Diego County Sheriff Department on March 26th and April 5th, 2012 to conceal that the Court
27 unlawfully incarcerated Kramer for refusing to commit criminal perjury on March 9, 2012, which would
28 have aided the courts to continue to defraud the public of billions of dollars.

1 April 11, 2012

Sharon Kramer

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3 **SHARON KRAMER IS DEMANDING THE COURT, PLAINTIFF, PLAINTIFF COUNSEL &**
4 **PUBLIC DEFENDER STOP HARASSING HER BY UNLAWFUL MEANS**

5 Kramer is demanding that this Court immediately stop the harassment of her by unlawful means
6 while aiding Kelman and the insurance industry to continue to defraud the public. The Court does not
7 have jurisdiction to hold Kramer in contempt of court, sanction her or to hold a trial in the matter of
8 Kelman v. Kramer.

9 According to California Code of Civil Procedure, No judgment is valid for any purpose until lawfully
10 entered. The "Judgment Document" from Kelman & GlobalTox v. Kramer submitted to this Court by
11 Kelman's attorney, Scheuer, on November 4, 2010 upon which this entire case is founded, is
12 fraudulent. The Court is aware of this fact and simply chooses to ignore the evidence while assuming
13 unlawful jurisdiction and harassing Kramer by taking unlawful actions to conceal that the Court has no
14 jurisdiction.

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16 The Judgment Document was anti-dated twice by Clerk of the Superior Court, Michael Garland. In
17 mid-October 2008 a dollar amount awarding costs to Kelman was filled in by Garland without dating
18 and making it appear costs were awarded to Kelman on September 24, 2008. On December 18,
19 2008, Garland added his initials next to the dollar amount he had filled in on the document in mid
20 October making it appear costs were first awarded in mid-December, 2008.

21 On November 4, 2010 Scheuer submitted it to this Court as the valid legal judgment document
22 from the prior case. It is inconsistent with the Abstract of Judgment Scheuer obtained from the Courts
23 December 30, 2008. It is inconsistent with the illegal Lien that Scheuer and Kelman placed on
24 Kramer's property on January 20, 2009 that falsely reflects interest accruing costs were awarded to
25 Kelman on September 24, 2008.

26 September 24, 2008 is three weeks before Kelman's costs were even submitted by Scheuer in
27 mid-October and, three months before Garland added his initials in mid-December to the document
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1 next to the awarding of costs he had filled in, in mid-October. In addition, Scheuer commingled his
2 clients' funds and submitted costs incurred by trial loser GlobalTox (and undisclosed owner, Bryan
3 Hardin, whose being a party was concealed by the Fourth District Division One "Appellate Court" in
4 the falsified Remittitur of December 20, 2012. Hardin is the sixth owner Veritox and a retired
5 Assistant US Attorney General, retired Deputy Director of CDC NIOSH. Kelman comes to the mold
6 issue from Big Tobacco).

7 Stephen Kelly, Clerk of the Appellate Court falsified the Remittitur in December 2010 under seal
8 of the State of California. The Appellate Court CCMS was then falsified to make it appear GlobalTox
9 and thus Hardin were disclosed on the Certificate of Interested Parties that Scheuer had submitted to
10 the Appellate Court in September of 2009. In reality, Kelman was the only disclosed "Respondent" on
11 appeal.

12 The judgment document from Kelman & GlobalTox v. Kramer that this entire case is founded upon
13 is inconsistent with the amended judgment of October 28, 2011. Kramer had to have the lower court
14 acknowledge in a judgment that she prevailed in trial over Veritox (and Hardin) because the Appellate
15 Court falsified the 2010 Appellate Opinion to state a judgment had been entered in Kramer's favor
16 when they knew it had not. (Attached hereto as **Exhibit 7**, is the letter Kramer sent to Kelly and
17 Superior Court Clerk Michael Roddy on September 11, 2011, asking they undo the falsification of
18 court documents and the awarding of costs to undisclosed parties.) This is one of the five letters for
19 which Kramer was held in Contempt and unlawfully incarcerated. They are all read online at:
20 <http://freepdfhosting.com/f8a1a9104b.pdf>

21 On September 22, 2011 in this case, Kramer submitted a Motion To Nullify the Void Temporary
22 Injunctive Relief Order that was granted by this Court on May 2, 2011 while knowingly relying of the
23 fraudulent judgment document from the prior case submitted to the Court by Scheuer on November 4,
24 2010. The Court denied the Motion on October 21, 2011 and sanctioned Kramer \$19, 343.95 with no
25 explanation given. The Court records were then falsified by this Court's clerk(s) to state a tentative
26 ruling was issued on October 20, 2011 regarding the denial. There was no such tentative ever
27 issued. The Court has never explained in writing on what grounds it denied the Motion to Nullify or
28

1 what document gives the Court jurisdiction to proceed with this case. (Attached hereto as **Exhibit 8 &**
2 **9** collectively are relevant portions of Kramer's Motion to Nullify and evidence of court clerks, Garland,
3 Kelly, Lum and Karini falsification of the Court Record concealing judicial misconduct & lack of this
4 Court's jurisdiction.) Read online at: <http://freepdfhosting.com/90438cb0b3.pdf>
5 <http://freepdfhosting.com/a6a323cf90.pdf> and <http://freepdfhosting.com/479124f323.pdf>

6 II

7 **KRAMER WAS NOT INCARCERATED FOR VIOLATION OF JANUARY 2012 CONTEMPT** 8 **ORDER AS FALSELY STATED IN SHERIFF DEPARTMENT RECORD, APRIL 5, 2012**

9 The Court' unlawful incarceration of Kramer on March 12 to March 14, 2012 was **not** for violating
10 the Contempt of Court "Order" of January 19, 2012 as libelous documents submitted to the Sheriff
11 Department by the Court on March 26 and April 5, 2012 reflect. (See Exhibit 3) Prior to the
12 incarceration, the Court was provided direct evidence that Kramer could not comply with the Order
13 and why Kramer could not comply. (See Exhibit 5)

14 Kramer's February 10, 2012 Notice of Inability to Comply includes declarations of website owners
15 who refused to remove posts containing the words, "*altered his under oath statements*" in the best
16 interest of public health. This is because the posts also show how what the courts have been doing to
17 Kramer for now seven years has permitted the fraud of Veritox, ACOEM and the US Chamber to
18 continue to destroy the lives of thousands. As stated in the Order & Judgment for Contempt, signed
19 by this Court on January 19, 2012, and submitted to the Sheriff Department, while libeling Kramer of
20 why she was incarcerated:

21 [Contempt Order quoting from the unlawful May 2, 2011 TIRO issued by this Court with no
22 jurisdiction. The TIRO enjoins Kramer from republishing a sentence that is not even in her
23 purportedly libelous writing of March 2005 containing words for which she was never sued.
24 Kramer was only sued for five words, "*altered his under oath statements*" as used in the
25 sentence, "*Upon viewing documents presented by the Hayne's attorney of Kelman's prior*
26 *testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the*
27 *witness stand*".]

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

1 1. Contemner, with full knowledge of the preliminary injunction, republished the defamatory
2 statement by posting it on the Internet (i) on Katy's Exposure website on September 13, 2011;
3 (ii) on the Yahoo Group "Sickbuildings" chatroom on November 3, 2011, which linked to an
4 article on Katy's Exposure website dated November 3, 2011: (iii) on the Katy's Exposure
5 website on November 4, 2011: and (iv) on the Yahoo Group "Sickbuildings" chatroom on
6 November 5, 2011, which linked to an article, also dated November 5, 2011 on the Katy's
7 Exposure website.

8 2. The preliminary injunction is a valid order. Kramer at all times was able to comply with its
9 terms, and she willfully chose not to.

10 (c) That the contemner is sentenced to spend a total of five days in the San Diego County jail,
11 pursuant to C.C.P. section 1218(a), which shall be suspended upon the condition that, prior to
12 February 6, 2012, contemner publish a retraction on Katy's Exposure website and on the
13 Yahoo Group "Sickbuildings" chatroom of the defamatory statement set forth in the
14 preliminary injunction. Further, pursuant to C.C.P. section 1218(a), contemner is ordered to
15 pay to Plaintiff the attorney's fees and costs incurred by Plaintiff in this action in the amount of
16 \$19,343.95.

17 The reason the Court wanted these five posts removed and why the website owners refused is
18 because they provide the direct evidence of how the courts framed Kramer for libel over the words,
19 "*altered his under oath statements*", suppressed the evidence that Kelman committed perjury to
20 establish malice, suppressed the evidence of falsified court documents and how this Court gagged
21 Kramer from being able to write of it – while having no jurisdiction to do so. (See Exhibit 5 for website
22 owners' declarations submitted to court on February 10th).

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III
KRAMER WAS INCARCERATED FOR REFUSING TO BE COERCED INTO CRIMINAL
PERJURY BY COURT ON MARCH 9, 2012

Kramer was incarcerated by the Court for refusing to sign a fraudulent document she was ordered to sign under penalty of perjury by this Court on March 9, 2012. Her coerced signature to avoid unlawful incarceration would have aided to conceal this Court knows it does not have jurisdiction - among many other judicial, clerk, attorney and plaintiff misdeeds over the past seven years that have aided to defraud the public while harassing Kramer. From the transcript of March 14, 2012 while the Court had Kramer appear before him, Scheuer and self professed public defender, Tracey "Sang" in shackles, chains and prison garb as a "courtesy" to Scheuer, after two nights of unlawful

1 incarceration. (Attached hereto as **Exhibit 10** is the March 14th transcript) Read online at:
2 <http://freepdfhosting.com/7d3aa647c3.pdf>

3 THE COURT:....You know what my hope is – and I'm not asking you to respond. I'm not
4 asking you to say anything. –But that is, it seemed to me in our last meeting I recalled you
5 enve said that it wasn't you who had accused the gentleman of perjury or of altering his
6 testimony, it was rather counsel's effort to try to make it sound that way. I don't know if I
7 remembered that right or not. If you did say that or if that's how you feel. More importantly,
8 **I would really strongly urge that you give every consideration to agreeing to that
9 proposal that Counsel made**, which simply said "I did not mean that". "I didn't mean to
10 suggest that". I'm not saying you have to do that. I'm not. Don't hear that from me. But you
11 did hear the important thing.

12 MS. KRAMER: NO. I did not hear the important thing. I didn't hear an apology that the
13 courts framed me for libel seven years ago and I'm sitting here in handcuffs for speaking
14 the truth about a fraud in policy. If you want to send me back to jail, fine. But I'm not signing
15 an apology for the court doing that.

16 THE COURT: Okay. That's not a condition of anything.

17 Kramer's signature on the required false retraction was no longer required by March 14, 2012 after
18 she had been given a false criminal record and unlawfully incarcerated for refusing to commit criminal
19 perjury on March 9th. The Minute Order of March 9, 2012 states:

20 Court addresses Ms. Kramer re: proposed retraction order. Ms. Kramer indicates that she will
21 not sign the proposed retraction. Court finds Ms. Kramer in contempt and sentences her to
22 five consecutive days in custody and directs her to report to the Los Colinas Detention Facility
23 at 9:00 am, March 12, 2012.

24 The proposed retraction for Kramer to sign was crafted by Scheuer. It states in relevant part:

25 "It was not my intention in writing the press release to state or imply that Dr. Kelman had
26 committed perjury. I do not believe that Dr. Kelman committed perjury. I apologize to Dr.
27 Kelman and his colleagues at Veritox, Inc., for all the statements that I have made that stated
28 or implied otherwise. I sincerely regret any harm or damage I may have caused. I declare
under penalty of perjury of the laws of the State of California the foregoing is true and correct "

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III
CONTEMPT OF COURT HEARING WAS STAGED SHAM WITH GOAL OF DEEMING
KRAMER CRIMINALLY AND MENTALLY INCOMPETENT AIDED BY THE PUBLIC
DEFENDERS' OFFICE

The Contempt of Court hearing was held on January 6, 2012. Court appointed legal advisor,
Tracey "Sang" Esq., spoke at the hearing without being sworn in as a witness. This was directly
against Pro Per Kramer's directive that Sang, who is not Kramer's attorney of record and never has

1 been, was not to speak at the hearing. (Attached hereto as **Exhibit 11**, is Kramer's contempt of court
2 affidavit of January 6th stating Sang was not to speak on her behalf at trial.) Read online at:
3 <http://freepdfhosting.com/Od28f47383.pdf>

4 On January 5, 2012, Kramer went to the Court ex parte to try to stop the contempt hearing in
5 which the Court lacked jurisdiction because the judgment document this entire case is founded upon
6 is fraudulent. The Court stated it would address its jurisdictional problems before the hearing – but
7 never did and launched right into the attack that Kramer is mentally incompetent in need of Sang.
8 (Attached hereto as **Exhibits 12 & 13** are Kramer's Ex parte Motion of January 5th and transcript of
9 the Ex parte hearing) Read online at: <http://freepdfhosting.com/762a39504a.pdf> &
10 <http://freepdfhosting.com/f0c8b36e07.pdf>

11 **In the Contempt of Court trial of January 6th, it was Public Defender, Sang, who**
12 **introduced the discussion of Penal Code 1368 which is what is used to deem a criminal**
13 **defendant mentally incompetent and force the public defender to become their legal voice.**

14 The Court stated, "*She [Kramer] has got to be charged with a misdemeanor*" – before a mental
15 evaluation of Kramer could take place under Penal Code 1368, with the obvious intent of wanting
16 Kramer deemed mentally incompetent to hide the mass collusion by the Courts to defraud the public,
17 by what they have been doing to whistleblower, Kramer, for now over seven years.

18 On April 9, 2012, Kramer asked Court appointed and "legal" advisor, Sang, the yes or no question,
19 **"Were you directed to bring up 1368 at the Contempt hearing?" Sang would not answer the**
20 **simple yes or no question.** (Attached hereto as **Exhibit 14** in the transcript of the Contempt of
21 Court hearing in relevant part) Read online at: <http://freepdfhosting.com/3b54d6a257.pdf>

22 While Kramer was unlawfully incarcerated between March 12th and March 14th, her civil contempt
23 charge morphed into criminal contempt, a misdemeanor. **If it were not for a private sector website,**
24 **JailBase, Kramer would never have known that a false criminal charge was placed on her**
25 **Sheriff Department record and she was vulnerable to being subjected to a Penal Code 1368.1**
26 **trial where she would have been deemed mentally incompetent by the "psych unit downtown"**
27 **with Sang then becoming her Court appointed attorney of record.**

1 **The Contempt hearing was a set up with the magic words being said by both the Court and**
2 **Sang to further a Kramer mental incompetency/criminal contempt defense for the Court's**
3 **et.al., colluding to defraud the public.** In the words of the Court and Sang on January 6, 2012,
4 conspiring with Scheuer to a false misdemeanor and mental incompetency of Kramer for refusing to
5 be silenced of the courts framing her for libel, rewarding Kelman's perjury and its continued adverse
6 impact on the public:

7 THE HONORABLE THOMAS NUGENT:...I'm telling you if you have any influence with her, I
8 would do anything I could to get her examined, if I can, by the psychiatric unit downtown. I
9 was prepared to see if I could get that done today and, you know, people aren't supposed to
10 participate in criminal proceedings if they're incompetent, and her competence, in my mind is
11 a serious question.

12 DEFENDER OF THE PUBLIC SANG: I, too, have given thought to this very issue, Your
13 Honor, and **Counsel and I were discussing it before this hearing. What I am – as a**
14 **criminal attorney, the mechanisms that I usually use in situations like this is a 1368.**

15 THE HONORABLE THOMAS NUGENT: 1368. I know it well.

16 DEFENDER OF THE PUBLIC SANG: It's really the only thing that I believe **we** have at our
17 disposal.

18 THE HONORABLE THOMAS NUGENT **She's got to be charged with a misdemeanor.** I
19 just read this section ...

20 THE HONORABLE THOMAS NUGENT: ...I've tried with her. I remember the other case was
21 when a fellow was off his medication and I told him I wanted no part of making his life more
22 miserable for him than it already was. All he had to do was take his medication. Like talking to
23 a wall. He wasn't listening to that. Never did listen. They had to find him guilty. He did time.
24 Tough stuff. **If you can think of a way to create that defense [sic, of the Court, Kelman,**
25 **Scheuer & Sang for their conspiring to defraud] I think that would be something that**
26 **might be interesting....**

27 Penal Code 1368 states, *“(a) If, during the pendency of an action and prior to judgment, **a doubt***
28 **arises in the mind of the judge as to the mental competence of the defendant, he or she shall**
state that doubt in the record and inquire of the attorney for the defendant whether, in the
opinion of the attorney, the defendant is mentally competent. *If the defendant is not represented*
by counsel, the court shall appoint counsel. At the request of the defendant or his or her counsel or
upon its own motion, the court shall recess the proceedings for as long as may be reasonably
*necessary to permit **counsel to confer with the defendant and to form an opinion as to the***
mental competence of the defendant at that point in time.(b) If counsel informs the court that

1 he or she believes the defendant is or may be mentally incompetent, the court shall order that
2 the question of the defendant's mental competence is to be determined in a hearing which is
3 held pursuant to Sections 1368.1 and 1369. If counsel informs the court that he or she believes
4 the defendant is mentally competent, the court may nevertheless order a hearing. Any hearing
5 shall be held in the superior court. (c) Except as provided in Section 1368.1, when an order for a
6 hearing into the present mental competence of the defendant has been issued, all proceedings in
7 the criminal prosecution shall be suspended until the question of the present mental competence of
8 the defendant has been determined. If a jury has been impaneled and sworn to try the defendant, the
9 jury shall be discharged only if it appears to the court that undue hardship to the jurors would result if
10 the jury is retained on call. If the defendant is declared mentally incompetent, the jury shall be
11 discharged.”

12 On March 26, 2012, the Court directed the Sheriff Department to remove Kramer's false criminal
13 contempt record under PC 166 that it had given Kramer on March 12, 2012, while incarcerated for
14 refusing to commit criminal perjury. On March 26, 2012, the Court directed the Sheriff Department
15 to replace the false criminal contempt with a false civil contempt under CCP1218(a). The Court
16 and the Sheriff Department left the misdemeanor (for civil contempt) on Kramer's record.

17 On March 28th, Ms. Debra “Duncan”, Supervisor of the San Diego Sheriff Department Records
18 Department, sent an email to the Court asking if Kramer's criminal record (for civil contempt) should
19 reflect a misdemeanor or a felony. This email from the Sheriff Department to the Court indicates two
20 unlawful actions while harassing Kramer to conceal the courts et. al., colluding to defraud:

- 21 1.) It was not a clerical error of the Sheriff Department that Kramer's civil contempt charge
22 morphed into criminal contempt while she was incarcerated. Had it been their clerical error,
23 the Sheriff Department would have removed the misdemeanor from Kramer's record when
24 directed by the Court to remove the criminal contempt error on March 26, 2012; and
- 25 2.) The Sheriff Department was willing to leave a false misdemeanor on Kramer's record even
26 after being made aware this was a civil contempt matter. Kramer would have never known if
27 not for the website JailBase and would have been vulnerable to a PC 1368.1 hearing. A false
28 misdemeanor on Kramer's Sheriff Department Record was/is required by the Court before
they could/can attempt to deem Kramer mentally incompetent under PC1368 in need of Sang
to conceal the seven years of unlawful actions by the courts, their clerks, plaintiff, plaintiff
counsel, Sang and now it appears, the Sheriff Department; and

1 3.) This Court's case file establishes the Court knows Kramer was framed for libel with actual
2 malice by prior courts and Scheuer - over the first public writing of how it became a fraud in
3 US public health policy that moldy buildings do not harm. This Court was willing to go so far
4 as to unlawfully incarcerate Kramer and falsify Sheriff Department records, while knowing its
5 actions are aiding the billions in fraud to continue. This, with no jurisdiction over the case and
6 ignoring that Scheuer submitted a judgment document that was falsified by the courts
7 themselves in the prior case, as the sole foundation for the case.

8
9 **II**
CONCLUSION

10 There is a trial readiness conference scheduled for 10am on April 13, 2012. There will be no trial
11 in this case. The Court does not have jurisdiction to hold such a trial because the judgment document
12 from Kelman & GlobalTox v. Kramer, upon which this entire case is founded is fraudulent. **This**
13 **Exparte hearing is necessary for the Court to explain its intent of how the San Diego County**
14 **Superior Court, the State Appellate Court, the County Sheriff Department, the State**
15 **Administration of the Court and the County Public Defender's office will be mitigating their**
16 **collective damages to Kramer, by subjecting and aligning her to libel for seven years.**

17 **District Attorney, Bonnie Dumanis is aware the Appellate Court framed Kramer for libel**
18 **with actual malice and its aiding of the continuance of workers comp insurer fraud in**
19 **California and in San Diego county. To date, Dumanis has taken no action to stop the criminal**
20 **activity in San Diego county courts.**

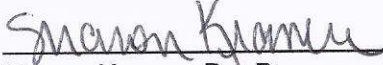
21 **The State Bar knows, but claims to have lost the documents while simultaneously claiming**
22 **they have reviewed the file. The Commission on Judicial Performance knows, but also claims**
23 **there is no complaint in their file from 2009 (which provided the direct evidence all courts**
24 **suppressed the evidence that Kelman committed perjury and Scheuer repeatedly suborned it**
25 **to establish false theme for malice – including their Chairwoman, Justice Judith McConnell).**
26 **San Diego Superior Court presiding Judge, Kevin Enright also knows what has unlawfully**
27

1 taken place in the courts that aids fraud to continue along with the continued harassment of
2 Kramer by his courts; as does Clerk of the Superior Court, Michael Roddy.

3 It is necessary for the Court to explain what it will be informing the State Bar of Scheuer's and
4 Sang's unlawful actions aided by this Court in furthering seven years of malicious litigation against
5 Kramer while defrauding the public of billions of dollars. It is necessary for the Court to explain what
6 punishment Kelman will be receiving for committing criminal perjury to establish needed reason for
7 malice in libel litigation over a writing impacting public health, claims handling practices and mold
8 litigations nationwide – for now seven years.

9 It is necessary for this Court to explain its intended actions to remove the libelous civil contempt of
10 court of violating the January 19, 2012 Order of Contempt from Kramer's Sheriff Department and
11 Department of Justice record, as the reason for her incarceration.

12 April 10, 2012

13 
14 Sharon Kramer, Pro Per

15 **DECLARATION OF SHARON KRAMER**

16 On April 11, 2012, I emailed this Exparte Application to Scheuer. On April 9, 2012 I spoke to
17 Scheuer and informed him of this Exparte hearing. He immediately fired back with a new contempt of
18 court complaint of my placing the court documents on the Internet with the direct evidence that this
19 Court incarcerated me for refusing to commit criminal perjury and falsified the Sheriff Department
20 Records to conceal the unlawful incarceration - - not for violating the Order of Contempt. Scheuer's
21 newest complaint is attached as **Exhibit 15)** He did not attach exhibits. It may be read online at
22 ContemptOfCourtFor.Me and at: <http://freepdfhosting.com/d25bac26e7.pdf>

23 **This is not just going to go away.** First the courts framed me for libel with actual malice over the
24 first public writing of how it became a fraud in US public health policy that moldy buildings do not
25 harm – as they suppressed the evidence that the plaintiff committed perjury to establish needed
26 reason for malice. They falsified many court documents, including the final judgment document from
27 the case. They awarded costs to undisclosed parties by falsified Appellate Opinions of 2006 & 2010
28 and lower court falsified judgment of December 2008.

1 Then in a second case gagged me from being able to write of what prior courts had done by
2 gagging me from writing the words for which I was framed by prior courts, *“altered his under oath*
3 *statements”*. They found me in Contempt of Court for seeking help to stop the continued harassment
4 and letting it be publicly known what was occurring – with the Court failing to establish jurisdiction and
5 again, court records falsified to conceal the Court’s actions.

6 Then the Court unlawfully incarcerated me and gave me a false criminal record when website
7 owners refused to take the evidence of the colluding to defraud off of the Internet in the public’s best
8 interest. I was incarcerated for refusing to be coerced by the Court to commit criminal perjury. My
9 signature would have absolved seven years of Judicial, clerk, attorney and plaintiff misconduct. .

10 Then, when removing the false criminal contempt record, the Court gave me a false civil contempt
11 record to conceal that the Court had unlawfully incarcerated me for refusing to sign a fraudulent
12 document, under penalty of perjury – not for violating the Contempt Order –as the Court left the false
13 misdemeanor on my record.

14 When the Court was demanded by Kramer to remove the libelously false misdemeanor on April
15 5th from Kramer’s Sheriff Department and Department of Justice record, it replaced it with a false civil
16 contempt of court record. In reality, this Court has no jurisdiction to hold Kramer in contempt of
17 anything, civil or criminal, as the judgment document from the prior case that this entire case is
18 founded upon is fraudulent.

19 I currently have a lien on my property for costs incurred by a party I prevailed over in trial with
20 interest accruing from three weeks before costs were even submitted and three months before the
21 judgment document this whole case is founded upon states costs were awarded. I owe \$700 to
22 undisclosed “Respondents” on appeal. I have a new lien in the amount of \$19, 343.95 for Contempt
23 of Court with no explanation given. Clerks Garland, Kelly, Lum and Karini are all evidenced to falsified
24 court documents regarding these awarding of costs to Kelman et. al.

25 While unlawfully incarcerated and given a false criminal record, I was traumatized by a
26 “prophylactic experience” of being strip searched in jail. On March 9th ,Scheuer requested of the Court
27 I be given a “prophylactic experience” and the Court guaranteed Scheuer I would have one.
28

1 I was further traumatized on the morning of March 14, 2012, when I was shackled to a drug addict
2 for a two hour bus ride, in the dark, from the Las Colinas Women's Detention Center in Santee,
3 California to the courthouse in Vista. I was made to appear before the Judge, Scheuer and
4 compromised Public Defender, Sang, in handcuffs, chains, jail garb, unbrushed hair, no make up and
5 very little sleep for two nights.

6 I was scared while housed for two nights in a dorm setting with approximately forty tweakers,
7 prostitutes, shop lifters and heroine addicts because I dared to speak the truth of the defrauding of the
8 US public and US courts over the mold issue, permitted to continue by the courts to oversee Kelman
9 & GlobalTox v. Kramer and Kelman v. Kramer. The Court stated he notified Scheuer of the March
10 14th hearing as a "courtesy" so he could be there. **The Court did not state why Sang, who I had**
11 **expressly terminated on March 9, 2012 after twice asking the court to remove her, was notified**
12 **and at the hearing.**

13 On March 13, 2012, my clothes were ordered to be sent from the jail to the courthouse. I was oddly
14 released from the Vista courthouse – not the jail. **This is an indication that the Court was**
15 **intending to transfer me "downtown to the psych unit" while there was a false misdemeanor**
16 **on my record and I was in unlawful custody – with Sang then becoming my court appointed**
17 **"legal" voice.**

18 **God only knows what would have happened to me on that day if my husband, mother and**
19 **sister had not been in the courtroom.** My husband became aware of the hearing because it was
20 posted as scheduled on the Sheriff Department website on Monday March 12th within hours of my
21 arrival to the jail and being given a false criminal misdemeanor on my record

22 I am precluded from filing appeals for this Court's down right criminal actions and continuing
23 harassment by this Court, Scheuer and Kelman. Stephen Kelly, Clerk of the Appellate Court who
24 falsified the Remittitur in December of 2010 and altered the CCMS to match; called me on October 5,
25 2011 and stated that the Presiding Justice -who was the first to frame me for libel in the 2006 anti-
26 SLAPP Opinion, Justice Judith McConnell - would simply deem me to be a vexatious litigant.

1 One month after the first judge, Michael Orfield denied my anti-SLAPP motion while suppressing
2 the evidence that Kelman committed perjury to establish false theme for malice, Governor
3 Schwarzenegger endorsed the ACOEM Mold Statement, penned by Kelman and Hardin and a UCLA
4 physician, Andrew Saxon, – into California Workers Comp policy under the guise of “workers comp
5 reform”. What it really is, is a massive insurer cost shifting scheme while leaving sick workers and
6 their families to fend for themselves.

7 When Justice Judith McConnell framed me for libel with actual malice in the Appellate anti-SLAPP
8 Opinion of November 2006, Kelman was serving as an expert defense witness for the US Department
9 of Justice to defeat federal liability for claims of illnesses in military housing.

10 In February of 2007, the late Senator Edward Kennedy, (Schwarzenegger’s uncle) and the US
11 Democrat Senate Health, Education, Labor and Pension Committee, deleted from a Federal
12 Government Accountability Office audit scope, looking into who had the conflicts of interests in setting
13 policy over the mold issue. The audit was ordered at my urging.

14 On March 13, 2012, while I was unlawfully incarcerated for refusing to commit the crime of perjury
15 to defraud the public, Kelman was serving as an expert for the Social Security Administration in
16 Orange County, CA. He was hired to write a letter stating the SSA building was safe for the
17 employees – based on his fraudulent toxicology model alone used to deny the plausibility of
18 causation of individual illnesses from chemical exposures known to be present in the building and the
19 ground upon which the building sits. There is an atypical amount of cancer and autoimmune diseases
20 in the workers in this building. It is fraudulent to state that a modeling theory can prove the building is
21 safe for them.

22 If I am lying about the courts framing me for libel with actual malice and all the above corruption to
23 cover for prior corruption defrauding the public, it would be very simple to prove. One would only
24 need to provide two pieces of evidence:


- 25 1. That I was ever impeached as to my belief that Kelman “altered his under oath statements”
26 while obfuscating and flip flopping back and forth about the truth connection of ACOEM and
27 the US Chamber in mass marketing the fraud, once forced to discuss the papers together in
28 front of a jury.

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2. That I had malice, personally for Kelman because I was "furious the science conflicted with my dreams of a remodeled home, so I launched into an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox". (I received approximately a half of a million dollars in my own mold litigation of long ago with Michael P. Orfield signing all three of the settlement agreements.)

All I have to do is keep telling the truth until some elected, appointed or hired government employee decides to do the job they are paid to do on behalf of the citizens of California and the United States, and shuts down the rampant corruption in California's judicial branch and ancillary agencies by punishing those involved for their unlawful roles in the cases of Kelman & GlobalTox v. Kramer and Kelman v. Kramer.

I declare under penalty of perjury in the State of California the foregoing is true and correct and executed by me this day, April 11, 2012 in Escondido, California.



Sharon Kramer, Pro Per

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Sharon Kramer 2031 Arborwood Place Escondido, CA 92029 TELEPHONE NO.: 760-746-8026 FAX NO. (Optional): E-MAIL ADDRESS (Optional): snk1955@aol.com ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 325 S. Melrose Drive MAILING ADDRESS: Vista, CA 92081 CITY AND ZIP CODE: BRANCH NAME: NC Superior Court	
PLAINTIFF/PETITIONER: Bruce Kelman DEFENDANT/RESPONDENT: Sharon Kramer	CASE NUMBER: 37-2010-00061530CU-DF-NC
<p style="text-align: center;">PROOF OF SERVICE—CIVIL</p> Check method of service (only one): <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input type="checkbox"/> By Electronic Service	JUDGE: Thomas Nugent DEPT.: 30

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

1. At the time of service I was over 18 years of age and **not a party to this action.**
2. My residence or business address is:
 2031 Arborwood Place, Escondido, CA 92029
3. The fax number or electronic service address from which I served the documents is *(complete if service was by fax or electronic service)*:
4. On *(date)*: **April 11 & 12, 2012** I served the following **documents** *(specify)*:

NOTICE TO COUNSEL, EXPARTE HEARING RE: COURT FALSIFICATION OF SHERIFF DEPARTMENT RECORD ON APRIL 5, 2012 TO CONCEAL JUDICIAL et.al., CRMINAL MISCONDUCT~ COURT'S INTENT TO MITIGATE IT'S DAMAGE TO DEFENDANT SHARON KR

 The documents are listed in the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)).
5. I served the documents on the **person or persons** below, as follows:
 - a. Name of person served: **K. Scheuer, DA B. Dumanis, Sheriff B. Gore, PD H. Coker, Judge K. Enright**
 - b. *(Complete if service was by personal service, mail, overnight delivery, or messenger service.)*
 Business or residential address where person was served:
At their office addresses in Marina Del Rey, CA and San Diego, CA
 - c. *(Complete if service was by fax or electronic service.)*
 - (1) Fax number or electronic service address where person was served:
 - (2) Time of service: The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)).
6. The documents were served by the following means *(specify)*:
 - a. **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.


CASE NAME: <i>Kelman J. Kramer</i>	CASE NUMBER: <i>37-2010-00061530 CUDFNC</i>
---------------------------------------	------------------------------------------------

6. b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (specify one):
- (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (city and state):
- c. **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)
- e. **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f. **By electronic service.** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in item 5.

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

Date: *4/11/12*

Michael Kramer
(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

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

DECLARATION OF MESSENGER

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

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

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

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

Date:

(NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

Exhibit
1

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

This document may be read online at: [ContemptOfCourtFor:ME](#)

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

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

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

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

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

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

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

Declaration of Sharon Noonan Kramer..... 15

1 SCHEUER & GILLETT, a professional corporation
2 Keith Scheuer, Esq. Cal. Bar No. 82797
3 4640 Admiralty Way, Suite 402
4 Marina Del Rey, CA 90292
5 (310) 577-1170
6 Attorney for Plaintiff
7 BRUCE J. KELMAN

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

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

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

22 March 6, 2012

23 Sharon Neenan Kramer

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

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

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

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

6 _____
7 SHARON N. KRAMER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 MR. KECLE: I do not.

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

11 JUDGE VANDYKE: How many pages do you have?

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

JUDGE VANDYKE: All right. Hand him the transcript.

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

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

14
15 **(Back In The 2006 & 2010 Opinions)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 What allows this scientific fraud to continue in US courts to be used to sell doubt of
15 causation and delay restitution for damages in Bad Faith claims handling practices
16 throughout the US, is the unlawful judicial misconduct of the judiciary and (some of) their
17 clerks overseeing seven years of Strategic Litigation Against Public Participation against
18 Mrs. Kramer. By willfully and falsely deeming the wrong party to be the malicious liar and
19 then gagging the wronged party from being able to write of what the courts have unlawfully
20 done and continue to do, the science fraud of Mr. Kelman et.al. in all US courts and claims
21 handling practices, is aided and abetted to continue. Directly stated: the courts involved in
22 these two cases have been colluding to commit insurance fraud by framing a whistle blower
23 for libel for the words, “*altered his under oath statements*”; and then gagging the framed
24 whistle blower from writing of what they have unlawfully done and unlawfully continue to
25 do.
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1 **PRIOR TO ISSUING THE TEMPORARY INJUNCTIVE RELIEF ORDER, THIS**
2 **COURT WAS PROVIDED EVIDENCE OF THE CONTINUED ADVERSE**
3 **IMPACT ON THE PUBLIC IF MRS KRAMER WAS STOPPED FROM WRITING**
4 **OF WHAT PRIOR COURTS HAD DONE**

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

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

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

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

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

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

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

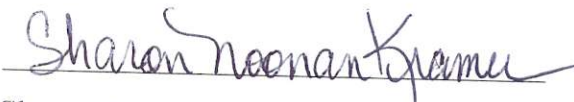
22 As evidenced above and repeatedly in this Court's case file; Justice McConnell's peers -
23 Justice Patricia Benke, Justice Richard Huffman and Justice Joan Irrion then concealed
24 Justice McConnell's unlawful and unethical conduct in their 2010 Appellate Opinion. The
25 required retraction to undo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

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

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

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

18
19 March 6, 2012

20 
21 Sharon Noonan. Kramer

22
23 **DECLARATION OF SHARON NOONAN KRAMER**

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

29
30 No 15
RETRACTION BY SHARON KRAMER

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

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

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

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

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

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

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

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

Executed on March 6, 2012 at Escondido, California.



SHARON N. KRAMER

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
NORTH COUNTY

MINUTE ORDER [X] Amended on 03/09/2012

DATE: 03/09/2012

TIME: 01:30:00 PM

DEPT: N-30

JUDICIAL OFFICER PRESIDING: Thomas P. Nugent

CLERK: Allen Lum, Cheryl Karimi

REPORTER/ERM: Leslie Mast CSR# 3363

BAILIFF/COURT ATTENDANT: Ken Schwieterman

CASE NO: 37-2010-00061530-CU-DF-NC CASE INIT.DATE: 11/04/2010

CASE TITLE: **Kelman vs. Kramer**

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Defamation

EVENT TYPE: Status Conference (Civil)

APPEARANCES

KEITH SCHEUER, counsel, present for Plaintiff(s).

Sharon Kramer, self represented Defendant, present.

Atty Tracey S. Sang appears telephonically for defendant.

Parties are present as indicated above.

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

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

1:59 pm Court is adjourned.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
NORTH COUNTY

MINUTE ORDER

DATE: 03/26/2012

TIME: 03:02:00 PM

DEPT: N-30

JUDICIAL OFFICER PRESIDING: Thomas P. Nugent

CLERK: Allen Lum

REPORTER/ERM:

BAILIFF/COURT ATTENDANT:

CASE NO: 37-2010-00061530-CU-DF-NC CASE INIT.DATE: 11/04/2010

CASE TITLE: **Kelman vs. Kramer**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Defamation

APPEARANCES

The court, having reviewed Defendant's ex parte application to remove false criminal record, hereby rules as follows: The San Diego County Sheriff's Department is directed to correct its record as to Sharron Noonan Kramer in conjunction with case no. 37-2010-0061530-CU-DF-NC, Kelman v. Kramer to reflect that Defendant Kramer was sentenced to five days of incarceration for a civil contempt pursuant to CCP § 1218(a), and not a criminal contempt pursuant to Penal Code § 166. See Order and Judgment of Contempt entered January 19, 2012.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> FAMILY COURT, 1555 6TH AVE, SAN DIEGO, CA 92101-3294 <input type="checkbox"/> MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105 <input checked="" type="checkbox"/> KEARNY MESA BRANCH, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123-1187 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649 <input type="checkbox"/> JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792 <input type="checkbox"/> JUVENILE COURT, 325 S. MELROSE DR., VISTA, CA 92083-6634	FOR COURT USE ONLY F I L E D Clerk of the Superior Court MAR 26 2012 BY: A. LUM
PLAINTIFF(S)/PETITIONER(S) BRUCE J. KELMAN	JUDGE: THOMAS P. NUGENT DEPT: 30
DEFENDANT(S)/RESPONDENT(S) SHARON KRAMER.	CASE NUMBER 37-2010-00061530-CU-DF-NC
CLERK'S CERTIFICATE OF SERVICE BY MAIL (CCP 1013a(4))	

I, certify that: I am not a party to the above-entitled case; that on the date shown below, I served the following document(s):
 Minute order dated March 26, 2012

on the parties shown below by placing a true copy in a separate envelope, addressed as shown below; each envelope was then sealed and, with postage thereon fully prepaid, deposited in the United States Postal Service at: San Diego Vista El Cajon
 Chula Vista Ramona, California.

NAME & ADDRESS

Keith Scheuer, Esq.
 4640 Admiralty Way, Ste. 402
 Marina Del Rey, CA 90292

Tracey S. Sang, Esq.
 215 South Coast Highway, Ste. 205
 Oceanside, CA 92054

NAME & ADDRESS

Sharon Kramer
 2031 Arborwood Place
 Escondido, CA 92029

CLERK OF THE SUPERIOR COURT

Date: MAR 26 2012

by , Deputy
 A. LUM

JAN 19 2012

By: _____, Deputy

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

8	BRUCE J. KELMAN,	)	CASE NO.:
		)	37-2010-00061530-CU-DF-NC
9	Plaintiff,)	
		)	Assigned for All Purposes to:
10	v.	)	HON. THOMAS P. NUGENT
		)	DEPARTMENT: N-30
11	SHARON KRAMER, and DOES 1)	
12	through 20, inclusive,	)	UNLIMITED CIVIL CASE
)	
13	Defendants.	)	[REVISED PROPOSED] ORDER AND
		)	JUDGMENT OF CONTEMPT

Hearing Date: January 6, 2012
Time: 1:30 p.m.
Department: N-30

Trial Date: None

In the course of proceedings in the case of Kelman v. Kramer, 37-2010-00061530-CU-DF-NC, this Court issued a preliminary injunction, filed on May 2, 2011, enjoining Defendant and Contemner Sharon Kramer from republishing a statement that had been found to be libelous in an action titled Kelman v. Kramer, San Diego Superior Court case no. GIN 044539. In relevant part, the preliminary injunction provided:

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

8 Contemner opposed the issuance of the preliminary
9 injunction orally and in writing, was present during oral
10 arguments leading to the issuance of the preliminary
11 injunction, was served with the written preliminary
12 injunction and at all times had actual knowledge of its
13 existence and terms.

14 Contemner willfully failed to comply with the Court's
15 order and violated the preliminary injunction as follows:

16
17 1. Contemner, with full knowledge of the preliminary
18 injunction, republished the defamatory statement by posting
19 it on the Internet (i) on the Katy's Exposure website on
20 September 13, 2011; (ii) on the Yahoo Group "Sickbuildings"
21 chatroom on November 3, 2011, which linked to an article on
22 the Katy's Exposure website dated November 3, 2011; (iii) on
23 the Katy's Exposure website on November 4, 2011; and (iv) on
24 the Yahoo Group "Sickbuildings" chatroom on November 5,
25

1 2011, which linked to an article, also dated November 5,
2 2011, on the Katy's Exposure website.

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

6 3. Upon the application of Plaintiff, an Order to
7 Show Cause re contempt was issued and filed on November 10,
8 2011. Plaintiff caused the Order to Show Cause to be
9 personally served on Kramer on November 18, 2011, and served
10 by mail on her counsel on November 28, 2011. The Order to
11 Show Cause ordered her to appear before this Court on
12 January 6, 2012 and show cause why she should not be held in
13 contempt for violating the preliminary injunction.

14 4. Kramer filed written oppositions to the merits of
15 the order to show cause on October 13, 2011 and December 23,
16 2011.

17 5. The Court offered the contemner an opportunity on
18 January 6, 2012 to present an explanation or excuse at the
19 Order to Show Cause hearing for her conduct, but the
20 contemner declined to appear at that time to do so. By
21 declaration filed by contemner on January 6, 2012, contemner
22 stated that she would not physically appear at the hearing
23 scheduled for that same day. Her declaration in part stated:

1 "10. I give Tracey Sang, Attorney at Law,
2 authority to speak on my behalf regarding the lack of
3 this court holding an arraignment hearing, prior to
4 holding an unlawful Contempt of Court hearing. I have
5 not been advised of my rights by this court, the
6 Honorable Thomas Nugent.

7 "11. I do not give Ms. Sang permission to speak on
8 my behalf at a Contempt of Court hearing should this
9 court choose to proceed."

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

12 (a) That the contemner is guilty of contempt of
13 court in violation of section 1209(a)(5) of the Code of
14 Civil Procedure, for disobedience of a lawful judgment,
15 order, or process of the Court, by republishing the
16 defamatory statement as set forth in Paragraph 1 above.

17 (b) That contemner had knowledge of the order,
18 was able to comply at the time of the order and continues to
19 have such ability, and has willfully failed to comply with
20 the order.

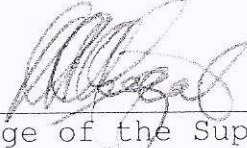
21 (c) That the contemner is sentenced to spend a
22 total of five days in the San Diego County jail, pursuant to
23 C.C.P. section 1218(a), which shall be suspended upon the
24 condition that, prior to February 6, 2012, contemner publish
25 a retraction on the Katy's Exposure website and on the Yahoo
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Group "Sickbuildings" chatroom of the defamatory statement set forth in the preliminary injunction. Further, pursuant to C.C.P. section 1218(a), contemner is ordered to pay to Plaintiff the attorney's fees and costs incurred by Plaintiff in this action in the amount of \$19,343.95.

7. Contemner and her counsel are hereby ordered to appear on February 10, 2012 at 1:30 p.m. in Department N-30 of the above-entitled Court for a determination as to whether the retraction described above has been adequately published and for further proceedings consistent with this Order and Judgment.

Dated: January 15, 2012



Judge of the Superior Court
THOMAS P. NUGENT

JAN 19 2012

PROOF OF SERVICE

By _____, Deputy

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 4640 Admiralty Way, Suite 402, Marina Del Rey, California 90292. On January 17, 2012, I served the foregoing **[REVISED PROPOSED] ORDER AND JUDGMENT OF CONTEMPT** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Sharon Kramer
2031 Arborwood Place
Escondido, CA 92029
SNK1955@AOL.COM

Tracey S. Sang, Esq.
215 South Coast Highway, Suite 205
Oceanside, CA 92054
SANGMITCHELL@ROADRUNNER.COM

BY MAIL – I caused each such envelope with postage thereon fully prepaid to be placed in the United States mail at Marina Del Rey, California. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice, it would be deposited in the U.S. Postal Service on that same day with postage thereon fully prepaid at Marina Del Rey, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY ELECTRONIC DELIVERY—I sent such document by electronic transmission to each of their email addresses, to and from which each of them has received and sent emails previously.

EXECUTED on January 17, 2012 at Marina Del Rey, California.

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



Keith Scheuer

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO

MINUTE ORDER

DATE: 04/03/2012

TIME: 10:26:00 AM

DEPT:

JUDICIAL OFFICER PRESIDING: Thomas P. Nugent

CLERK: Cheryl Karimi

REPORTER/ERM:

BAILIFF/COURT ATTENDANT:

CASE NO: **37-2010-00061530-CU-DF-NC** CASE INIT.DATE: 11/04/2010

CASE TITLE: **Kelman vs. Kramer**

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Defamation

APPEARANCES

Defendant Sharon Kramer's ex parte request for court's intent to remove March 26, 2012 libelous sheriff department contempt record of Sharon Kramer & declaration of Sharon Kramer is denied. Request must proceed by way of noticed motion.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> FAMILY COURT, 1555 6TH AVE, SAN DIEGO, CA 92101-3294 <input type="checkbox"/> MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105 <input checked="" type="checkbox"/> KEARNY MESA BRANCH, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123-1187 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649 <input type="checkbox"/> JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792 <input type="checkbox"/> JUVENILE COURT, 325 S. MELROSE DR., VISTA, CA 92083-6634	<p style="text-align: right;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center; font-size: 2em; font-weight: bold;">F I L E D</p> <p style="text-align: center;">Clerk of the Superior Court</p> <p style="text-align: center; font-size: 1.5em;">APR 03 2012</p> <p style="text-align: center;">BY: A. LUM</p>
PLAINTIFF(S)/PETITIONER(S) BRUCE J. KELMAN	
DEFENDANT(S)/RESPONDENT(S) .SHARON KRAMER.	JUDGE: THOMAS P. NUGENT DEPT: 30
CLERK'S CERTIFICATE OF SERVICE BY MAIL (CCP 1013a(4))	CASE NUMBER 37-2010-00061530-CU-DF-NC

I, certify that: I am not a party to the above-entitled case; that on the date shown below, I served the following document(s):

Minute order dated April 3, 2012

on the parties shown below by placing a true copy in a separate envelope, addressed as shown below; each envelope was then sealed and, with postage thereon fully prepaid, deposited in the United States Postal Service at: San Diego Vista El Cajon
 Chula Vista Ramona, California.

NAME & ADDRESS


Keith Scheuer, Esq.
 4640 Admiralty Way, Ste. 402
 Marina Del Rey, CA 90292

NAME & ADDRESS

Sharon Kramer
 2031 Arborwood Place
 Escondido, CA 92029

CLERK OF THE SUPERIOR COURT

Date: APR 03 2012

by , Deputy
 A. LUM

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
NORTH COUNTY

MINUTE ORDER

DATE: 04/05/2012

TIME: 03:36:00 PM

DEPT: N-30

JUDICIAL OFFICER PRESIDING: Thomas P. Nugent

CLERK: Allen Lum

REPORTER/ERM:

BAILIFF/COURT ATTENDANT:

CASE NO: 37-2010-00061530-CU-DF-NC CASE INIT.DATE: 11/04/2010

CASE TITLE: **Kelman vs. Kramer**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Defamation


APPEARANCES

The court, having reviewed Defendant's ex parte application filed April 5, 2012, hereby rules as follows: The San Diego County Sheriff's Department is directed to correct its record as to Sharron Noonan Kramer in conjunction with case no. 37-2010-0061530-CU-DF-NC, Kelman v. Kramer to reflect that Defendant Kramer was sentenced to five days of incarceration for a civil contempt pursuant to Cal. Code of Civil Procedure § 1218(a), and not a criminal contempt pursuant to Penal Code § 166. See Order and Judgment of Contempt entered January 19, 2012, a copy of which is attached hereto. Cal. Code of Civil Procedure § 1218(a) provides:

"(a) Upon the answer and evidence taken, the court or judge shall determine whether the person proceeded against is guilty of the contempt charged, and if it be adjudged that he or she is guilty of the contempt, a fine may be imposed on him or her not exceeding one thousand dollars (\$1,000), payable to the court, or he or she may be imprisoned not exceeding five days, or both. In addition, a person who is subject to a court order as a party to the action, or any agent of this person, who is adjudged guilty of contempt for violating that court order may be ordered to pay to the party initiating the contempt proceeding the reasonable attorney's fees and costs incurred by this party in connection with the contempt proceeding."

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

Dated: April 5, 2012


THOMAS P. NUGENT
Judge of the Superior Court

JAN 19 2012

By _____ Deputy

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

8	BRUCE J. KELMAN,	)	CASE NO.:
		)	37-2010-00061530-CU-DF-NC
9	Plaintiff,)	
		)	Assigned for All Purposes to:
10	v.	)	HON. THOMAS P. NUGENT
		)	DEPARTMENT: N-30
11	SHARON KRAMER, and DOES 1)	
12	through 20, inclusive,	)	UNLIMITED CIVIL CASE
)	
13	Defendants.	)	[REVISED PROPOSED] ORDER AND
		)	JUDGMENT OF CONTEMPT

Hearing Date: January 6, 2012
Time: 1:30 p.m.
Department: N-30

Trial Date: None

In the course of proceedings in the case of Kelman v. Kramer, 37-2010-00061530-CU-DF-NC, this Court issued a preliminary injunction, filed on May 2, 2011, enjoining Defendant and Contemner Sharon Kramer from republishing a statement that had been found to be libelous in an action titled Kelman v. Kramer, San Diego Superior Court case no. GIN 044539. In relevant part, the preliminary injunction provided:

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

8 Contemner opposed the issuance of the preliminary
9 injunction orally and in writing, was present during oral
10 arguments leading to the issuance of the preliminary
11 injunction, was served with the written preliminary
12 injunction and at all times had actual knowledge of its
13 existence and terms.

14 Contemner willfully failed to comply with the Court's
15 order and violated the preliminary injunction as follows:

16 1. Contemner, with full knowledge of the preliminary
17 injunction, republished the defamatory statement by posting
18 it on the Internet (i) on the Katy's Exposure website on
19 September 13, 2011; (ii) on the Yahoo Group "Sickbuildings"
20 chatroom on November 3, 2011, which linked to an article on
21 the Katy's Exposure website dated November 3, 2011; (iii) on
22 the Katy's Exposure website on November 4, 2011; and (iv) on
23 the Yahoo Group "Sickbuildings" chatroom on November 5,
24
25
26

1 2011, which linked to an article, also dated November 5,
2 2011, on the Katy's Exposure website.

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

6 3. Upon the application of Plaintiff, an Order to
7 Show Cause re contempt was issued and filed on November 10,
8 2011. Plaintiff caused the Order to Show Cause to be
9 personally served on Kramer on November 18, 2011, and served
10 by mail on her counsel on November 28, 2011. The Order to
11 Show Cause ordered her to appear before this Court on
12 January 6, 2012 and show cause why she should not be held in
13 contempt for violating the preliminary injunction.
14

15 4. Kramer filed written oppositions to the merits of
16 the order to show cause on October 13, 2011 and December 23,
17 2011.
18

19 5. The Court offered the contemner an opportunity on
20 January 6, 2012 to present an explanation or excuse at the
21 Order to Show Cause hearing for her conduct, but the
22 contemner declined to appear at that time to do so. By
23 declaration filed by contemner on January 6, 2012, contemner
24 stated that she would not physically appear at the hearing
25 scheduled for that same day. Her declaration in part stated:
26

1 "10. I give Tracey Sang, Attorney at Law,
2 authority to speak on my behalf regarding the lack of
3 this court holding an arraignment hearing, prior to
4 holding an unlawful Contempt of Court hearing. I have
5 not been advised of my rights by this court, the
6 Honorable Thomas Nugent.

7 "11. I do not give Ms. Sang permission to speak on
8 my behalf at a Contempt of Court hearing should this
9 court choose to proceed."

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

12 (a) That the contemner is guilty of contempt of
13 court in violation of section 1209(a)(5) of the Code of
14 Civil Procedure, for disobedience of a lawful judgment,
15 order, or process of the Court, by republishing the
16 defamatory statement as set forth in Paragraph 1 above.

17 (b) That contemner had knowledge of the order,
18 was able to comply at the time of the order and continues to
19 have such ability, and has willfully failed to comply with
20 the order.


21 (c) That the contemner is sentenced to spend a
22 total of five days in the San Diego County jail, pursuant to
23 C.C.P. section 1218(a), which shall be suspended upon the
24 condition that, prior to February 6, 2012, contemner publish
25 a retraction on the Katy's Exposure website and on the Yahoo
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Group "Sickbuildings" chatroom of the defamatory statement set forth in the preliminary injunction. Further, pursuant to C.C.P. section 1218(a), contemner is ordered to pay to Plaintiff the attorney's fees and costs incurred by Plaintiff in this action in the amount of \$19,343.95.

7. Contemner and her counsel are hereby ordered to appear on February 10, 2012 at 1:30 p.m. in Department N-30 of the above-entitled Court for a determination as to whether the retraction described above has been adequately published and for further proceedings consistent with this Order and Judgment.

Dated: January 11, 2012



Judge of the Superior Court
THOMAS F. NUGENT

JAN 17 2012

PROOF OF SERVICE

By _____, Deputy

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 4640 Admiralty Way, Suite 402, Marina Del Rey, California 90292. On January 17, 2012, I served the foregoing [REVISED PROPOSED] ORDER AND JUDGMENT OF CONTEMPT on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Sharon Kramer
2031 Arborwood Place
Escondido, CA 92029
SNK1955@AOL.COM

Tracey S. Sang, Esq.
215 South Coast Highway, Suite 205
Oceanside, CA 92054
SANGMITCHELL@ROADRUNNER.COM

[X] BY MAIL – I caused each such envelope with postage thereon fully prepaid to be placed in the United States mail at Marina Del Rey, California. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice, it would be deposited in the U.S. Postal Service on that same day with postage thereon fully prepaid at Marina Del Rey, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[X] BY ELECTRONIC DELIVERY---I sent such document by electronic transmission to each of their email addresses, to and from which each of them has received and sent emails previously.

EXECUTED on January 17, 2012 at Marina Del Rey, California.

[X] (STATE) -- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Keith Scheuer

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> FAMILY COURT, 1555 6TH AVE, SAN DIEGO, CA 92101-3294 <input type="checkbox"/> MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105 <input checked="" type="checkbox"/> KEARNY MESA BRANCH, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123-1187 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649 <input type="checkbox"/> JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792 <input type="checkbox"/> JUVENILE COURT, 325 S. MELROSE DR., VISTA, CA 92083-6634	FOR COURT USE ONLY F I L E D Clerk of the Superior Court APR 05 2012 BY: A. LUM
PLAINTIFF(S)/PETITIONER(S) BRUCE J. KELMAN	JUDGE: THOMAS P. NUGENT DEPT: 30
DEFENDANT(S)/RESPONDENT(S) .SHARON KRAMER,	CASE NUMBER 37-2010-00061530-CU-DF-NC
CLERK'S CERTIFICATE OF SERVICE BY MAIL (CCP 1013a(4))	

I, certify that: I am not a party to the above-entitled case; that on the date shown below, I served the following document(s):

Minute order dated April 5, 2012

on the parties shown below by placing a true copy in a separate envelope, addressed as shown below; each envelope was then sealed and, with postage thereon fully prepaid, deposited in the United States Postal Service at: San Diego Vista El Cajon
 Chula Vista Ramona, California.

NAME & ADDRESS

Keith Scheuer, Esq.
4640 Admiralty Way, Ste. 402
Marina Del Rey, CA 90292

Deborah D. Duncan
Sheriff's Operations Supervisor
Records & Identification Division
Booking and Cal ID Section
9621 Ridgehaven Court
San Diego, CA 92123

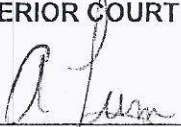
NAME & ADDRESS

Sharon Kramer
2031 Arborwood Place
Escondido, CA 92029

Tracey S. Sang, Esq.
215 South Coast Highway, Ste. 205
Oceanside, CA 92054

Date: APR 05 2012

CLERK OF THE SUPERIOR COURT

by , Deputy
A. LUM

1 VISTA, CALIFORNIA, FRIDAY, 3-9-2012; 1:30 P.M.

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3 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT.)

4 THE COURT: LET'S HEAR KELMAN VERSUS KRAMER.

5 APPEARANCE, PLEASE.

6 MR. SCHEUER: AFTERNOON, YOUR HONOR. KEITH
7 SCHEUER FOR PLAINTIFF.

8 MS. KRAMER: SHARON KRAMER PRO PER.

9 THE COURT: YES, MA'AM. WELL, HERE WE ARE. WE
10 HAVE TRAVELED QUITE A ROAD. I THINK THERE'S NO NEED 01:55PM
11 TO GO INTO IT AND I WON'T GO INTO DETAIL ON IT.
12 THERE WAS A JURY VERDICT WHICH INFORMED MS. KRAMER
13 THAT IT WAS DEFAMOUS FOR YOU TO SAY WORDS AS
14 FOLLOWS: "DR. KELMAN ALTERED HIS UNDER OATH
15 STATEMENTS ON THE WITNESS STAND WHILE HE TESTIFIED
16 IN AN OREGON LAWSUIT."

17 THAT LED TO AN APPEAL, WHICH AFFIRMED THE
18 RULINGS. THAT THEN LED TO THIS LAWSUIT WHICH SOUGHT
19 THE COURT'S INDULGENCE AND INTERVENTION TO ENJOIN
20 YOU FROM MAKING THOSE STATEMENTS CONTINUOUSLY, AND 01:55PM
21 THAT INJUNCTION WAS GRANTED AS THE LAW REQUIRES, ALL
22 OF THE TIME WITH THE COURT INVITING SOME APPROACH
23 OTHER THAN A CONTINUED FLAUNTING OF THE JURY
24 VERDICT'S FINDING. THAT DIDN'T HAPPEN.

25 YOU CONTINUED TO MAKE THOSE STATEMENTS, AND
26 I BELIEVE YOU CONTINUE TO DO SO IN THE FACE OF WHAT
27 THIS COURT FOUND UNAVOIDABLE, AND THAT WAS THE ONLY
28 REMEDY THAT WAS LEFT, AND THAT WAS TO FIND THAT YOU

1 WERE IN CONTEMPT OF THE COURT'S ORDER TO CEASE AND
2 DESIST FROM MAKING THAT STATEMENT.

3 I THEN SENTENCED YOU AS YOU KNOW TO FIVE
4 DAYS BECAUSE I DIDN'T KNOW OF ANYTHING ELSE I COULD
5 DO. JUST DIDN'T. STILL DON'T.

6 AND AT OUR LAST HEARING I WAS IMPRESSED
7 WITH WHAT IS CHARACTERIZED AS A RETRACTION BY SHARON
8 KRAMER, A VERY BRIEF TWO-PAGE DOCUMENT, WHICH WILL
9 BE FILED WITH THE COURT, INVITING YOU TO SIMPLY SAY
10 IT WAS NOT YOUR INTENTION IN WRITING THE PRESS 01:57PM
11 RELEASE TO STATE OR IMPLY THAT DR. KELMAN HAD
12 COMMITTED PERJURY.

13 IT GOES ON "I DO NOT BELIEVE THAT DR.
14 KELMAN COMMITTED PERJURY. I APOLOGIZE TO DR. KELMAN
15 AND HIS COLLEAGUES AT VERITOX, INC. FOR ALL
16 STATEMENTS THAT I HAVE MADE THAT STATED OR IMPLIED
17 OTHERWISE. I SINCERELY REGRET ANY HARM OR DAMAGE
18 THAT I MAY HAVE CAUSED."

19 ALL THAT WAS NECESSARY WAS FOR YOU TO AGREE
20 TO THAT AND WE WOULDN'T BE HERE TODAY. BUT YOU 01:57PM
21 CHOSE NOT TO, AND THAT'S YOUR RIGHT, CERTAINLY YOUR
22 RIGHT, BUT YOU LEAVE ME WITH ABSOLUTELY NO
23 ALTERNATIVE, AND I THINK YOU KNOW THAT; AND SO
24 THEREFORE, I WILL BE REMANDING YOU TO THE CUSTODY OF
25 THE SHERIFF FOR FIVE DAYS TODAY.

26 AND YES, THE ANSWER IS YES, YOU MAY BE
27 HEARD. I DON'T WANT YOU TO STOP MS. KRAMER FROM
28 SPEAKING.

1 **MS. KRAMER:** YOUR HONOR, YOU'RE SKIPPING A KEY
2 POINT IN ALL OF THIS. I NEVER ACCUSED MR. KELMAN OF
3 COMMITTING PERJURY. MY WRITING IS 100 PERCENT
4 CORRECT. MR. SCHEUER AND THE COURTS MADE IT LOOK
5 LIKE MY WRITING FALSELY ACCUSED HIM OF LYING ABOUT
6 TAKING MONEY FOR THE ACOEM MOLD STATEMENT. MY
7 WRITING ACCURATELY STATES THE MONEY WAS FOR THE US
8 CHAMBER OF COMMERCE.

9 **THE COURT:** WE'RE NOT TALKING ABOUT THE MONEY.
10 WE'RE TALKING ABOUT THE STATEMENT I READ TO YOU 01:58PM
11 "ALTERED HIS STATEMENT UNDER OATH."

12 **MS. KRAMER:** RIGHT. AND THE COURT MADE IT LOOK
13 LIKE I COMMITTED PERJURY. I WAS TRYING TO THINK OF
14 AN ANALOGY I CAN EXPLAIN THIS TO YOU WHY I CAN'T
15 SIGN THAT DOCUMENT. THEY WANT ME TO SAY I'M SORRY,
16 I DIDN'T ACCUSE HIM OF PERJURY.

17 THAT WOULD BE LIKE IF MR. SCHEUER ROBBED A
18 BANK AND SOMEBODY SAID TO YOU, OKAY, NOW YOU HAVE TO
19 SIGN A PIECE OF PAPER SAYING YOU DIDN'T ROB A BANK
20 OR YOU'RE GOING TO JAIL. AND THAT'S WHY -- THAT'S 01:59PM
21 WHAT YOU'VE DONE TO ME BECAUSE I DIDN'T ACCUSE HIM
22 OF PERJURY, THEY FRAMED ME FOR IT. MR. SCHEUER,
23 WHAT HAPPENED WAS --

24 **THE COURT:** YOU DON'T BELIEVE THAT HE COMMITTED
25 PERJURY?

26 **MS. KRAMER:** I THINK THAT HE ALTERED HIS UNDER
27 OATH STATEMENTS, WHICH IS WHAT I'VE SAID ALL ALONG.
28 HE WAS FLIP-FLOPPING BACK AND FORTH.

1 THE COURT: OKAY. BUT I --

2 MS. KRAMER: MR. SCHEUER MADE IT LOOK LIKE --

3 THE COURT: I JUST WANT TO BE CLEAR. I'M NOT
4 GOING TO STOP YOU. AND YOU CONTINUE TO TAKE THE
5 POSITION THAT YOU BELIEVE HE ALTERED HIS STATEMENT
6 UNDER OATH --

7 MS. KRAMER: HE DID.

8 THE COURT: -- AND THAT YOU HAVE THE RIGHT TO
9 SAY THAT.

10 MS. KRAMER: BECAUSE THE COURTS MADE IT LOOK 01:59PM
11 LIKE MY PHRASE ALTERED WAS A FALSE ACCUSATION OF
12 PERJURY.

13 THE COURT: THAT'S JUST WHAT THE JURY FOUND.
14 THE JURY SAID YOU CAN'T DO THAT.

15 MS. KRAMER: THE DOCUMENTS GOT INTO THE JURY
16 ROOM. THE JURY INSTRUCTIONS WERE SPECIAL
17 INSTRUCTIONS.

18 THE OTHER THING I HAVE FOR TODAY, I CAN
19 TELL YOU DON'T WANT TO DISCUSS THIS ASPECT --

20 THE COURT: I DON'T WANT TO DISCUSS IT, BUT I 01:59PM
21 JUST WANT TO BE SURE YOU UNDERSTAND, AND I THINK YOU
22 DO.

23 MS. KRAMER: I DO UNDERSTAND COMPLETELY, YOUR
24 HONOR. YOU'RE ASKING ME TO APOLOGIZE FOR BEING
25 FRAMED FOR LIBEL AND SPENDING SEVEN YEARS DEFENDING
26 THE TRUTH OF MY WORDS. THIS MAN IS THE ONE WHO MADE
27 IT LOOK LIKE I ACCUSED MR. KELMAN OF COMMITTING
28 PERJURY IN HIS BRIEFS. WHAT HE DID WAS HE TOOK THE

1 WORDS OF KELLY VANCE, THE ATTORNEY WHO WAS
2 QUESTIONING KELMAN ON THE STAND, AND VANCE WASN'T
3 REAL CLEAR ABOUT THE MONEY FROM THE CHAMBER OR NOT.
4 SO THIS IS WHAT MR. SCHEUER HERE WROTE REPEATEDLY IN
5 HIS BRIEFS. RESPONDENTS BRIEF -- AND THIS IS ON THE
6 APPELLATE LEVEL THE SECOND TIME DESCRIBING
7 MR. VANCE'S ACTIONS.

8 DURING THE HAYNES TRIAL, THE HAYNES
9 COUNSEL, CALVIN KELLY VANCE, INSINUATED THAT
10 DR. KELMAN HAD ACCEPTED MONEY FROM THE MANHATTAN 02:00PM
11 INSTITUTE, AND IN RETURN HAD SKEWED THE CONTENT OF
12 THE ACOEM SCIENTIFIC STUDY. SO THEN HE TOOK IT AND
13 HE FLIPPED THAT TO MY WRITING AND SAID, IN HER PRESS
14 RELEASE, APPELLATE STATES UPON VIEWING DOCUMENTS
15 PRESENTED BY THE HAYNES ATTORNEY OF KELMAN'S PRIOR
16 TESTIMONY IN THE CASE IN ARIZONA, DR. KELMAN ALTERED
17 HIS UNDER OATH STATEMENTS ON THE WITNESS STAND. HE
18 ADMITTED THE MANHATTAN INSTITUTE, A NATIONAL
19 POLITICAL THINK TANK, PAID GLOBALTOX \$40,000 TO
20 WRITE A POSITION PAPER. 02:01PM

21 OKAY, HE STOPS THERE AND LEAVES OUT THE
22 PART, WHERE I SAY "YEAH, PAID HIM TO AUTHOR A
23 POSITION PAPER FOR THE US CHAMBER OF COMMERCE. THIS
24 MAN MADE IT LOOK LIKE I ACCUSED MR. KELMAN OF
25 PERJURY.

26 AND THEN THE APPELLATE COURT ACTUALLY WROTE
27 IT IN THEIR'S THAT DR. KELMAN DID NOT --
28 DR. KELMAN DID NOT DENY BEING PAID FOR THE MANHATTAN

1 INSTITUTE -- BY THE MANHATTAN INSTITUTE. HE ONLY
2 DENIED BEING PAID FOR IT TO WRITE THE ACOEM PAPER.

3 THAT'S EXACTLY WHAT MY WRITING SAID. HE
4 WAS PAID BY THE MANHATTAN INSTITUTE TO WRITE THE US
5 CHAMBER OF COMMERCE PAPER. THE ACOEM PAPER WAS JUST
6 A VERSION.

7 SO I'M NOT THE ONE THAT ACCUSED MR. KELMAN
8 OF PERJURY. MR. SCHEUER HERE IS THE ONE FOR SEVEN
9 YEARS WHO CRAFTED THE THING TO MAKE IT LOOK LIKE I'D
10 ACCUSED HIS CLIENT OF THAT, AND THE REASON BEING IS, 02:02PM
11 SEVEN YEARS AGO TODAY, THE VERY DAY, I WAS THE FIRST
12 PERSON TO PUBLICALLY WRITE OF HOW IT BECAME A FALSE
13 CONCEPT IN US PUBLIC HEALTH POLICY THAT MOLDY
14 BUILDINGS DON'T HARM. I NAMED THE NAMES OF THOSE IN
15 BOLD: US CHAMBER OF COMMERCE, HIS CLIENT, ACOEM,
16 CONGRESSMAN GARY MILLER, THE MANHATTAN INSTITUTE
17 THINK TANK.

18 I'VE SAVED THOUSANDS OF LIVES FROM THIS
19 PAPER. I'LL ALWAYS BE PROUD OF THIS PAPER YOU'RE
20 GOING TO PUT ME IN JAIL FOR. IT WAS THE CATALYST 02:02PM
21 THAT CAUSED CHANGE. BECAUSE I HAVE TO AGREE TO
22 MARKETING, I BROUGHT IT TO LIGHT HOW THIS FALSE
23 CONCEPT MARKETED INTO POLICY WAS HARMING SO MANY
24 PEOPLE. FROM THEIR THE WALL STREET JOURNAL WENT ON
25 AND WROTE ABOUT IT. FROM THERE I WAS ABLE TO GET A
26 FEDERAL GOVERNMENT ACCOUNTABILITY OFFICE AUDIT THAT
27 KNOCKED HIS CLIENTS RIGHT OUT OF FEDERAL POLICY.
28 HIS CLIENT TELLS IN THE COURT THAT IT'S

1 SCIENTIFICALLY PROVEN THESE ILLNESSES COULD NOT BE .

2 SO I GOT A FEDERAL AUDIT, AND IT ALL
3 STARTED FROM THIS PAPER THAT YOU'RE GOING TO PUT ME
4 IN JAIL FOR THAT HAS TAKEN SEVEN YEARS OF MY LIFE TO
5 BE FRAMED FOR LIBEL; IT'S COST MY FAMILY EVERYTHING.
6 I'LL ALWAYS BE PROUD OF THIS PAPER, AND I'LL GO TO
7 JAIL FOR IT IF YOU WANT ME TO, BUT I'M NOT THE ONE
8 WHO ACCUSED MR. KELMAN OF PERJURY. MR. SCHEUER MADE
9 IT LOOK THAT WAY, AND THE COURT WROTE THAT I HAD
10 ACCUSED HIM OF LYING ABOUT BEING PAID FOR THE ACOEM 02:03PM
11 PAPER, WHEN I DIDN'T.

12 THE COURT: YOU AND I BOTH KNOW I DON'T WANT YOU
13 TO GO TO JAIL. HOW MANY TIMES HAVE I SAID THAT AND
14 YOU ACKNOWLEDGED IT. BUT HERE'S THE ONLY QUESTION
15 THAT I'M AFRAID THAT WE'RE LEFT WITH. IS TODAY
16 CONVENIENT?

17 MS. KRAMER: WELL, WE HAVE ANOTHER PROBLEM, YOUR
18 HONOR; BY LAW, YOU CAN'T ORDER ME TO JAIL FOR
19 SOMETHING THAT I CAN'T DO. YOU'VE GOT ME SENTENCED
20 TO FIVE DAYS IN JAIL FOR THESE POSTS. ONE POST IS 02:04PM
21 NOT EVEN MINE. THAT'S KAREN GAINES.

22 ANOTHER POST IS NOVEMBER 5TH ON KATIE'S
23 EXPOSURE. THERE IS NO POST OF THAT. AND YOU'RE
24 TELLING ME, THE COURT ORDER SAYS I HAVE TO RETRACT
25 THESE STATEMENTS FROM THESE TWO WEBSITES. BOTH OF
26 THE WEBSITE OWNERS SUBMITTED DECLARATIONS TO YOU
27 SAYING NO, THEY'RE NOT TAKING THEM DOWN.

28 THE COURT: OR YOU COULD SIMPLY AGREE TO THIS.

1 MS. KRAMER: PARDON ME?

2 THE COURT: OR YOU COULD SIMPLY AGREE TO THIS.

3 MS. KRAMER: I CAN'T AGREE TO THIS. THAT WOULD
4 BE LIKE AGREEING TO -- THAT WOULD BE LIKE AGREEING
5 TO GIVE UP WHAT I -- THAT WOULD BE EVERYTHING THAT
6 I'VE DONE TO CHANGE THE POLICY.

7 THE COURT: I RESPECT YOUR STANDING ON YOUR
8 PRINCIPLES AND YOUR BELIEFS.

9 MS. KRAMER: IT'S NOT MY PRINCIPLES, YOUR HONOR.
10 IT'S KIND OF LIKE THIS GUY, THE GUY THAT WAS HERE 02:05PM
11 BEFORE ONLY I'M NOT QUITE AS BAD.

12 THE COURT: YOU'RE NOT EVEN CLOSE. BUT THAT'S
13 NOT THE QUESTION. THE ONLY QUESTION, DOES TODAY
14 WORK FOR YOU? ARE YOU READY TO START DOING THAT
15 FIVE DAYS BECAUSE THAT'S WHAT'S GOING TO HAPPEN?

16 MS. KRAMER: IT'S NOT LAWFUL FOR YOU TO DO THAT.

17 THE COURT: I GUESS THE ANSWER IS AS GOOD AS ANY
18 OTHER DAY.

19 MS. KRAMER: WHAT DAY? NO. ACTUALLY, I WOULD
20 LIKE ANOTHER DAY OR WHAT DAY -- I DON'T KNOW HOW IT 02:05PM
21 WORKS WHEN YOU GO TO JAIL.

22 THE COURT: IT WORKS ANY WAY YOU AND I MAKE IT
23 WORK.

24 MS. KRAMER: I WOULD PREFER IT NOT BE TODAY,
25 THEN.

26 THE COURT: HOW ABOUT MONDAY?

27 MS. KRAMER: MONDAY. WHERE DO I GO?

28 THE COURT: I'LL TELL YOU.

1 MS. KRAMER: OKAY.

2 THE COURT: MONDAY ALL RIGHT.

3 MS. KRAMER: MONDAY IS AS GOOD AS ANY DAY TO GO
4 TO JAIL FOR TELLING THE TRUTH.

5 THE COURT: NONE OF THE DAYS ARE ANY GOOD, I'M
6 SURE, BUT I WANT TO ACCOMMODATE YOU TO THE EXTENT I
7 CAN, AND I'M QUITE PREPARED TO LET YOU REPORT
8 DIRECTLY YOURSELF TO THE LAS COLINAS FACILITY.

9 MONDAY AT WHAT TIME, AL, DO YOU KNOW THAT.

10 THE CLERK: 9:00 A.M.

02:06PM

11 THE COURT: 9:00 A.M. AND WE'LL PREPARE AN
12 ORDER REFLECTING THAT, AND YOU'LL HAVE THE ADDRESS
13 ON THE ORDER. SO PLEASE WAIT FOR THAT. PICK IT UP
14 AND PLEASE REPORT TO THAT FACILITY ON MONDAY. THEY
15 WILL HAVE A COPY OF THE ORDER AS WELL.

16 MS. KRAMER: I JUST WANT TO MAKE SURE YOU
17 UNDERSTAND. YOU'RE SENDING A NEVER IMPEACHED US
18 CITIZEN WHO CHANGED US PUBLIC HEALTH POLICY AND WAS
19 FRAMED FOR LIBEL BY THIS MAN TO JAIL FOR FIVE DAYS.
20 AND YOU UNDERSTAND NOBODY CAN EVEN SAY WHAT I
21 ACCUSED MR. KELMAN OF LYING ABOUT WITH THE PHRASE
22 ALTERED. IF THAT'S NOT A TRAVESTY OF THE FIRST
23 AMENDMENT, I'M GOING TO PULL THAT OTHER GUY BACK
24 HERE AND GET HIM TO START YELLING.

02:06PM

25 THE COURT: YOU DON'T WANT TO DO THAT. NO
26 MATTER WHAT, YOU DON'T WANT TO SPEND A LOT OF TIME
27 WITH MR. SHAPIRO. HE'S DISTURBED, IT SEEMS TO ME,
28 AT THE WORLD. IT'S UNFORTUNATE BUT THAT'S THE WAY

1 IT IS.

2 SO I WISH YOU WELL. AND AS I'VE SAID TIME
3 AND AGAIN, I WISH IT WEREN'T, BUT THE JURY DECIDED
4 WHAT IT IS THAT YOU'RE NOT PERMITTED TO SAY AND YOU
5 CONTINUED TO SAY IT.

6 MS. KRAMER: THE JURY DOCUMENTS GOT INTO THE
7 JURY ROOM THAT CAUSED THE VERDICT AND THE FOURTH
8 DISTRICT APPELLATE COURT --

9 THE COURT: IT'S OVER. BUT THAT'S OVER. IT
10 CAN'T BE REARGUED HERE.

02:07PM

11 MS. KRAMER: IF IT'S OVER, THEN, WHY ARE WE
12 HERE, AND I'M BEING GAGGED OF WHAT HAPPENED IN THAT
13 CASE?

14 THE COURT: BECAUSE YOU'RE CONTINUING TO DO WHAT
15 A JURY FOUND YOU SHOULD NOT, COULD NOT DO.

16 MS. KRAMER: I'VE NEVER PUBLISHED MY PRESS
17 RELEASE WITHOUT DISCUSSING IT IN CONJUNCTION OF WHAT
18 HAPPENED IN THAT CASE.

19 THE COURT: THIS PROCEEDING IS CONCLUDED.
20 MONDAY 9:00, LAS COLINAS, WAIT AND GET THE ORDER.

02:07PM

21 MS. KRAMER: WHAT DO YOU TAKE? I MEAN, ARE
22 THERE INSTRUCTIONS OF HOW YOU GO TO JAIL?

23 THE COURT: YOU JUST SHOW UP AND THEY TAKE IT
24 FROM THERE.

25 MS. KRAMER: DO YOU BRING YOUR TOILETRIES OR
26 WHAT?

27 THE COURT: I HAVEN'T DONE ANY TIME IN JAIL. I
28 CAN'T HONESTLY TELL YOU AND I HOPE I DON'T. THEN

1 ONE NEVER KNOWS.

2 MS. KRAMER: ONE NEVER KNOWS.

3 MR. SCHEUER: YOUR HONOR, MAY I BE HEARD JUST
4 FOR A SECOND HERE?

5 THE COURT: OF COURSE. I DIDN'T MEAN TO IGNORE
6 YOU.

7 MR. SCHEUER: I'M REALLY, I'M SYMPATHETIC TO HOW
8 SYMPATHETIC YOU ARE TO MS. KRAMER. I'M A LOT LESS
9 SYMPATHETIC. I HAVE A LOT MORE HISTORY THAN YOU DO
10 WITH HER. SHE REPUBLISHED THIS LIBEL YESTERDAY MANY 02:08PM
11 TIMES. SHE REPUBLISHED THIS LIBEL TWO DAYS AGO MANY
12 TIMES. SHE'S GETTING AWAY WITH IT AGAIN. BETWEEN
13 NOW AND MONDAY, I WILL BET YOU, WHATEVER I'M
14 PERMITTED TO BET YOU, THAT THAT LIBEL GETS
15 REPUBLISHED AGAIN.

16 THE COURT: AND IT MAY, BUT WHAT HAPPENS IN FIVE
17 DAYS IF IT WERE TO START TODAY AND MS. KRAMER IS
18 RELEASED, WHICH SHE WILL BE, AND SHE REPUBLISHES
19 THEN?

20 MR. SCHEUER: THEN WE WILL BE BACK HERE AGAIN. 02:09PM
21 BUT THE DIFFERENCE IS, I AM HOPEFUL, I AM HOPEFUL
22 THAT A JAIL EXPERIENCE WILL HAVE SOME SORT OF
23 PROPHYLACTIC EFFECT.

24 THE COURT: WHY DO YOU THINK I'M DOING THIS
25 BECAUSE I LIKE IT? THAT'S OF COURSE NOT MY REASON.

26 MR. SCHEUER: UNDERSTOOD. BUT MY THINKING IS
27 THE EARLIER SHE GOES, THE SOONER THE PROPHYLACTIC
28 SETS IN.

1 THE COURT: AND THAT MAY BE, BUT I DON'T SEE A
2 DIFFERENCE BETWEEN TODAY AND MONDAY.

3 MS. KRAMER: YOUR HONOR, I NEVER REPUBLISHED
4 THOSE WORDS AGAIN UNTIL MR. SCHEUER SUBMITTED A
5 DOCUMENT WHERE THEY WEREN'T EVEN PART OF IT.

6 THE COURT: WE'RE NOT GOING THERE.

7 MR. SCHEUER: ONE MORE QUESTION, YOUR HONOR,
8 JUST SO WE'RE ALL CLEAR. SHE IS ORDERED TO SHOW UP
9 AT THE JAIL AT 9:00?

10 THE COURT: THAT'S RIGHT.

02:09PM

11 YOU UNDERSTOOD THAT?

12 MS. KRAMER: WHERE IS IT?

13 THE COURT: YOU DO UNDERSTAND, THOUGH, THAT THIS
14 IS AN ORDER OF THE COURT AND YOU'RE REQUIRED --

15 MS. KRAMER: YES, I UNDERSTAND. I DON'T AGREE
16 WITH YOU, BUT IF YOU TELL ME 9:00, I'LL BE THERE.

17 THE COURT: THAT'S WHAT IT IS. LAS COLINAS.
18 AND MR. LUM, WITH THE ASSISTANCE OF THE SHERIFF'S
19 DEPARTMENT HERE, WILL MAKE SURE YOU UNDERSTAND
20 WHATEVER IT IS PEOPLE NEED TO UNDERSTAND, INCLUDING
21 WHERE IT IS AND HOW TO GET THERE. OKAY.

02:10PM

22 MR. SCHEUER: THANK YOU, YOUR HONOR.

23 THE CLERK: JUST HAVE A SEAT, MS. KRAMER, AND
24 I'LL HAVE THE PAPERS FOR YOU.

25 (PROCEEDINGS ADJOURNED.)

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO
DEPARTMENT 30 HON. THOMAS P. NUGENT

_____)
BRUCE J. KELMAN,)
)
PLAINTIFF,)
)
VS.) CASE NO.
) 37-2010-61530-CU-DF-NC
SHARON KRAMER,)
)
DEFENDANT.)
_____)

REPORTER'S TRANSCRIPT
MARCH 9, 2012

LESLIE G. MAST, CSR NO. 3363
OFFICIAL REPORTER
SAN DIEGO SUPERIOR COURT

1 APPEARANCES:

2

3 FOR THE PLAINTIFF: SCHEUER & GILLET
4 BY: KEITH SCHEUER
4640 ADMIRALTY WAY
5 SUITE 402
MARINA DEL REY, CA 90292
310-577-1170

6 FOR THE DEFENDANT: IN PROPRIA PERSONA

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN DIEGO) :

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I, *LESLIE G. MAST*, DO HEREBY CERTIFY:

THAT I AM A CERTIFIED SHORTHAND REPORTER,
CERTIFICATE NO. 3363, AN OFFICIAL COURT REPORTER OF
THE SUPERIOR COURT, NORTH COUNTY DIVISION, IN AND
FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA;

THAT AS SUCH OFFICIAL COURT REPORTER, I
REPORTED IN SHORTHAND THE ORAL PROCEEDINGS IN THE
WITHIN CAUSE ON THE DATE INDICATED HEREINBEFORE; AND

THAT THE FOREGOING AND ATTACHED "REPORTER'S
TRANSCRIPT" IS A FULL, TRUE, AND CORRECT TRANSCRIPT
OF THE ORAL PROCEEDINGS HAD ON SAID DATE.

DATED THIS _____ DAY OF _____,
2012, AT VISTA, CALIFORNIA.

_____, CSR NO.3363
LESLIE G. MAST
OFFICIAL COURT REPORTER

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

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

7 BRUCE J. KELMAN,
8 Plaintiff
9 v.

10 SHARON KRAMER,
11 Defendant

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

NOTICE TO COURT, INABILITY TO COMPLY WITH
UNLAWFUL ORDER & JUDGMENT OF JANUARY
19, 2012; & DECLARATION OF SHARON KRAMER

[Assigned for All Purposes To Hon. Thomas
Nugent]

Contempt of Court Sentencing Date

February 10, 2012, 1:30PM

12 This Notice to the Court, which is a matter of public record, may be read online at <http://wp.me/p1YPz-3iR>

13 Some pdf links are large and may take several seconds to open.

14 **I.**
15 **BACKGROUND**

16 1. On January 19, 2012, the Honorable Thomas Nugent signed a five page REVISED "ORDER" AND
17 JUDGMENT OF CONTEMPT for alleged contempt of court by Sharon "KRAMER". The ORDER contains an
18 impossible remedy for the alleged contempt for KRAMER to avoid coercive incarceration. The ORDER may be
19 read online at: <http://freepdfhosting.com/a2de403995.pdf>

20 2. The requirement of the ORDER was that by February 6, 2012, KRAMER was to have retracted posts from
21 Internet sites that KRAMER does not own. This includes a post she did not make and posts that do not exist --
22 or KRAMER will spend five days in jail.

23 3. The posts by KRAMER and others are regarding litigations that are a matter of public record of "KELMAN
24 & GLOBALTOX v. KRAMER" No. D054493 and this case, "KELMAN v. KRAMER," and their continued adverse
25 impact on public health policy and all US courts because actions of the courts involved in the two cases.

26 4. The Internet site owners are refusing to retract all posts regarding the case of "KELMAN & GLOBALTOX v.
27 KRAMER" No. D054493 and this case, "KELMAN v. KRAMER," and their continued adverse impact on public
28 health policy and all US courts because actions of the courts involved in these two cases.

5. The ORDER was originally proposed on January 10, 2012; amended and submitted again on January 17,
2012 by Bruce "KELMAN"s, legal counsel, Keith "SCHEUER".

**NOTICE TO COURT, INABILITY TO COMPLY WITH UNLAWFUL ORDER & JUDGMENT OF
JANUARY 19, 2012; & DECLARATION OF SHARON KRAMER**

1 6. Although not found on record in the IT Court Case Management System "CCMS"; on January 18, 2012,
2 KRAMER submitted an objection to the January 17, 2012 amended ORDER, including objections to omissions
3 and misstatements of facts on record and procedural errors. KRAMER'S January 18, 2012 Notice to the Court
4 not found in the CCMS may be read online at: <http://freepdfhosting.com/38b82349b6.pdf> The omission of this
5 court filing in the CCMS may be viewed at: <http://freepdfhosting.com/196437f8ce.pdf>

6 7. To reiterate a few of the procedural errors and misstatements of facts/omissions in the ORDER:

7 i.) The ORDER fails to state this is Civil Contempt of Court – not criminal contempt. As stated by
8 the Court on December 7, 2011 and read online at: <http://freepdfhosting.com/ae24c874b.pdf>

9 Defendant's request for a jury trial in the civil contempt matter is denied. There is no constitutional right
10 to a jury trial in civil contempt proceedings in which the sentence imposed
11 does not exceed six months' imprisonment. Codispoti v. Pennsylvania (1974) 418 US 506, 512; Mitchell
12 v. Superior Court (1989) 49 Cal. 3d 1230, 1244. Defendant has not been charged with a criminal
13 contempt. See Penal Code §166(a)(4) and Mitchell, supra, at 1240.

14 ii.) The ORDER falsely states Tracy "SANG", Esq., is KRAMER's counsel. SANG has never been
15 KRAMER's counsel. KRAMER has always represented herself, Pro Per. SANG "works for the courts"
16 in criminal contempt cases – not civil.

17 iii.) KRAMER lawfully appeared on her own behalf at contempt trial of January 6, 2012 via affidavit.
18 KRAMER'S appearance stating reason she did not appear in person because of fear for her safety
19 caused by all the uncontroverted evidence of the case that this Court is suppressing may be read
20 online at: <http://freepdfhosting.com/d4be0bd127.pdf>

21 iv.) Contrary to what the transcript of the trial shows, KRAMER is not charged with a misdemeanor
22 or criminal contempt of court and she is not mentally incompetent. The transcript of the January 6,
23 2012 trial may be read online at: <http://freepdfhosting.com/6bf98fa946.pdf>

24 v.) Contrary to the direction the Court, court employee SANG and plaintiff counsel SCHEUER
25 appear to attempt to be headed according to the trial transcript, KRAMER is mentally competent.
26 (*Attached Hereto As EXHIBIT 1*, is the mental status evaluation of KRAMER by Dr. Lorna Swartz,
27 January 12, 2012) **Kramer was forced to spend \$600 she does not have for the evaluation and**
28 **the mental status report after statements made by SANG and the Court in the trial inferring**
they, SCHEUER and KELMAN would like KRAMER to be found guilty of Criminal Contempt and
deemed mentally incompetent. Dr. Swartz' January 12, 2012 evaluation of KRAMER may be read
online at: <http://freepdfhosting.com/54eaa3ce20.pdf>

vi.) Contrary to the ORDER, SANG is not KRAMER's counsel or a mental health professional. She
did not represent KRAMER in trial and was never sworn in as a witness. Evidence of the Court trying
to force SANG, who "works for the courts" on KRAMER as her counsel with the assistance of the
Administration of the Courts "AOC", on October 21, 2012 for alleged indirect civil contempt, made be
read online at: <http://freepdfhosting.com/d4673d19e7.pdf>

vii.) The ORDER fails to state the reason for the \$19,343.95 awarded to KELMAN, The Court did not
state why in trial or at anytime put an explanation in writing. Putative damages cannot be awarded
without stated reason. The court must find several elements to hold an action frivolous or in bad faith:
(1) The action must be determined to be without merit; (2) the action is prosecuted for an improper
motive, including harassment or delay; or (3) the action indisputably has no merit, where any

1 reasonable attorney would agree that the action is totally and completely without merit. *Winick Corp. v*
2 *County Sanitation Dist. No. 2* (1986) 185 CA3d 1170, 1176, 230 CR 289. **A motion to void an order**
3 **which aids the Court to unlawfully gag a party from writing of prior courts framing a defendant**
4 **for libel while suppressing the evidence the plaintiff committed perjury to establish malice,**
5 **with numerous court documents falsified, is not frivolous by any stretch of the imagination.**

6 viii.) CCMS was falsified to state that a Tentative Ruling was issued on October 20, 2011 regarding
7 the Motion of KRAMER's for which KELMAN - for some unstated reason -was awarded \$19,343.95
8 for KRAMER's alleged contempt of court. **There was no such Tentative Ruling ever issued.** The
9 falsification of CCMS regarding the Tentative Ruling that was never issued involving the \$19,343.95
10 may be read online at: <http://freepdfhosting.com/c8f6cf3647.pdf> The actual non-Tentative issued may
11 be read online at: <http://freepdfhosting.com/43d7b93b80.pdf>

12 ix.) The Court failed to establish that KRAMER violated a lawful court order – one that **precludes**
13 **her ability to write five words for which the Court's case file undeniably provide direct**
14 **evidence KRAMER was framed for libel with actual malice by prior courts;** with numerous court
15 documents and CCMS entries falsified of judgments never entered, lien placed on KRAMER's
16 property, who prevailed in trial, who was awarded costs, etc. in *KELMAN & GLOBALTOX v.*
17 *KRAMER.* KRAMER's Declaration in support of MOTION TO NULLIFY VOID ORDER may be read
18 online at: <http://freepdfhosting.com/8db56e704d.pdf> Two examples of falsified court documents from
19 the prior case as found and suppressed in this Court's case file may be read online at:
20 <http://freepdfhosting.com/44d413025b.pdf> and <http://freepdfhosting.com/12a0b4f0c3.pdf>

21 x.) The Court failed to address prior to trial, KRAMER's evidence that she had not violated a lawful
22 court order establishing that the Court had jurisdiction to hold the December 6, 2012 Contempt of
23 Court hearing. KRAMER'S ExParte Motion to stop the trial and oral arguments of December 5, 2012
24 with this Court stating that this would be addressed the next day before trial, may be read online at:
25 <http://freepdfhosting.com/b8f3113096.pdf> and <http://freepdfhosting.com/78510c742a.pdf>

26 8. With regard to KRAMER's impending incarceration for inability to perform tasks stipulated in the
27 unlawful REVISED ORDER & JUDGMENT FOR CONTEMPT it states in relevant parts:

28 **"In the courts of the proceedings in the case of *Kelman v. Kramer*, 37-2010-00061530-CU-DF-
NC, this Court issued a preliminary injunction, filed on May 2, 2011, enjoining Defendant and
Contemner Sharon Kramer from republishing a statement that had been found to be libelous in
an action title *Kelman v. Kramer*, San Diego Superior Court case no. GIN044539. In relevant
part, the preliminary injunction provided:**

**IT IS HEREBY ORDER that, during the pendency of this action, defendant Sharon
Kramer is enjoined and restrained from stating, repeating or publishing by any means
whatsoever, the following statement: 'Dr. Kelman altered his under oath statements on
the witness stand' while he testified as an [sic, professional toxic tort defense] witness in a
trial in Oregon.'**

**Contemner, with full knowledge of the preliminary injunction, republished the defamatory
statement by posting it [sic letters sent to the Chief Justice and Judicial Council Members on
September 11, 2011 seeking help to stop court, SCHEUER and KELMAN harassment
<http://freepdfhosting.com/65495fd522.pdf>] on the Internet (i) on the *Katy's Exposure* website on
September 13, 2011[sic KRAMER's direct evidence that was sent to the Chief Justice of the
California Supreme Court, et. al., and placed on the Internet of who, how and why within the CA
courts framed a defendant for libel with actual malice for the statement, suppressed the evidence that
the plaintiff committed perjury to establish reason for malice; falsified court documents, falsified CCMS**

1 entries along with its continued adverse impact on public health <http://wp.me/pLYPz-3aV>]; (ii) on the
2 Yahoo Groups "Sickbuildings" chatroom on November 3, 2011 [sic, not a post made by
3 KRAMER <http://freepdfhosting.com/db99aa4548.pdf>]; which linked to an article on the Katy's
4 Exposure website dated November 3, 2011 [sic 11/03 by European time zone and about this
5 Court's swov suppression of evidence concealing the framing of a defendant for libel with actual
6 malice by prior courts <http://wp.me/pLYPz-3dY>]; (iii) on Katy's Exposure website on November 4,
7 2011 [sic again of this Court's suppression of evidence & harassment <http://wp.me/pLYPz-3et>] and
8 (iv) on the Yahoo Group "Sickbuildings" chatroom on November 5, 2011, which linked to an
9 article, also dated November 5, 2011, on the Katy's Exposure_website.[sic, there was NO POST
10 made on Katy's 11/05/11 for a 11/05/11 post on Sickbuildings to link
11 <http://freepdfhosting.com/68d9ce0aaa.pdf>] ...(c) That the contemner is sentenced to spend a total
12 of five days in the San Diego County jail pursuant to the C.C.P. section 1218(a), which shall be
13 suspended upon the condition that, prior to February 6, 2012, contemner publish a retraction
14 on the Katy's Exposure website and on the Yahoo Group "Sickbuildings" chatroom of the
15 defamatory statement set for in the preliminary injunction...."

10 **II**
11 **KRAMER DOES NOT OWN KATY'S EXPOSURE BLOG**

12 1. As the Court, KELMAN, SCHEUER and SANG are aware, KRAMER is not the owner of "KATY'S
13 EXPOSURE". All are aware that Crystal "STUCKEY" is the owner.

14 2. On May 6, 2011, after the Temporary Injunctive Relief Order "TIRO" issued by the COURT on May 2,
15 2011 which precluded KRAMER from republishing the five words for which she was framed for libel with actual
16 malice by the Fourth District Division One Appellate Court; SCHEUER mailed a threat to STUCKEY not to
17 republish the sole cause of action words of the litigation that is a matter of public record, "altered his under oath
18 statements". [Threat: <http://freepdfhosting.com/5a3c5a16c6.pdf> Sole cause of action words Pg 4, Line 5:
19 <http://freepdfhosting.com/ec62b54c79.pdf>] In relevant part the interstate US Postal Service mailed threat to
20 STUCKEY from SCHEUER on May 6, 2011, states:

21 VIA EMAIL AND US MAIL

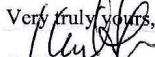
22 May 6, 2011

23 Ms. Chrystal Stucky
KATYSEXPOSURE
6010 Sandy Valley Drive
Katy, TX 77449-6577

24 **Re: KELMAN v. KRAMER**
25 **San Diego Superior Court case no. 37-2010-00061530-CU-DF-NC**

26 Dear Ms. Stucky:

27 Please be advised that if you republish the defamatory matter, we will pursue you
28 personally to the fullest extent permitted by law.

Very truly yours,

Keith Scheuer
KS/sel
Encs.

1 3. STUCKEY refuses to allow the posts of September 13, 2011, November 3, 2011 and November 4, 2011
2 containing the words, "altered his under oath statements" when discussing litigations that that are a matter of
3 public record to be retracted from her blog, KATY'S EXPOSURE. There was no post made on KATY'S
4 EXPOSURE on November 5, 2011 to be retracted.

5 4. (Attached Hereto As **EXHIBIT 2**, is the February 6, 2012 Declaration of Crystal Stuckey) It may be read
6 online at: <http://freepdfhosting.com/5534e07fdf.pdf>, & <http://wp.me/pIYPz-3id> &
7 <https://www.facebook.com/#!/pages/Justice-for-Sharon-Noonan-Kramer/265403400200156>).

8 5. In relevant parts the STUCKEY Declaration states:

9 I am aware and have the direct evidence posted on Katy's Exposure that the Fourth District
10 Division One Appellate Court issued a second opinion in September of 2010 in which they concealed
11 they had crafted their 2006 anti-SLAPP opinion to make the false finding that Sharon Kramer was
12 guilty of libel with actual malice and that all lower courts followed their lead, including the trial court
13 when framing the scope of the trial and in post trial rulings.

14 I am aware and have the direct evidence posted on Katy's Exposure that numerous court
15 documents and computer entries were falsified in the case of judgments that were never entered and
16 concealing who were the actual parties to the litigation, with Bryan Hardin who is a retired Deputy
17 Director of NIOSH and co-owner of Veritox being an undisclosed party to the litigation.

18 I am aware that this court is suppressing the uncontroverted evidence in its case file that Bruce
19 Kelman committed perjury to establish malice and Keith Scheuer repeatedly suborned it. **I am aware**
20 **and have the evidence on Katy's Exposure that on July 15, 2011, this court deemed it**
21 **"frivolous" that all prior courts suppressed the evidence of plaintiff's perjury and threatened to**
22 **sanction Sharon Kramer when she asked that the plaintiff attorney be made to corroborate**
23 **reason given for malice in a libel litigation.**

24 I am aware that if the court would acknowledge Sharon Kramer's uncontroverted evidence in its
25 case file that the prior courts framed her for libel for the words, "altered his under oath statements",
26 suppressed the evidence that Bruce Kelman (author of mold policy for ACOEM and the US Chamber)
27 committed perjury to establish reason for malice, falsified court documents and computer entries; and
28 then in a second case gagged her from being able to write the exact words for which she was framed;
the deceptive marketing campaign of the US Chamber of Commerce that all claims of illness from
WDB are only being made because of "trial lawyers, media and Junk Science" would immediately
vanish from policy and courtrooms throughout the United States.

As the owner of Katy's Exposure I do not give Sharon Kramer permission to retract the
truthful and well evidenced post of September 13, 2011 from Katy's Exposure, "Is The
California Court Case Management System (CCMS) Being Misused For Politics In Policy &
Litigation.....And The Fleecing Of The California Taxpayer Over The Mold Issue?" Based on
the evidence I have posted on Katy's Exposure, the answer appears to be a resounding "Yes".

The posts of November 3 & 4 on Katy's Exposure are titled respectively "Texas judge abuses his
child for Net usage. Cal Courts threaten Katy's Bloggers with jail time for exposing by Net, many
children abused by their actions" and "Texas Judge Won't Be Charged With "Beating Into Submission"

1 To Stop Internet Use. Will California's Leading Judiciaries Ever Be Charged For Collectively Trying To
2 Do The Same To Whistle Blowing Bloggers?"

3 As the owner of Katy's Exposure, I do not give Sharon Kramer permission to retract these
4 truthful posts of November 3, 2011 and November 4, 2011 from my blog, Katy's Exposure.
5 There is no post dated November 5, 2011 on Katy's Exposure Blog to be retracted, nor was
6 there ever.

7 **III**
8 **KRAMER DOES NOT OWN SICKBUILDINGS SUPPORT GROUP**

9 1. Kevin "CARSTENS" is the owner of "SICKBUILDINGS" online support group of approximate 2800
10 members. Most have been injured by biocontaminants that are often found in water damaged buildings.

11 (Attached Hereto As **EXHIBIT 3** is the Declaration of Kevin Carstens. It may be read online at:

12 <http://freepdfhosting.com/33b2d76d81.pdf> ,& <http://wp.me/plYPz-3is> &

13 <https://www.facebook.com/#!/pages/Justice-for-Sharon-Noonan-Kramer/265403400200156>)

14 2. CARSTENS refuses to retract the post of November 3, 2011 made by Sickbuildings member Karen Dean,
15 **not by KRAMER**, which states,

16 repost and repost Lets post these words everywhere, on every facebook and blog site,
17 over and over "In the matter of Kelman & GlobalTox v. Kramer, Bruce Kelman and
18 GlobalTox, Inc., sued Sharon Kramer for the words, Dr. Kelman `altered his under oath
19 statements on the witness stand"?

20 3. CARSTENS states that KRAMER does not have the ability to retract her posts or anyone else's from
21 SICKBUILDINGS. In relevant part the CARSTENS Declaration states:

22 **I respectfully decline to retract the reply post made by Karen Dean on November 3, 2011,**
23 **which accurately states the sole cause of action of Kelman & GlobalTox v. Kramer is over five**
24 **words, "altered his under oath statements". This is a matter of public record.**

25 **As the owner and moderator of Sickbuildings, I respectfully decline to retract the posts**
26 **made by Sharon Kramer on November 2 and November 5, 2011.**

27 There is no post made by Sharon Kramer on this subject on November 3, 2011. The November 5,
28 2011 Sickbuildings post by Sharon Kramer does not link to a November 5, 2011 post on Katy's
Exposure because there was no post made on Katy's Exposure on November 5, 2011.

I am aware and have the direct evidence posted on Sickbuildings that on May 2, 2011 in a second
case, this case, Sharon Kramer was **enjoined by Temporary Injunctive Relief Order from**
republishing the sole cause of action phrase from the prior case, "altered his under oath
statements", the phrase for which the courts had framed her for libel with actual malice in the
first case.

I am aware and have the direct evidence posted on Sickbuildings that the California Fourth District
Division One Appellate Court issued an anti-SLAPP opinion in November of 2006 in which they falsely
made Sharon Kramer's writing appear to be a libelous accusation that Bruce. Kelman lied on a
witness stand about being paid by the Manhanttan Institute think-tank to make edits to ACOEM's mold

1 position statement of 2002, *“Adverse Human Health Effects Associated With Molds In The Indoor Environment.”*

2 I am aware and have the direct evidence posted on Sickbuildings that Sharon Kramer’s writing
3 accurately states the exchange of think-tank money was for the US Chamber of Commerce’s mold
4 position statement, “A Scientific View of the Health Effects of Mold”.

5 I am aware and have the direct evidence posted on Sickbuildings that the Fourth District Division
6 One Appellate Court issued a second opinion in September of 2010 in which they concealed they had
7 crafted their 2006 anti-SLAPP opinion to make the false finding that Sharon Kramer was guilty of libel
8 with actual malice.

9 I am aware and have the direct evidence posted on Sickbuildings that numerous court documents
10 and computer entries were falsified in the case of judgments that were never entered and concealing
11 who were the actual parties to the litigation, with Bryan Hardin who is a retired Deputy Director of
12 NIOSH and co-owner of Veritox being the undisclosed party.

13 **If this court would like to post an explanation of why it is sentencing Sharon Kramer to jail**
14 **for republishing the phrase the prior courts are evidenced in this court’s case file to have**
15 **framed her for libel with actual malice and with one post for which she is to be jailed not even**
16 **being made by her, I will share the court’s post with the 2800 members of Sickbuildings.**

17 **If Bruce. Kelman would like to post the direct evidence corroborating the statements he**
18 **made under penalty of perjury in declarations of why Sharon Kramer would have reason to**
19 **harbor malice for him, I will share the post with the 2800 members of Sickbuildings.**

20 If the Fourth District Division One Appellate justices would like to post an explanation to the 2800
21 members of Sickbuildings of why they crafted their Appellate opinions in 2006 and 2010 to make the
22 false finding of libel with actual malice and suppressed the evidence that Bruce Kelman committed
23 perjury to establish needed reason for malice, while knowing they were aiding the marketing
24 campaign of the US Chamber of Commerce to remain in US policy and US courts, I will share the
25 post with the 2800 members of Sickbuildings.

26 If the clerks of the court would like to post an explanation to the 2800 members of Sickbuildings of
27 why they falsified court documents and computer entries of judgments never entered and concealed
28 who were the true parties to the litigation of Kelman & GlobalTox v. Kramer, I will share the post with
our 2800 members.

If Mr. Kelman’s attorney, Keith Scheuer, or the clerks of the court or judiciary would like to post an
explanation of how and why Sharon Kramer has an interest accruing lien on her property for costs
incurred by Mr. Scheuer’s trial losing client, Veritox, with interest accruing from a date of three weeks
before he even submitted costs, I will share the post with our 2800 members.

If the Chief Justice of the California Supreme Court, Tani Cantil-Sayauke, would like to post an
explanation of why Sharon Kramer is to be incarcerated for placing the direct evidence on the
Internet, September 13, 2011, November 2, 2011 and November 5, 2011 that the Chief Justice is
aware of the illegalities of these two cases by officers of her courts and its continued adverse impact
on the 2800 members of Sickbuildings, I will share the post with our members.

Until the California judicial system, Mr. Kelman and Mr. Scheuer provide an explanation of
why the courts framed a defendant for libel, suppressed the evidence the plaintiff committed
perjury, falsified court documents and computer entries, gagged the defendant from
republishing the words for which she is evidenced to have been framed by the courts, and is

1 now going to be incarcerate her for refusing silence of how the courts' actions continue to
2 harm the 2800 members of Sickbuildings; no posts of Sharon Kramer's or any other member
3 of Sickbuildings regarding this matter will be retracted.

4 **IV**

5 **KRAMER IS UNABLE TO COMPLY WITH UNLAWFUL COURT ORDER & JUDGMENT**

6 1. Again, the ORDER states, *"That the contemner is sentenced to spend a total of five days in the San*
7 *Diego County jail pursuant to the C.C.P. section 1218(a), which shall be suspended upon the condition that,*
8 *prior to February 6, 2012, contemner publish a retraction on the Katy's Exposure website and on the Yahoo*
9 *Group "Sickbuildings" chatroom of the defamatory statement set for in the preliminary injunction...."*

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

13 3. Without being able to state there is anything untruthful or inaccurate in the posts, the three posts by
14 KRAMER that the Court want removed from the Internet by Court order are titled:

15 "Is The California Court Case Management System (CCMS) Being Misused For Politics In Policy &
16 Litigation.....And The Fleecing Of The California Taxpayer Over The Mold Issue?"

17 "Texas judge abuses his child for Net usage. Cal Courts threaten Katy's Bloggers with jail time for
18 exposing by Net, many children abused by their actions" and

19 "Texas Judge Won't Be Charged With "Beating Into Submission" To Stop Internet Use. Will
20 California's Leading Judiciaries Ever Be Charged For Collectively Trying To Do The Same To Whistle
21 Blowing Bloggers?"

22 4. The fourth post the Court wants removed by court order was not made by KRAMER. It was made by
23 Karen Dean and states states,

24 repost and repost Lets post these words everywhere, on every facebook and blog site, over
25 and over "In the matter of Kelman & GlobalTox v. Kramer, Bruce Kelman and GlobalTox,
26 Inc., sued Sharon Kramer for the words, Dr. Kelman `altered his under oath statements on
27 the witness stand"?

28 5. As proven by the Declarations of CARTENS, February 5, 2012 and STUCKEY, February 6, 2012,
KRAMER does not have the ability to comply with the ORDER to avoid incarceration. C.C.P 1211.5.
states, *"At all stages of all proceedings, the affidavit or statement of facts, as the case may be, required by*
Section 1211 shall be construed, amended, and reviewed according to the followings rules: (b)...No order or
judgment of conviction of contempt shall be set aside, nor new trial granted, for any error as to any matter of

1 pleading in such affidavit or statement, unless, after an examination of the entire cause, including the evidence,
2 the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.

3 6. Civil Contempt of Court is the charge. The purpose of indirect civil contempt is to coerce compliance with
4 an order by imprisoning the contemner until performance of an act he or she has the power to perform. CCP
5 §1219(a) states. **“The ‘coercive’ imprisonment must end when the contemner no longer has the power to**
6 **comply.”**

7 7. The Court does not have legal authority to incarcerate a *never legally impeached US citizen*, KRAMER,
8 for failure to comply with a court order for which KRAMER cannot comply; and for truthful speech or publication
9 made regarding judicial officers in cases that are a matter of public record. Additionally, one day of the jail
10 sentence is for a post KRAMER did not even make. One is for a nonexistent post on KATY’S EXPOSURE and
11 one is for a post on SICKBUILDINGS supposedly linking to the non-existent post on KATY’S EXPOSURE.

12 8. An adjudication for indirect contempt requires that the facts show the contemner’s willful and
13 contemptuous refusal to obey a valid order of the court. In re Cassil (1995) 37 CA4th 1081, 1087–1088, 44
14 CR2d 267 (accused does not have burden of proving inability to comply with order).

14 V.

15 **SUPPORT LEGISLATION IMPACTING THE COURT’S FINANCES...GO TO JAIL?????**

16 1. On February 3, 2012, SCHEUER submitted a FOURTH SUPPLEMENTAL DECLARATION OF KEITH
17 SCHEUER IN SUPPORT OF PLAINTIFF’S APPLICATION FOR HOLDING DEFENDANT IN CONTEMPT. It
18 may be read online at: <http://freepdfhosting.com/b50a2861b8.pdf>

19 2. Attached as exhibit were new posts made by KRAMER regarding the need for passage of AB1208 to
20 remove control of the California courts’ coffers from those judicial branch leaders that KRAMER can and has
21 provided uncontroverted and direct evidence are ethically challenged.

22 3. Nowhere in the posts of January 29th <http://wp.me/plYPz-3ga> , January 31st <http://wp.me/plYPz-3h0> and
23 February 1st <http://wp.me/plYPz-3hk> were the five words for which KRAMER is gagged by this Court from
24 republishing, “*altered his under oath statements*” written in the posts or in KRAMER’S letters to California
25 Assemblymen, Senators.

26 4. As illustrated by SCHEUER’s exhibits, KRAMER stated in letter to Judicial Council member and
27 Assemblyman Mike Feuer that she was being held in contempt and to be incarcerated already for sending him
28 a letter seeking his help on September 11, 2011; and that she could not republish the sole cause of action

LORNA SWARTZ MD
3252 HOLIDAY COURT STE 108
LA JOLLA CA 92037
PHONE 858 254 3749

January 12, 2012

DATE OF REPORT : 1/15/2012

NAME : Sharon Kramer Age 56 Date of Birth 10/28/ 1955

REASON FOR REFERRAL : Mental Status examination.

MENTAL STATUS EXAMINATION:

Health is good. No known allergies. Has smoked for past 35 years. She uses no illegal substances. The patient arrived on time for her appointment. She was groomed, friendly and cooperative. She was alert and oriented. Her gait was normal and coordinated. She was attentive and responsive. Her vocabulary was good as were her social interactive skills.

Previous testing had revealed her to have extremely well developed problem solving skills and it appears that this ability continues. Her thinking was organized. Her judgment was intact. There was no atypical behavior, no impulsive acting out. Her memory appeared to be intact for both recent and past memories. Her speech is articulate, coherent and direct, good rhythm, no apraxia. Patient denies hallucinations visual and auditory and denies delusions. No suicidal or homicidal ideations. No abnormal thought process or content. No neuro-vegetative signs of depression. No mood swings. By report the patient is anxious and under enormous stress. She appears to be above average in intelligence and competence.

PAST PSYCHIATRIC HISTORY:

In the past she has been evaluated with extensive neuropsychological testing. The ultimate results revealed her to be smart , intelligent and competent.

REVIEW OF RECORDS:

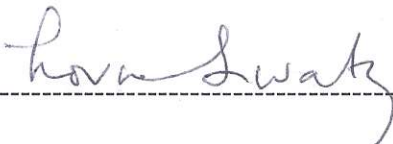
Records of Dr Thomas Wegman from September 25, 2003.

DIAGNOSIS:

Axis 1 Generalized Anxiety Disorder
Axis 2 Deferred.
Axis 3 None
Axis 4 Hostile environment by being aligned and subject to libel - 6
Axis 5 GAF 60.

Signed
LORNA SWARTZ MD

Date



1-21-12

Mrs Sharon Noonan Kramer
2031 Arborwood Place
Escondido, California 92029
Tele 760-746-8026 Fax 760-746-7540 Email SNK1955@aol.com

September 11, 2011

Mr. Stephen Kelly, Clerk of the Court
Fourth District Division One Appellate Court
California Judicial Council Member
750 B Street, Third Floor
San Diego, California 92101

Mr. Michael Roddy, Clerk of the Court
San Diego Superior Court Executive Office
California Judicial Council Member
220 West Broadway
San Diego, California, 92101

Re: Correct Government Code 6200 Violations in Court Records of ("Kramer v. Kelman") /Defendant/Appellant v. Plaintiff/Respondent, Case No. D054496 Fourth District Division One Appellate Court & ("Kelman & GlobalTox v. Kramer"), Case No. GIN044539, North San Diego Superior Court

Appellate Court: Erred December 20, 2010 Remittitur; Altered & erred entries in Appellate CCMS Case History, Awarded costs to undisclosed parties on Appeal, States false judgment date in Case History. Issued a Remittitur based on a back dated Superior Court Proof of Service that was certified signed and mailed by a San Diego Superior Court Deputy Clerk of the Court.

Superior Court: Altered and erred Register of Action entries &; "stealth" Case History in CCMS. Issued an Abstract of Judgment in violation of CCP 664.5(b). Back dated a Proof of Service of a Minute Order that was certified, signed and mailed by a San Diego Superior Court Deputy Clerk of the Court.

Dear Mr. Kelly and Mr. Roddy,

This is going to be a very direct letter. Errors, deletions, additions and false entries in your respective Court Records have caused me extreme financial damage and much distress. They have aided and abetted a malicious, strategic litigation carried out by criminal means; and over a matter of public health. They have aided to conceal the judiciaries for whom you clerk or oversee their Deputy Clerks have been participants in the malicious, strategic litigation; and have been playing fast and lose with the law. Their actions and your actions have aided to defraud the California taxpayers by aiding with the continuance of an Insurer Cost Shifting Scheme, written into California Workers' Compensation policy by ex-Governor Schwarzenegger in October of 2005.

While certain judiciaries in California appear to enjoy the privilege of being above the law; the same privilege is not afforded to Clerks of the Court or their Deputies. Under Government Code 6200, it is a criminal offense to alter, falsify, remove and/or secrete Court Records. These are not actions in accordance with Government Code 68150(d).

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

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

There are incorrect Court Clerk entries in the (“Court Record”), (“Case File”), Register of Action (“ROA”), (“Case History”) and Court Case Management System (“CCMS”) of the San Diego Superior Court libel case of Bruce J. (“Kelman”) & (“GlobalTox”), Inc., v. Sharon (“Kramer”). There are incorrect Court Clerk entries in the Court Record, CCMS, Case File, (“Case Summary”) and (“Docket”) when on appeal in the Fourth District Division One Appellate Court, (“Kramer v. Kelman”) Defendant/Appellant v. Plaintiff/Respondent.

Rather than attach and mail a mountain of evidence to an already lengthy letter, I am going to put this letter to you, the Clerk of the Fourth District Division One Appellate Court, Mr. Kelly; and Clerk of the San Diego Superior Court, Mr. Roddy; online. I will link to the evidence of errors, alterations and false documents in your Case Records that need to be corrected under Government Codes 6200 and .68150(d).

This letter and the linked Court Records referenced as follows, may be read online at the reputable and Federal Occupational Safety and Health Administration source reference, health advisory blog, “*Katy’s Exposure – Exposing Environmental Health Threats and Those Responsible*”.. This letter may be found on the Internet by searching the blog title of this letter:

“Is The California Court Case Management System (CCMS) Being Misused For Politics In Policy & Litigation....And The Fleecing Of The California Taxpayer?”

As Clerks of the Court and members of the California Judicial Council; how you choose to address the needed corrections of errors, falsifications, additions, deletions, and secret & false entries in the CCMS Case History in your Court Records will answer the questions raised in the blog title regarding your intended usage of CCMS.

If I have any errors or misstatements of fact in this letter, please let me know so we (the owner of the blog and I) may then correct the online version. My apologies for typos in this letter. I do not type well and can no longer afford to hire a typist directly because of the mishandling by the courts of this case. I am about to lose my home because I, a never impeached US citizen who has helped to reshape US public health policy, have been falsely deemed a malicious liar by the courts. It is all over the Internet, making it difficult for me to find viable, professional, employment.

I currently have an interest accruing judgment lien on my home for costs incurred by a party I prevailed over in trial (with one being an undisclosed party), based on a false judgment never properly entered or noticed; false abstract of judgment; false Remittitur awarding costs to undisclosed parties on appeal. I am gagged by the court from writing a sentence for which I was never sued – which, coincidentally, would gag me from writing of what the judiciaries and their clerks in this case have done that aids abets insurer fraud and the fleecing of the public.

. I am a never impeached whistle blower who has evidenced for six years that the plaintiff committed perjury to establish needed reason for malice while strategically litigating. It has cost me well over three million dollars to defend the truth of my words of the public good. I have been forced to watch in horror as lives continue to be ruined by the fraud in policy continuing by the California courts practicing politics – not law. I do not appreciate the judiciaries and their clerks practicing politics in egregious violation of my civil and Constitutional rights. The financial and emotional damage to my husband and me have been horrendous.

This letter is also being copied to the presiding judiciaries of the courts for whom you clerk. They are Justice Judith McConnell, Presiding Justice of the Fourth District Division One Appellate Court, Chair of the California Commission on Judicial Performance and author of the (“anti-SLAPP Appellate Opinion”), November 2006; & Judge Kevin Enright, Presiding Judge of the San Diego Superior Court and member of the Executive and Planning Committee of the Judicial Council.

Additionally, a copy is being sent to California Supreme Court Chief Justice and Chair of the Judicial Council, Tani Cantil-Sayuake; along with Justice Richard Huffman of the Fourth District Division One Appellate Court, ex-Chair of the Executive and Planning Committee of the Judicial Council, current Chair of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Council, and concurring Justice for the (“Appellate Opinion”) October 13, 2010, in (“Kramer v. Kelman”) Defendant/Appellant v. Plaintiff/Respondent.

A copy is also being sent to Justice Douglas Miller, Chair of the Executive and Planning Committee of the Judicial Council; and Legislative Members of the Judicial Council, Noreen Evans and Michael Flores,. After reading this letter and the linked evidence, it should be apparent that there are vast problems with the manner in which

entries can and are being made in the CCMS – not consistent with the Case Files. Not consistent with the law.

According to their website, *“the Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice”*.

According to their website, *“the Commission on Judicial Performance, established in 1960, is the independent state agency responsible for investigating complaints of judicial misconduct and judicial incapacity and for disciplining judges, pursuant to article VI, section 18 of the California Constitution. The Commission's mandate is to protect the public, enforce rigorous standards of judicial conduct and maintain public confidence in the integrity and independence of the judicial system.”*

PART 1 HISTORY OF CASE ERRORS, INDECRETIONS & DAMAGES

I. BRIEF BACKGROUND OF THE FRAUD IN POLICY THAT CLERK OF THE COURT GOVERNMENT CODE 6200 VIOLATIONS ARE AIDING TO CONCEAL

As the courts involved in this case are aware, my purportedly libelous writing of March 2005, was the first to publicly expose how it became a fraud in US public health policy that it was scientifically proven moldy buildings do not harm. Two PhDs, who make their livings as professional defense witnesses in toxic torts, applied math extrapolations to data they borrowed from a researcher's single, acute exposure to mold, rodent study. They professed their calculations scientifically proved all claims of illness from the toxic components of mold found in water damaged buildings were only being made because of *“trial lawyers, media and Junk Science”*

An occupational physician trade association, the American College of Occupational and Environmental Medicine (“ACOEM”), legitimized the unscientific concept by making the concept their position statement and US health policy over the issue. The Manhattan Institute think-tank paid the two PhDs to author a lay version of ACOEM's mold statement for the US Chamber of Commerce.

The US Chamber then mass marketed the concept to the courts that anyone claiming illness from moldy buildings were only doing so because of *“trial lawyers, media and Junk Science”*; thereby impacting claims handling practices and litigations nationwide in a manner financially favorable to the insurance, building and real estate industries and adverse to public health.

In my March 2005 writing, I named the names of those who conspired to mass market the scientific fraud into policy and to the court. I later caused a Federal GAO audit over

the issue. This has helped to remove the fraud from Federal public health policy. It still lingers in private sector policy, some state policies – including California’s, - in insurer claims handling practices - including workers comp, and in many courts throughout the US.

This lingering is a direct result of the courts for whom you clerk, aiding with a malicious Strategic Litigation Against Public Participation (“SLAPP”) that has been carried out by criminal means. This is aiding the continuance of insurers being able to continue to **Cost Shift Onto Taxpayers** and off of themselves when workers, who are injured by moldy buildings, do not receive rightfully due benefits and are forced onto state and federally funded disability and social services for survival of themselves and their families. **This is directly because your courts had and (still have) the ability to shut down the fraud by acknowledging they have been overseeing a SLAPP carried out by criminal means. Shamefully, they have chosen to aid the fraud to continue and you have assisted them.**

In May of 2005, Bruce (“Kelman”) and GlobalTox sued me for libel for my March 2005 writing in which I named names.. Their sole claim of the case is that my use of the phrase with the writing, “*altered his under oath statements*”, was a maliciously false accusation of perjury.

In September of 2005, the first lower court judge, Michael Orfield, denied my anti-SLAPP motion while being evidenced that Kelman committed perjury to establish needed reason for malice and his California licensed attorney, Keith (“Scheuer”) willfully suborned it.

One month later, in **October of 2005, Governor Schwarzenegger endorsed the scientific fraud of ACOEM and the US Chamber into California’s workers compensation policy as part of his platform of Workers Comp Reform.** This caused further bogus legitimizing of the Insurer Cost Shifting scheme for California workers’ comp insurers and their hired expert witnesses such as Kelman and GlobalTox co-owner, Bryan (“Hardin”). Kelman and Hardin are the co authors the scientifically void mold issue policy papers for the US Chamber and ACOEM. The Chamber paper the two PhDs were paid by a think-tank to author, cites false UCLA physician authorship.

How these two papers are connected and how they are used in litigation to stave off liability for insurers and others was the underlying subject of my purportedly libelous writing. As the courts have been repeatedly evidenced, I used the phrase “*altered his under oath statements*” to describe Kelman’s obfuscating testimony to unsuccessfully try to hide their connection from the eyes of a jury when testifying as a professional witness in a trial in Oregon, February 2005. In six years time, one will never see any mention in any ruling or Opinion that I even provided the courts with evidence of why I used that phrase. As such, one will also not see any evidence impeaching me.

The trial of which I wrote regarding Kelman altering his under oath statements was a nationally significant jury verdict. It was a first in the Northwest to award damages to a

family injured by the toxins of mold in their water damaged new home. The verdict evidenced that it was possible to overcome the scientific fraud of the US Chamber, ACOEM, the Manhattan Institute and GlobalTox being policy, by the exposure of their conspiring to mass market the scientific fraud into policy. My writing was a public service announcement of how to stop fraud in the courts over the mold issue. Since I first wrote of the matter in March of 2005, the fraud has been written of many times. As noted prior, it is still able to be used to sell doubt of causation in the courts, directly because the judiciaries overseeing this case have not shut it down – instead, they have willfully aided it.

II.

2006 anti-SLAPP APPELLATE OPINION AIDED FRAUD TO CONTINUE

In November 2006, Justices Judith McConnell, Cynthia Aaron and Alex McDonald wrote an unpublished anti-SLAPP Opinion that A.) framed me for libel; B.) aided to conceal that a retired Deputy Director for CDC National Institute of Occupational Safety and Health (“NIOSH”), Bryan Hardin, was an undisclosed party to the litigation. They refused to take judicial notice of the evidence that Hardin’s name was improperly missing from the Certificate of Interested Parties as the sixth owner of GlobalTox (now known as VeriTox); and C.) rewarded Kelman’s use of perjury to establish libel law needed reason for malice.

A. FRAMED A DEFENDANT FOR LIBEL OVER A MATTER OF PUBLIC HEALTH

In their unpublished anti-SLAPP Opinion of November 2006, the Appellate Panel of McConnell, Aaron and McDonald, made it appear that I had accused Kelman of getting caught on the witness stand lying about being paid by by the Manhattan Institute think-tank to author a position statement for a medical trade association, ACOEM: To quote from the anti-SLAPP Appellate Opinion:

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

I made no such accusation. My purportedly libelous writing of March 2005 speaks for itself and is a 100% accurate writing. It accurately states the exchange of money from the Manhattan Institute think-tank was for the US Chamber’s mold statement, ACOEM’s

was a version of the “Manhattan Institute commissioned piece”. From my purportedly libelous writing stating the think-tank money was for the Chamber paper:

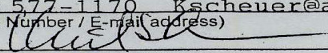
*“He [Kelman] admitted the Manhattan Institute, a national political think-tank, paid GlobalTox \$40,000 to write a position paper regarding the potential health risks of toxic mold exposure.....In 2003, with the involvement of the US Chamber of Commerce and ex-developer, US Congressman Gary Miller (R-CA), 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.**”*

B. VIOLATED THE PURPOSE OF CERTIFICATES OF INTERESTED PARTIES.

The Appellate Court was evidenced in 2006, that there was a sixth owner of GlobalTox and an undisclosed party to the litigation, Bryan Hardin, whose name was missing from the Certificate of Interested Parties –even on the supplemental certificate:

(Check One)	INITIAL CERTIFICATE	SUPPLEMENTAL CERTIFICATE XX		
	Full Name of Interested Person / Entity	Party (Check One)	Non-Party	Nature of Interest (Explain)
	Bruce J. Kelman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ownership interest
	Lonie J. Swenson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ownership interest
	Robert A. Clark	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ownership interest
	Robert R. Scheibe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ownership interest
	Coreen A. Robbins	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ownership interest
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	

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

Attorney Submitting Form	Party Represented
Keith Scheuer (Name)	Plaintiffs Bruce J. Kelman (Name) and GlobalTox, Inc.
4640 Admiralty Way, Suite 402 (Address)	
Marina Del Rey, CA 90292 (City/State/Zip)	
(310) 577-1170 Kscheuer@aol.com (Telephone Number / E-mail address)	
 (Signature of Attorney Submitting Form)	July 10, 2006 (Date)

Certificate of Interested Parties are to assure that Appellate Justices have no conflicts of interest with the parties on appeal. Unless there was ExParte communication of which I am not aware giving reason why Hardin was not disclosed, the justices simple chose to ignore the evidence . This is evidence itself of conflicted of interest and self perception of

being above the law. As the Appellate Panel of McConnell, Aaron and McDonald were evidenced by a June 2006 request to take judicial notice:

“Appellate Case No.: D047758 Superior Court Case No.: GIN044539
APPLICATION AND REQUEST FOR AN ORDER THAT THE COURT
OF APPEAL TAKE JUDICIAL NOTICE; DECLARATION OF WILLIAM
J. BROWN III; MEMORANDUM OF POINTS AND AUTHORITIES;
PROPOSED ORDER

Trial transcript of Bryan Hardin (additional Veritox principal, shareholder and party to this litigation undisclosed to this court) dated August 11, 2005 from the Oregon case entitled O’Hara v David Blain Construction, Inc., County of Lane Case number 160417923 at pages 136 and 154.

Trial transcript of Bruce J. Kelman dated April 14, 2006 from the Arizona case entitled ABAD v. Creekside Place Holdings, case number C-2002 4299, P. 31-32, P. 67-68, describing **Kelman and five additional principals of Veritox**. DATED: June 29, 2006 William J. Brown III”

Stating a nonsense reason for refusal to acknowledge Hardin was improperly not disclosed on the Certificate of Interested Parties, in 2006, the Appellate Panel of Justices McConnell, Aaron and McDonald refused to take notice of the evidence because it was not presented in the lower court. Lower courts do not receive Certificates of Interested Parties. Appellate courts do. As stated in the Appellate anti-SLAPP Opinion of November 2006, as a footnote:

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

C. REWARDED A PLAINTIFF’S PERJURY TO ESTABLISH MALICE WHILE LITIGATING OVER A MATTER OF PUBLIC HEALTH

As the Appellate Court was evidenced in 2006 and again in 2010, undisclosed party, Hardin’s business partner, Kelman, committed perjury to establish needed reason for malice while strategically litigating against public participation. Kelman claimed to have given a testimony when retained as an expert in my own mold litigation of long ago, that he never gave. Every single California judiciary to oversee this case along with the Commission on Judicial Performance and the State Bar have been provided the uncontroverted evidence the following is criminal perjury to establish libel law needed reason for malice:

PERJURY BY KELMAN TO ESTABLISH MALICE FALSELY STATING IN DECLARATIONS, TESTIMONY HE NEVER GAVE IN MY MOLD LITIGATION WITH MY HOMEOWNER INSURER IN WHICH I RECEIVED A HALF A MILLION DOLLAR SETTLEMENT:

“I testified the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed.”

SUBORNING OF PERJURY BY SCHEUER TO ESTABLISH FALSE REASON FOR MALICE:

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

A VIDEO OF THE DEPOSITION OF KELMAN’S PERJURY, TRYING TO COERCE ME TO ENDORSE THE FRAUD IN POLICY AND THE DAMAGE TO ME MAY BE VIEWED AT: <http://blip.tv/conflictedsciencemold/3-minute-video-of-perjury-attempted-coercion-into-silence-by-bruce-kelman-2073775>

Justice McConnell and many others have this video including the California Commission on Judicial Performance and the Chief Trial Intake Division of the California State Bar. Judge Enright has been made aware of where to view it on the net in 2010. The Appellate Panel of Huffman, Irion and Benke have the transcript of the depositions specifically called out for them in Briefs and Appellate Appendix.

III. 2010 APPELLATE OPINION CONCEALED FRAUD IN 2006 anti-SLAPP OPINION

In September of 2010, the Appellate Panel of Justices Richard Huffman, Patricia Benke and Joan Irion rendered an Appellate Opinion. Fully evidenced that in 2006, their peers framed a defendant for libel over a matter of public health; rewarded a plaintiff’s use of perjury to establish needed reason for malice; and ignored the evidenced that a retired Deputy Director from NIOSH & author of “health policy” for the US Chamber/ACOEM was an undisclosed party to the litigation; the trio of justices had the audacity to write the following in their unpublished Appellate Opinion:

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

IV. APPELLATE JUSTICE KNEW IN 2010, THE ADVERSE IMPACT ON HEALTH POLICY BY CONCEALING THE FRAUD IN THE 2006 anti-SLAPP OPINION

Before they rendered the Appellate Opinion in 2010 that aided to conceal their peers were participants in a SLAPP; Huffman, Benke and Irion were informed and evidenced of the future impact on policy if they rendered an Opinion that concealed their peers had rewarded a SLAPP suit over public health. As merely one example of this, is an excerpt from my Reply to Court's Query, January 2010:

"Kelman and undisclosed party to this litigation, VeriTox owner Hardin, are the authors of the US mold policy paper "*Adverse Human Health Effects Of Molds In An Indoor Environment*", ACOEM (2002). They are also the authors of the legal mold policy paper, "*A Scientific View Of The Health Effects Of Mold*" US Chamber of Commerce Institute For Legal Reform & Manhattan Institute Center For Legal Policy (2003).

This means an author of influential US medical and legal mold policy papers has been proven by uncontroverted and irrefutable evidence to have been committing criminal perjury before the San Diego courts, in a libel action against the first person to publicly write of how these two "questionable" policy papers were closely connected and how they are used in litigation; while the other author did not disclose he was a party to the strategic litigation. ...

When this Reviewing Court acknowledges what legally cannot be denied: Kramer's overwhelming, uncontroverted and irrefutable evidence that seven judges and justices ignored Kramer's overwhelming, uncontroverted and irrefutable evidence of Kelman's perjury on the issue of malice and ignored Kramer's vast evidence of Scheuer's willful suborning of Kelman's criminal perjury; then seven years worth of scientific fraud perpetrated on US Courts over the mold issue by the US Chamber of Commerce et al, will immediately cease by the acknowledgment that their author of their scientific fraud has no qualms about lying under oath to the courts and strategically litigating; and while their other author does not disclose he is a party to the strategic litigation."

IV CALIFORNIA SUPREME COURT REFUSED TO REVIEW TWICE

In January of 2007, ex Chief Justice of the California Supreme Court, Ronald George, who was also Chair of the Judicial Council, refused to review Justice McConnell's unpublished anti-SLAPP Opinion. He had been fully evidenced of the ignored perjury in the litigation over a matter of public health, etc. Seven amicus letters were sent to the Supreme Court by non-profit organizations and individuals.

In October of 2010, George was presented with the evidence that now two unpublished Appellate Opinion were written from the bench of the Fourth District

Division One Appellate Court that both ignored the evidence of a plaintiff strategically litigating over a matter of public health by the use of perjury to establish malice, etc. On December 16, 2010, again he declined to review.

V. EVERY JUDGE TO OVERSEE THIS CASE REWARDED THE PLAINTIFF'S CRIMINAL PERJURY USED TO ESTABLISH MALICE

Twelve plus California judiciaries to oversee the case at various times, each and every one, ignored the uncontroverted evidence of Kelman's perjury to establish libel law needed reason for malice. They ignored the uncontroverted evidence of Kelman's attorney repeatedly suborning the perjury.

The judiciaries, each and every one, ignored the basic tenets of libel law. I.e., - the fact that there was never any evidence presented (*emphasis* never ANY evidence presented) impeaching me as to the subjective belief in the validity of my words that Kelman "altered his under oath statements" while unsuccessfully obfuscating on the witness stand to hide from a jury, how all the above named entities were involved and connected in mass marketing the scientific fraud into policy and to courts throughout the US.

By December 20, 2010 your erred Remittitur awarding costs on appeal to undisclosed parties, Judicial Councilman Mr. Kelly, had issued back to the lower court, "Clerk of the Court, San Diego Superior Court – Main." By December 23, 2010, Judicial Councilman Mr. Roddy, false entries were made in the Superior Court CCMS ROA and Case History. They made it appear that the Superior Court judge had signed off on the Remittitur while acknowledging a date of entry of judgment (not supported by the Case File and unedited ROA); and deemed Kelman and GlobalTox the prevailing parties to the litigation. (I prevailed over GlobalTox in trial).

VI. NEW SUIT TO TRY TO SILENCE ME OF COMPROMISED COURTS

Before Chief Justice George had even refused to review the case, on November 4, 2010, Kelman and Scheuer filed a new lawsuit in the San Diego Superior Court, seeking to gag me from writing of what the California judiciaries - and their Clerks - have done that has aided and abetted interstate insurer fraud and workers comp fraud by being participants in a malicious SLAPP over a matter of public health. ("Kelman v. Kramer") Case No. 37-2010-00061530 CU-DF-NC, North County Superior Court Department 30.

I currently have a temporary gag order not to write of this fiasco. I have as respectfully as possible informed the court, the Honorable Judge Thomas Nugent, that I am not adhering to the order and will not be bullied into silence from writing of judicial indiscretions aiding fraud and an insurer cost shifting scheme by a ruling founded upon the exact same judicial indiscretions. Too many lives are being ruined and the First Amendment of the Constitution is being threatened by incredibly audacious abuse of the judicial system by the courts.

The owner of Katy's Exposure blog has been threatened with litigation by Kelman and Scheuer, interstate, via the US postal service; if she writes of this matter or publishes my writings regarding the errors of this litigation and its impact on public health.. Never properly entered or properly noticed judgment documents from these cases that were used to obtain the gag order (and a fraudulent lien based on a void judgment/abstract of judgment), were enclosed with the interstate mailed threat to blog owner who is cited as a reference for an OSHA health advisory. What the courts have aided to continue, is what the OSHA advisory citing Katy's aiding to dispel. She, like I, has no intention of being bullied into silence by the compromised judicial system of California, falsified legal documents, false & stealth CCMS entries and interstate mail fraud. (the "*oh what a tangled web we weave when first we practice to deceive*" adage goes here)

PART 2 APPELLATE COURT RECORDS IN NEED OF CORRECTION

Clerks of the Court and Judicial Council Members, Mr. Kelly, please correct your Court Records, Case Files and CCMS entries in that are in violation California Government Codes 6200 & in accordance with Government Code 68150(d).

I.

IN VIOLATION OF GC 6200, THE DECEMBER 20, 2010 REMITTITUR AWARDED COSTS TO UNDISCLOSED PARTIES ON APPEAL. CCMS DOCKET WAS ALTERED TO STATE MULTIPLE PARTIES NAMED ON CERTIFICATE OF INTERESTED PARTIES; AND CONCEALS FALSE DATE OF ENTRY OF JUDGMENT IN CCMS

I have received a cost bill from Kelman's attorney, Scheuer, indicating I am responsible for costs on appeal in the amount of \$700.00 in Kramer v. Kelman D054406. It does not state to whom I am responsible for these costs other than the lone disclosed Respondent, Kelman.

There is a problem with the December 20, 2010 Remittitur in Kramer v. Kelman impacting the judgments in the **still pending case** of Kelman & GlobalTox v. Kramer GIN044539, and the newest litigation Kelman v. Kramer 37-2010-00061530 CU-DF-NC, North County Superior Court, Department 30. The Remittitur issued by you, Mr. Kelly, Clerk of the Appellate Court, states "*et, al*" and "*Respondents*" were awarded costs on appeal. (*Blogged hereto as EXHIBIT 1 is the Remittitur witnessed by Stephen Kelly stating plural "Respondents"*)

RE: BRUCE KELMAN et al.,
Plaintiffs and Respondents,

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

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

Respondents to recover their costs of appeal.

Witness my hand and the seal of the Court affixed this **DEC 20 2010**


STEPHEN M. KELLY, Clerk

By: 



cc: All Parties (Copy of remittitur only, Cal. Rules of Court, rule 8.472(d))

There were no multiple Respondents disclosed to be a party on appeal. I prevailed over GlobalTox. They did not appeal. The Certificate of Interested Parties received and stamped by you, Mr. Kelly, on September 14, 2009, discloses only one Respondent, Kelman. (*Blogged hereto as EXHIBIT 2 is Kelman's Certificate of Interested Parties stating singular "Respondent"*)

-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name): Respondent Bruce J. Kelman	Court of Appeal Fourth District
APPELLANT/PETITIONER: Sharon Kramer	FILED
RESPONDENT/REAL PARTY IN INTEREST: Bruce Kelman	SEP 14 2009
CERTIFICATE OF INTERESTED ENTITIES OR PERSONS	
Check one): <input checked="" type="checkbox"/> INITIAL CERTIFICATE <input type="checkbox"/> SUPPLEMENTAL CERTIFICATE	Stephen M. Kelly, Clerk DEPUTY
Instructions: Please read rules 8.208 and 8.488 before completing this form. You may use this form for the initial certificate in an appeal when you file your brief or a prebriefing motion, application, or opposition to such a motion or application in the Court of Appeal, and when you file a petition for an extraordinary writ. You may also use this form as a supplemental certificate when you learn of changed or additional information that must be disclosed.	
This form is being submitted on behalf of the following party (name): Respondent Bruce J. Kelman	
<input checked="" type="checkbox"/> There are no interested entities or persons that must be listed in this certificate under rule 8.208. <input type="checkbox"/> Interested entities or persons required to be listed under rule 8.208 are as follows:	
Full name of interested entity or person	Nature of interest (Explain):
Date: September 10, 2009	
Keith Scheuer, Esq. (TYPE OR PRINT NAME)	 (SIGNATURE OF PARTY OR ATTORNEY)

The Appellate Opinion falsely states “*Respondents*” awarded costs on appeal. As written in the Opinion: (*Blogged hereto as EXHIBIT 3*, is the last page of the Appellate Opinion stating plural “*Respondents*”)

“*APPEAL from a judgment of the Superior Court of San Diego County, Lisa C. Schall, Judge. Affirmed....*

Judgment affirmed. Respondents to recover their costs of appeal. BENKE, Acting P. J. WE CONCUR: HUFFMAN, J IRION, J”

The Appellate Court CCMS Docket was altered to state that the corporation of GlobalTox, Inc. was disclosed as a party on appeal on the September 14, 2009, Certificate of Interested Parties. This is a false entry into the CCMS. (*Blogged hereto as EXHIBIT 4*, is the alteration of the CCMS Docket adding GlobalTox as disclosed on the 9.14.09 Certificate of Interested Parties.) .

09/14/2009	Certificate of interested entities and parties filed by:	Plaintiff and Respondent: Kelman, Bruce J. Attorney: Keith Scheuer Plaintiff and Respondent: Globaltox, Inc
------------	-----------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------

-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Respondent Bruce J. Kelman	Court of Appeal Fourth District
APPELLANT/PETITIONER: Sharon Kramer	FILED
RESPONDENT/REAL PARTY IN INTEREST: Bruce Kelman	SEP 14 2009
CERTIFICATE OF INTERESTED ENTITIES OR PERSONS Check one): <input checked="" type="checkbox"/> INITIAL CERTIFICATE <input type="checkbox"/> SUPPLEMENTAL CERTIFICATE	Stephen M. Kelly, Clerk DEPUTY
Notice: Please read rules 8.208 and 8.488 before completing this form. You may use this form for the initial certificate in an appeal when you file your brief or a prebriefing motion, application, or opposition to such a motion or application in the Court of Appeal, and when you file a petition for an extraordinary writ. You may also use this form as a supplemental certificate when you learn of changed or additional information that must be disclosed.	
This form is being submitted on behalf of the following party (name): Respondent Bruce J. Kelman	
<input checked="" type="checkbox"/> There are no interested entities or persons that must be listed in this certificate under rule 8.208. <input type="checkbox"/> Interested entities or persons required to be listed under rule 8.208 are as follows:	
Full name of interested entity or person	Nature of interest (Explain):

The Remittitur was filed in violation of Rule 8.208, if there are “*Respondents*” on appeal. If not, then the Court Clerks violated GC 6200 by altering documents in the Court Record and issuing a false Remittitur stating “*Respondents*”. If the corporation of GlobalTox, Inc. was disclosed as a party on appeal as falsely stated in the edited Appellate Court CCMS, where are the disclosures of who owns this corporation?

Who are the individuals to whom I owe costs on appeal by the issuance of your Remittitur, stating “Respondents”, Mr. Kelly?

The edited Appellate Court CCMS Docket; the September 13, 2010 Appellate Opinion, and your Remittitur all falsely state plural “Respondents” on appeal. The Certificate of Interested Parties itself discloses only Kelman, singular “Respondent”. This is aiding to conceal that Bryan Hardin, the sixth owner of GlobalTox has been an undisclosed party to this litigation for six years. By your Remittitur, he was most likely just stealthily awarded costs again.

Twice, I have filed motions with the Appellate Court, in October of 2010 and January of 2011, to recall the Remittitur and correct this error that leaves me liable for costs on appeal to undisclosed individuals. Are there five or six owners of GlobalTox? Is GlobalTox a “Respondent”? **Twice, Justice Patricia Benke has refused to correct the error in the Appellate Opinion and the Remittitur that awards costs to undisclosed parties on appeal – and aids to conceal that Justice McConnell ignored the evidence of Bryan Hardin being an owner of Globalt in her anti-SLAPP Opinion of 2006.**

II. APPELLATE DOCKET FALSELY STATES JUDGMENT ENTERED ON DECEMBER 12, 2008, AS DOES THE APPELLATE OPINION. CORRECT THE DOCKET AND CASE FILE GC 6200 VIOLATIONS, MR. KELLY.

The Appellate Opinion states known falsehoods of the date of entry of judgment awarding Kelman \$7,252,65 on appeal. Read verbatim they do not actually state that a judgment was entered on December 12, 2008, just infer it: **They also do not state on what date a judgment was legally entered – because there never was one** that was properly entered and noticed under CCP 664 & 664.5(b). As read from the Appellate Opinion:

“The jury awarded Kelman nominal damages of one dollar and the trial court awarded Kelman \$7,252.65 in costs. The jury found that Kramer did not libel GlobalTox and judgment against GlobalTox was entered. The trial court awarded Kramer \$2,545.28 in costs against GlobalTox

On December 12, 2008, the trial court awarded Kelman the \$7,252.65 in costs he claimed.....

On this record we cannot disturb the trial court's award of costs to Kelman.....

Judgment affirmed. Respondents to recover their costs of appeal.

BENKE, Acting P. J. WE CONCUR: HUFFMAN, J. IRION, J.

Within the CCMS Appellate Case Summary, the Docket entry that is available for public view on the Internet states under the heading of “Trial Court” that a judgment was entered on December 12, 2008. From the Appellate Docket:

Kelman et al. v. Kramer

Case Number D054496 [Note: Appellate Case No.]

Trial Court Name: San Diego County Superior Court - Main

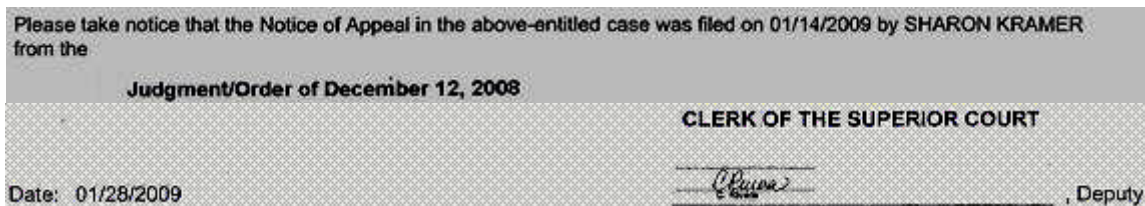
County: San Diego

Trial Court Case Number: GIN044539

Trial Court Judge: Guy-Schall, Lisa

Trial Court Judgment Date: 12/12/2008

There is a document in the Case File of the Appellate Court, signed by Celia Rivera NC Clerk, Appellate Division, that states a judgment was entered on December 12, 2008 and that I filed my intent to appeal on January 14, 2009. As taken from the Case File:



If a judgment had been entered in the lower court on December 12, 2008, as falsely stated in the Case Docket and falsely stated in the Case File, the Appellate Court would not have been able to accept my Appeal under Rule of the Court 8.751. My intent to appeal of January 14, 2009 would have been filed well over ninety days from the date of the stated entry of judgment, September 24, 2008, in the falsified file the Superior Court Case File. It also would have been well over thirty days past December 12, 2008.

Which is it? A judgment was entered on December 12, 2008 and the justices accepted my intent to appeal in violation of Rules of the Court? Or a judgment was not entered on December 12, 2008 and the Appellate Case Records are violations of Government Code 6200?

PART 3 SUPERIOR COURT RECORDS IN NEED OF CORRECTION

Clerks of the Court and Judicial Council Members, Mr. Roddy, please correct your Court Records that are in violation California Government Codes 6200 & in accordance with Government Code 68150(d).

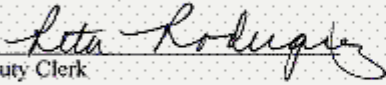
**I.
THE FALSE ENTRIES MADE IN THE SUPERIOR COURT CCMS ROA &
“STEALTH” CASE HISTORY; FALSE ABSTRACT OF JUDGMENT, WITH
LIEN ON MY HOME THEN RECORDED WITH COUNTY**

On December 20, 2010, the copy of the erred Remittitur was mailed from the Appellate Court to the "Clerk of Court, Superior Court -Main" - not to the North County division where the Case File is located and is still pending. That would be your office, Judicial Council Member Mr. Roddy, to which Judicial Council Member Mr. Kelly mailed the erred Remittitur of Judicial Council Member Mr. Huffman's Opinion, that knowingly awarded costs to undisclosed parties on appeal and rewarded a plaintiff's use of criminal perjury; -- while aiding to conceal the Chair of the Commission on Judicial Performance, Ms. McConnell, did the same thing when rendering her anti-SLAPP Opinion in 2006.

That said envelopes were sealed and shipping fees fully paid thereon, and thereafter were sent as indicated via the U.S. Postal System from San Diego, CA 92101.

I certify under penalty of perjury that the foregoing is true and correct.

Stephen M. Kelly, Clerk of the Court


Deputy Clerk

DEC 20 2010
Date

CASE NUMBER: D054496

Office of the Clerk
San Diego County Superior Court - Main
P.O. Box 120128
San Diego, CA 92112

Material Sent YES:

On December 23, 2010, false entries were then made in the Superior Court's CCMS ROA and Case History, Mr. Kelly. The edits misstate the judgments entered. They falsely state that the Superior Court case presiding judge acknowledged the Remittitur and closed the case on December 23, 2010 - while deeming the wrong parties to the litigation to be the prevailing parties.

Adding to the tangle web, the false entries made to the lower court CCMS ROA on December 23, 2010, are ROA entry Nos. 264, 268. These false entries in the Superior Court CCMS ROA and Case History state that a judgment was entered in the Superior Court on December 12, 2008, and that Kelman & GlobalTox were the prevailing parties. Case closed by the Superior Court. The CCMS Lower Court ROA states:

ROA Entry No. 264, December 23, 2010. Quote: "**the Remittitur (Judgment of 12-12-08 is affirmed) filed by The Superior Court of San Diego**

[Note, **Entries # 265, 266 & 267 are missing from the ROA** – I am aware of three false entries made in the stealth "Case History"]

ROA# 268 12/23/2010 Judgment was entered as follows: **Judgment entered for GLOBALTOX INC: KELMAN BRUCE J and against KRAMER, SHARON** for \$0.00 punitive damages \$0.00 attorney fees

\$0.00 interest
\$0.00 prejudgment costs:
\$0.00 other costs
\$0.00 amount payable to court

There are no documents in the Superior Court Case File evidencing the above false CCMS entries made by the Superior Court, Clerk of the Court - main office on December 23, 2010. The case is rightfully marked still pending in the ROA. I prevailed over GlobalTox in trial. With this December 23, 2010 stated entry in the CCMS; both the Appellate and Superior Courts, were made consistently false to state a judgment was entered on December 12, 2008. **There was no judgment entered in the case on December 12, 2008. Again, not possible or the Appellate Court could not have heard the appeal with my intent to appeal filed on January 14, 2009.**

Additionally, I am aware there are additional edits made to the Superior Court CCMS "stealth" Case History, (that does not print when I ask for a copy of what has occurred in this case, the ROA), stating a judgment was entered on December 12, 2008, an amended judgment was entered on December 18, 2008 – and a denial to hear my motion for reconsideration, based in the false 12/18/08 entry. None of these are in the ROA on the pages or in sequence of when they would have occurred and would have been properly entered.

There is no entry of any judgment on December 12, 2008 evidenced in the ROA (prior to the entries made two years later on December 23, 2010). Nor is there a valid (“Minute Order”) finalized on December 12, 2008, or one evidenced as finalized on December 12, 2008 in the ROA. Oral arguments concluded at 3:31 pm on, Friday, December 12, 2008. According to the ROA, the Minute Order was finalized on, Monday, December 15, 2008.

The Superior Court ROA, Pages 34 & 35, make no mention of any judgment entered or Minute Order finalized on December 12, 2008. This is evidenced by the ROA pages 34 & 35, sequentially numbered entries:

ROA #207 **12/11/2008** Tentative Ruling for Motion Hearing (Civil) published

ROA #208 **12/12/2008** Motion Hearing (Civil) scheduled for 03/06/2009 at 01:30:00 PM at North County in N-28 Michael B. Orfield.

[Note: No Minute Order Finalized on 12/12/08, No Entry of Judgment]

ROA #209 **12/15/2008** Minutes finalized for Motion Hearing (Civil) heard 12/12/2008 01:30:00 PM

ROA #210 **12/15/2008** Minutes finalized for Motion Hearing (Civil) heard 12/12/2008 01:30:00 PM

ROA #211 **12/15/2008** 12/15/2008 Minutes finalized for Motion Hearing (Civil)
heard 12/12/2008 01:30:00 PM

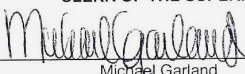
ROA #212 **12/15/2008** Miscellaneous Minute Order Finalized

[Note: No Amended Entry of Judgment dated 12/18/08]

ROA #213 **12/19/2008** Proof of Service filed by KRAMER, SHARON Refers to:

ROA #214 **12/22/2008 Motion for Reconsideration filed by KRAMER, SHARON.** Refers to:

The Appellate Court was evidenced the Minute Order, dated 12/12/08 was mailed on December 16, 2008. Under rules of the court, that would make it the date of entry of judgment. The ROA, of which I obtained a copy in June 2011, evidences that the Minute Order was actually finalized on December 15, 2008. If the Minute Order was not finalized until December 15, 2008; then the **Proof of Service dated 12/12/08, was falsified and backed dated making any judgment or Minute Order attached invalid.** The Proof of Service could not have been finalized on December 12, 2008 when the Minute Order it was attached to was not even completed until December 15, 2008.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO		FOR COURT USE ONLY	
<input type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA 92101-3294 <input type="checkbox"/> MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105 <input type="checkbox"/> KEARNY MESA BRANCH, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123-1187 <input checked="" type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649 <input type="checkbox"/> JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792 <input type="checkbox"/> JUVENILE COURT, 325 S. MELROSE DR., VISTA, CA 92083-6634		F I L E D Clerk of the Superior Court. DEC 12 2008 By: M. GARLAND, Deputy	
PLAINTIFF(S)/PETITIONER(S) Bruce J. Kelman		JUDGE: LISA C. SCHALL	
DEFENDANT(S)/RESPONDENT(S) Sharon Kramer		DEPT: 31	
CLERK'S CERTIFICATE OF SERVICE BY MAIL (CCP 1013a(4))		CASE NUMBER GIN044539	
I, certify that: I am not a party to the above-entitled case; that on the date shown below, I served the following document(s): COURT'S RULING ON DEFENDANT'S MOTION TO STRIKE COSTS OR TO AWARD COSTS TO PREVAILING PARTIES (RULING ATTACHED)			
on the parties shown below by placing a true copy in a separate envelope, addressed as shown below; each envelope was then sealed and, with postage thereon fully prepaid, deposited in the United States Postal Service at: <input type="checkbox"/> San Diego <input checked="" type="checkbox"/> Vista <input type="checkbox"/> El Cajon <input type="checkbox"/> Chula Vista <input type="checkbox"/> Ramona, California.			
NAME & ADDRESS		NAME & ADDRESS	
Keith Scheuer SCHEUER & GILLETT 4640 Admiralty Way, Suite 402 Marina Del Rey, CA 90292		Sharon Noonan Kramer 2031 Arborwood Place Escondido, CA 92029	
CLERK OF THE SUPERIOR COURT			
Date: <u>December 12, 2008</u>	by <u></u> , Deputy		
Michael Garland			
SDSC CIV-286 (Rev. 12-02) CLERK'S CERTIFICATE OF SERVICE BY MAIL			

While accepting my Notice of Intent to Appeal that was filed on September 14, 2009, (evidencing they knew no judgment was entered on December 12, 2008 or they would not have been able to hear my appeal – with the intent filed 33 days later); they ignored this and rendered an Appellate Opinion on September 13, 2010 that states,

“The jury awarded Kelman nominal damages of one dollar and the trial court awarded Kelman \$7,252.65 in costs. The jury found that Kramer did not libel GlobalTox and judgment against GlobalTox was entered. The trial court awarded Kramer \$2,545.28 in costs against GlobalTox

On December 12, 2008, the trial court awarded Kelman the \$7,252.65 in costs he claimed.....

On this record we cannot disturb the trial court's award of costs to Kelman.....

Judgment affirmed. Respondents to recover their costs of appeal.

BENKE, Acting P. J. WE CONCUR: HUFFMAN, J. IRION, J.

Additionally, there was no judgment ever entered awarding cost to me as the prevailing party. Read verbatim, the Appellate Opinion does not say I have a judgment against GlobalTox for \$2,545.28. It does not say there was a judgment entered on December 12, 2008, awarding costs to Kelman of \$7,252.65.

It is false, double speak in the Appellate Opinion, indicating that **they knew exactly what they were doing**. No judgments in the Case File, except one dated September 24, 2008 – with no notice of entry of judgment attached. No judgments in the ROA. False judgments added in the CCMS stealth Case Histories.

PART 4

MR. KELLY, MR. RODDY, YOU HAVE A SERIOUS PROBLEM ON YOUR HANDS. FOR ME PERSONALLY, FRAUD BY JUDICIARIES IN THEIR OPINIONS AIDED TO BE CONCEALED BY CLERK GC 6200 VIOLATIONS, HAVE COST OVER THREE MILLION DOLLARS THERE WAS NO JUDGMENT EVER PROPERLY ENTERED IN THE LOWER COURT. THE APPELLATE COURT SHOULD NOT HAVE EVEN HEARD THE APPEAL

CCP 664 states, *“If the trial has been had by the court, judgment must be entered by the clerk, in conformity to the decision of the court, immediately upon the filing of such decision. In no case is a judgment effectual for any purpose until entered.”*

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

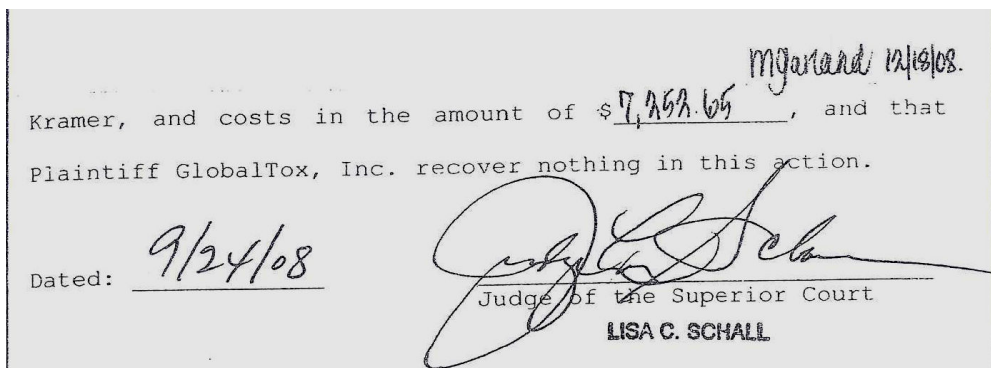
As evidenced in the ROA, Page 30: ROA # 181 “**10/20/2008 Notice of Entry of Judgment filed by KELMAN, BRUCE J; GLOBALTOX, INC., Refers to:**”

There is no judgment document dated anyway near the date 10/20/08 in the Case File. There is no judgment document attached to Kelman’s “Notice of Entry of Judgment” in the Case File.

The court is all over the board of when judgments were entered in this case. This is because NONE legally were. I prevailed over GlobalTox in the August 2008 trial as is evidenced by the December 15, 2008, Minute Order (dated December 12, 2008), the Appellate Opinion and the jury verdict itself. There is no evidence that I was properly noticed by the court under CCP 664.5(b) of any judgments purportedly entered on September 24, 2008; October 20, 2008, December 12, 2008; December 18, 2008 or April 2009.

Yet there is an Abstract of Judgment that was entered on December 31, 2008. There was a lien recorded on my home on January 20, 2009. That lien states that it is, based on an Abstract of Judgment, December 31, 2008 with a judgment entered in favor of Kelman, September 2008. The lien is for \$7,253.65 (**of which half of those costs were incurred by losing party GlobalTox and undisclosed Hardin – as the courts know.**) .

There is a judgment document in the Case File that has “\$7,252.65 12/18/08 *mgarland*” on its last page, with September 24, 2008 next to Judge Schall’s name. It is being used in Kelman v. Kramer as THE document the entire new gag case is founded upon. It was included in the interstate mailed threat to the owner of Katy’s Exposure Blog.



Kramer, and costs in the amount of \$7,252.65, and that
Plaintiff GlobalTox, Inc. recover nothing in this action.
Dated: 9/24/08
Judge of the Superior Court
LISA C. SCHALL

If a dollar amount was not entered as judgment until December 18, 2008 on the judgment document in the Case File, six days after oral argument on December 12, 2008; then from what judgment amount awarding costs to Kelman did I file my post trial motions that were heard on December 12, 2008?

What happened to the judgment document that was attached to Kelman's Notice of Entry of Judgment on October 20, 2010 (that was in violation of CCP 664.5(b))? Why are there four entries removed from the ROA that would have occurred between October 23 and October 28, 2008? Why is there no longer a document in the Case File that Garland filled in the dollar amount in October awarding costs to Kelman and did not date it – making the document appear like the \$7,252.65 was awarded on September 24, 2008 – until the “mgarland 12/18/08 was later added to the judgment document?

The Superior Court and the Appellate Court were evidenced that I received no notice of any judgment entered on September 24, 2008 from the Clerk of the Court in violation of CCP 664.5(b). The courts were evidenced I received no notice from Scheuer of any judgment entered on September 24, 2008, until October 14, 2008.

The Minute Order of December 12, 2008, states I am a prevailing party. Yet the judgment in the Case File dated 12/18/08 does not acknowledge I am a prevailing party. The amended judgment after oral argument – is not an amended judgment that is consistent with the Ruling of Oral Arguments. There is evidence that the “12/18/08 mgarland” was not added to the judgment document on 12/12/08 and was actually added in January.

I timely filed a Motion for Reconsideration on 12/22/08 as is evidenced by the Case File and ROA. On 1/09/09 I received in the mail a denial to hear my motion dated 1/07/09. The sole reason stated was that an Amended Judgment had been entered on 12/18/08 (two days after the Minute Order was mailed to me with the direction it be mailed to the other party).

I had received no notice of anything occurring on 12/18/08. I went to the courthouse to check the file. There was nothing in the file. I went upstairs to ask Garland why my motion had been denied based on a 12/18/08 document that I could not find in the file. Garland stated, “*We're all sick of you.*” But gave no explanation of why no document dated 12/18/08 was in the file. The next day, I received the document in the mail from the new Clerk of the Court, Lynn ????. It came with a Yellow Post it, stating “Ms. Kramer this is the info you are seeking”.

It was the same document I had seen in the file that had the dollar amount of \$7,252.65 after Kelman submitted costs in October. Only now, it had “mgarland 12/18/08” next to the amount. This was discussed in Oral Argument before the Appellate Court in June of 2010. They make no mention of any amended judgment or non- dated, non initialed change and entry of a dollar amount on a judgment document in their Appellate Opinion.

There is no mention of a 12/18/08 Amended Judgment in the ROA. I am aware it was added to the stealth CCMS Case History. There is no mention of the 1/07/09 Denial to hear my Motion for Reconsideration in the ROA. I am aware it was added to the “stealth” CCMS Case History.

The Abstract of Judgment entered on December 31, 2008 is a false entry in the ROA/Case History, with, by that time, the Clerk of the Court well knowing the September 24, 2008 first signed on the judgment document was not valid, had not been properly noticed and deemed & awarded costs to only one party. It was not properly noticed under CCP 664 and 664.5(b) and did not rightfully deem both Kelman and I to be prevailing parties to the litigation.

There was never a judgment properly entered in the Superior Court before Appeal. Double speak in the Appellate Opinion indicates they know there was never a judgment properly entered. Numerous edits, deletions and false entries in the CCMS in both the Appellate and the Superior Court are aiding to conceal that this has been a strategic, malicious litigation all along; with the courts' knowing exactly what they were doing – **PRACTICING POLITICS – NOT LAW**

PART 5 PROVIDE EVIDENCE FROM THE CASE FILE OR CORRECT YOUR CCMS ENTRIES & COURT RECORDS

II
SUMMARY OF ACTION REQUIRE BY CLERKS OF THE COURTS IN ACCORDANCE WITH GOVERNMENT CODE 68150(d).

Appellate Court Record To Be Corrected By Clerk of the Appellate Court, Stephen Kelly:

1. Either provide evidence from the Case File on Appeal that GlobalTox and the owners of the corporation where disclosed as parties on appeal on the Certificate of Interested Parties stamped received on September 14, 2009 by the Clerk of the Court or **Remove** the word “*Respondents*” and “*et. al*” from the December 20, 2010 Remittitur, evidence and date its removal; and send me proof when removed.
2. Either provide evidence from the Case File on Appeal that GlobalTox and the owners of the corporation where disclosed as parties on appeal on the Certificate of Interested Parties stamped received on September 14, 2009 by the Clerk of the Court or **Remove** from the CCMS Docket that GlobalTox’s name was on the Certificate of Interested Parties, September 14, 2009; evidence and date its removal; and send me proof when it is removed.
3. Either provide evidence from the Case File on Appeal that a judgment was entered on December 12, 2008 or **Remove** from the CCMS Docket that a judgment was entered on 12/12/08, evidence and date its removal; and send me proof when it is removed..
4. **Provide the dated, file stamped, signed, and noticed legal judgment document that gave the Appellate Court jurisdiction to hear the appeal.**
5. The Appellate Court was provided evidence that Kelman committed criminal perjury in his declarations, three times, to establish needed reason for malice. Quote, “*I testified*

the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed” The Appellate Court was evidenced that Scheuer suborned Kelman’s perjury, even in his Appellate Brief of September 2009. His theme in his briefs: *“Apparently furious that the science conflicted with her dreams of a remodeled home, Kramer launched into an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox”*. **Either provide evidence from the Case File on Appeal that corroborates the stated reason for malice or cease and desist with using the CCMS in violation of GC6200 to conceal that all judges and justices overseeing this case rewarded a plaintiff’s criminal perjury to establish needed reason for malice while strategically litigating.**

6. The Appellate Court was provided evidence that I found Kelman’s testimony when retained as an expert witness in Oregon of flipping back and forth to describe the relationship of the ACOEM & US Chamber mold statements from “lay translation” to “two separate papers, two separate works” and back to “translations” to be “altered under oath statement”. **Either provide evidence from the Case File I was ever impeached as to the subjective belief in the validity of my words or cease and desist with using CCMS in violation of GC 6200 to conceal that all judges and justices overseeing this case deemed a never impeached US citizen to be guilty of being a malicious liar.**

II

Trial Court Record To Be Corrected By Clerk of the Court, Michael Roddy

:

1. Either provide evidence from the Case File that a judgment was entered on December 12, 2008 or **Remove** from the stealth Case History that a judgment was entered on 12/12/08, evidence and date its removal and send me proof it is removed.
2. Either provide evidence from the Case File that a judgment was entered on September 24, 2008, was filed stamped, signed and noticed under CCP 664.5(b) to both prevailing parties or **Remove** from the CCMS ROA and Case History, Abstract of Judgment that there was a legal judgment entered on September 24, 2008, evidence and date its removal and send me proof it is removed.
3. The courts were evidenced that Kelman submitted and was awarded costs that were incurred by GlobalTox in the amount of \$3,626,33. Either provide evidence from the Case File to refute that the courts awarded costs to a party, not incurred by the party, or **Remove** from the CCMS stealth Case History that an amended judgment was properly entered awarding Kelman \$7,252.65 on 12/18/08, evidence and date its removal; and send me proof it is removed..
4. On the Minute Order dated December 12, 2008, it states, *“The Record in this case reflects that Plaintiff Bruce J. Kelman is the prevailing party solely as against Defendant Sharon Kramer. Defendant Sharon Kramer is the prevailing party solely as against Defendant Globaltox, Inc.”*. Provide evidence from the Case File that the Amended Entry of Judgment dated 12/18/08 (after the Minute Order was finalized) states both Kelman and Kramer are prevailing parties) was entered.

5. Either provide evidence from the Case File that Kelman and GlobalTox were the prevailing parties or **Remove** from the CCMS ROA and Case History that Kelman & GlobalTox were the prevailing parties as falsely entered in the ROA and Case History on December 23, 2010, evidence and date its removal; and send me proof it is removed.

6. Either provide evidence from the Case File that Judge Maas, now presiding judge over this case affirmed on December 23, 2008, that a judgment was entered on December 12, 2008 deeming Kelman and GlobalTox to be the prevailing parties or **Remove** from the CCMS ROA and Case History that on December 23, 2010, the lower court presiding judge quote:“the Remittitur (Judgment of 12-12-08 is affirmed) filed by The Superior Court of San Diego”. Evidence and date the removal; and send me proof it is removed.

7. If is evidenced by the Case File as legitimate CCMS entries, **Add back** the deleted entry #183 thru #187 made between October 23 & October 28, 2008, to the ROA and Case History; evidence and date their addition; and send me proof if and when they are added back..

8. Either provide evidence from the Case File that a Judgment was entered on September 24, 2008; or **Rescind the Clerk of the Court issued Abstract of Judgment** that was entered on December 31, 2008, stating a date of entry of judgment of September 24, 2008. This is a further abuse and violation of Code of Civil Procedure 664, 664.5(b) and Government Code 6200. Send me proof when the Abstract is withdrawn.

Please correct Clerk of Court errors in Kelman & GlobalTox v. Kramer, in both the Appellate Court Case Records and the Lower Court CCMS. Thank you for your prompt attention to this serious matter.

9. Provide from the Case File, the dated, file stamped, signed, and noticed legal judgment document upon which the December 31, 2008, Abstract of Judgment is based awarding Kelman \$7,252.65 in costs (plus one dollar).

10. Provide from the Case File, the dated, file stamped, signed, and noticed legal judgment document as it appeared prior to the Entry of Amended Judgment dated 12/18/08, after Kelman’s costs were submitted in October 2008..

I am about to lose my home, largely as a result of your and your Deputy Clerk of the Courts, Government Code 6200 violations and abuse of CCMS, aiding to conceal the judges and justices rewarded a plaintiff’s criminal perjury and his attorney’s suborning of criminal perjury while strategically litigating over a matter of public health; as I have been forced to watch the scientific fraud in policy continue to be used to aid insurer cost shifting onto taxpayers and many people’s lives ruined in the process.

I am not going to shut up. I am not going to go away until someone acknowledges that every single judge and justice to oversee the case of Kelman & GlobalTox v. Kramer ignored the evidence that Bruce J. Kelman, author of medico-legal policy over the mold issue for the US Chamber of Commerce and ACOEM, committed criminal perjury to

establish needed reason for malice while strategically litigating against public participation against the first person, Sharon Kramer, to publicly write of how these papers were connected to mass market a scientific fraud in US health and California workers' comp policies as they **FRAMED ME** for libel.

. When this is acknowledged, the fraudulent concept in public health policy that it has been scientifically proven all claims of illness from the toxins of mold found in water damaged buildings are only being made because of "*trial lawyers, media and Junk Science*" will immediately cease. Lives will instantly be saved. Thank you both for your prompt attention to this gravely serious matter.

Sincerely,

Mrs. Sharon Kramer

Attached:

The lien on my home stating Judgment entered, September 2008

Purported legal judgment from Kelman & GlobalTox v. Kramer, submitted back to the court on November 4, 2010 by Kelman in this newest case to try to gag me, Kelman v. Kramer

Interstate mailed threat of litigation to Federal OSHA referenced blog owner not to write of this case (containing a sentence for which I was never even sued and is even in my March 2005 writing).

CC: Justice Judith McConnell, Presiding Justice of the Fourth District Division One Appellate Court and Chair of the California Commission on Judicial Performance, author of the 2006 anti-SLAPP Opinion

Judge Kevin Enright, Presiding Judge of the San Diego Superior Court & Judicial Council Executive Planning Committee Member

Justice Douglas Miller, Chair of the Executive Committee, Judicial Council

Chief Justice Tani Cantil-Sayauke, Chair of the Judicial Council

Justice Richard Huffman, Fourth District Division One Appellate Court, Concurring Appellate Justice, 2010 Appellate Opinion, Chair of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Council

Noreen Evans, Legislative Member of the Judicial Council

Michael Feuer, Legislative Member of the Judicial Council

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, State Bar number, and telephone number):

Recording requested by and return to:
Keith Scheuer, Esq. Cal. Bar #82797
SCHEUER & GILLETT, a professional corporation
4640 Admiralty Way, Suite 402
Marina Del Rey, CA 90292
Tel.: (310) 577-1170

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego

STREET ADDRESS: 325 S. Melrose Drive

MAILING ADDRESS:

CITY AND ZIP CODE: Vista, CA 92081-6627

BRANCH NAME: North County Division

FOR RECORDER'S USE ONLY

PLAINTIFF: Bruce Kelman

CASE NUMBER: GIN044539

DEFENDANT: Sharon Kramer

ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS Amended

FOR COURT USE ONLY

1. The judgment creditor assignee of record applies for an abstract of judgment and represents the following:

a. Judgment debtor's Name and last known address

Sharon Kramer
2031 Arborwood Place
Escondido, CA 92029

b. Driver's license no. [last 4 digits] and state:

Unknown

c. Social security no. [last 4 digits]:

Unknown

d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): Sharon Kramer, 2031 Arborwood Place, Escondido, CA 92029

2. Information on additional judgment debtors is shown on page 2.

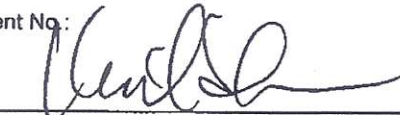
4. Information on additional judgment creditors is shown on page 2.

3. Judgment creditor (name and address): Bruce Kelman
c/o Veritox, Inc., 18372 Redmond-Fall City Rd
Redmond, Washington 98052

5. Original abstract recorded in this county:

a. Date:
b. Instrument No.:

Date: December 22, 2008
Keith Scheuer, Esq.



(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT OR ATTORNEY)

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

10. An execution lien attachment lien is endorsed on the judgment as follows:

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

a. Amount: \$
b. In favor of (name and address):

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

b. Renewal entered on (date):

9. This judgment is an installment judgment.

11. A stay of enforcement has
a. not been ordered by the court.

b. been ordered by the court effective until (date):

12. a. I certify that this is a true and correct abstract of the judgment entered in this action.

b. A certified copy of the judgment is attached.



This abstract issued on (date):
DEC 31 2008

Clerk, by Plasencia, Deputy

ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS

PLAINTIFF:	CASE NUMBER: GIN044539
DEFENDANT:	

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (name and address):

14. Judgment creditor (name and address):

15. Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

17. Name and last known address

Driver's license no. [last 4 digits] and state: Unknown

Driver's license no. [last 4 digits] and state: Unknown

Social security no. [last 4 digits]: Unknown

Social security no. [last 4 digits]: Unknown

Summons was personally served at or mailed to (address):

Summons was personally served at or mailed to (address):

18. Name and last known address

19. Name and last known address

Driver's license no. [last 4 digits] and state: Unknown

Driver's license no. [last 4 digits] and state: Unknown

Social security no. [last 4 digits]: Unknown

Social security no. [last 4 digits]: Unknown

Summons was personally served at or mailed to (address):

Summons was personally served at or mailed to (address):

20. Continued on Attachment 20.

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38

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Keith Scheuer, Esq. Bar #82797
SCHEUER & GILLETT
4640 Admiralty Way, Suite 402
Marina Del Rey, CA 90292

DOC # 2009-0024903



JAN 20, 2009 4:18 PM

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

PAGES: 3



7652

ABSTRACT OF JUDGMENT

SCHEUER & GILLETT
a law corporation
4640 Admiralty Way, Suite 402
Marina Del Rey, California 90292
Tel.: (310) 577-1170
Fax: (310) 301-0035
email: Kscheuer@aol.com

VIA EMAIL AND US MAIL

May 6, 2011

[REDACTED]
KATYSEXPOSURE
[REDACTED]
K [REDACTED]

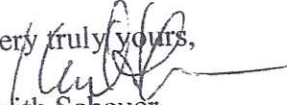
Re: KELMAN v. KRAMER
San Diego Superior Court case no. 37-2010-00061530-CU-DF-NC

Dear Ms. [REDACTED]

This firm represents Dr. Bruce Kelman in the above-referenced lawsuit. As I suspect you are aware, Dr. Kelman obtained a judgment for libel against Sharon Kramer after a trial in 2008, and recently obtained a preliminary injunction against her in the above referenced action. Copies of the judgment and preliminary injunction are attached for your reference.

Please be advised that if you republish the defamatory matter, we will pursue you personally to the fullest extent permitted by law.

Very truly yours,


Keith Scheuer

KS/sel

Encs.

MAY 02 2011

BY: A. LIM

1 SCHEUER & GILLETT, a professional corporation
2 Keith Scheuer, Esq. Cal. Bar No. 82797
3 4640 Admiralty Way, Suite 402
4 Marina Del Rey, CA 90292
5 (310) 577-1170
6 Attorney for Plaintiff
7 BRUCE J. KELMAN

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

10 BRUCE J. KELMAN,

11 Plaintiff,

12 v.

13 SHARON KRAMER, and DOES 1
14 through 20, inclusive,

15 Defendants.

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

) Assigned for All Purposes to:
) HON. THOMAS P. NUGENT
) DEPARTMENT: N-30

) UNLIMITED CIVIL CASE

) [APRIL 27, 2011 REVISED
) ~~PROPOSED~~ PRELIMINARY
) INJUNCTION

16 Hearing Dates: April 1 and 14,
17 2011

18 Department: N-30

19 This matter came on regularly for hearing on April 1,
20 2011, in Department N-30 of the above Court, the Honorable
21 Thomas P. Nugent, Judge presiding. Keith Scheuer, Esq. of
22 Scheuer & Gillett appeared on behalf of Plaintiff Bruce J.
23 Kelman. Defendant Sharon Kramer appeared on her own behalf.
24 On April 14, 2011, the Court heard plaintiff Bruce J.
25 Kelman's ex parte application to correct a clerical error in
26 the minute order and took the matter under submission.
27

1 The Court, having taken the matter under submission and
2 having fully considered the arguments of all parties, both
3 written and oral, as well as the evidence presented, rules
4 as follows:

5
6 IT IS HEREBY ORDERED that, during the pendency of this
7 action, defendant Sharon Kramer is enjoined and restrained
8 from stating, repeating or publishing, by any means
9 whatsoever, the following statement: *not a sentence in*
my Verdict

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

13 IT IS FURTHER ORDERED that, before this order may take
14 effect, plaintiff Bruce J. Kelman must file a written
15 undertaking in the sum of \$5,000 as required by California
16 Code of Civil Procedure section 529, for the purpose of
17 indemnifying the defendant for the damages she may sustain
18 by reason of the issuance of this preliminary injunction if
19 the Court finally decides that the plaintiff is not entitled
20 to it. The preliminary injunction shall issue on plaintiff's
21 filing of such written undertaking.
22

23 The Court reserves jurisdiction to modify this
24 injunction as the ends of justice may require.

25 MAY 0 22011

26 THOMAS P. MURGENT
27 Judge of the Superior Court

MAY 02 2011

BY: A. LIM

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 4640 Admiralty Way, Suite 402, Marina Del Rey, California 90292. On April 27, 2011, I served the foregoing [APRIL 27, 2011 REVISED PROPOSED] PRELIMINARY INJUNCTION on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Sharon Kramer
2031 Arborwood Place
Escondido, CA 92029

[X] BY MAIL - I caused each such envelope with postage thereon fully prepaid to be placed in the United States mail at Marina Del Rey, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited in the U.S. Postal Service on that same day with postage thereon fully prepaid at Marina Del Rey, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] BY FACSIMILE—I sent such document from facsimile machine (310) 301-0035 on April 27, 2011. I certify that said transmission was completed and that all pages were received and that a report was generated by said facsimile machine that confirms the transmission and receipt. I thereafter mailed a copy to the interested party by placing a true copy thereof enclosed in a sealed envelope addressed to the party listed above.

EXECUTED on April 27, 2011 at Marina Del Rey, California.

[X] (STATE) - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Keith Scheuer

not a proof of service this was mailed to me from the court on May 2, 2011 - It was mailed to Scheuer on May 2 with the proper notice attached. He then mailed this document to me on May 3, 2011 and attached the notice, that this notice was mailed to me from Him. This appears to be to make it appear the 9/24/08 judgment was properly mailed under CCP 1064.5(h)

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F I L E D
Clerk of the Superior Court

SEP 24 2008

By: M. GARLAND, Deputy

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

BRUCE J. KELMAN,
GLOBALTOX, INC.,

Plaintiffs,

v.

SHARON KRAMER, and DOES 1
through 20, inclusive,

Defendants.

) CASE NO. GIN044539
) Assigned for All Purposes to:
) HON. LISA C. SCHALL
) DEPARTMENT 31
) UNLIMITED CIVIL CASE
) Case filed: May 16, 2005
) ^{mg.}
) [~~PROPOSED~~] JUDGMENT
)
) Trial Date: August 18, 2008
) Department: N-31
)

This action came on regularly for trial by jury on August 18, 2008, with plaintiffs appearing in person and by Keith Scheuer, Esq. of Scheuer & Gillett, and Defendant appearing in person and by Lincoln Bandlow, Esq. of Spillane Shaeffer Aronoff Bandlow. A jury of 12 persons was duly impaneled and sworn, witnesses testified, and after being duly instructed by the Court, the jury deliberated and thereon duly returned the following special verdicts:

1 1. That Defendant Sharon Kramer acted wrongly by
2 making the following statement: "Dr. Kelman altered his under
3 oath statements on the witness stand" while he testified as a
4 witness in an Oregon lawsuit; that Kramer made the above
5 statement to persons other than Kelman; that the persons to
6 whom the statement was made reasonably understood that the
7 statement was about Bruce Kelman; that persons who read the
8 statement reasonably could have understood it to mean that
9 Kelman had committed the crime of perjury or testified
10 falsely while on the witness stand; that the statement was
11 false; that Kelman proved, by clear and convincing evidence,
12 that Kramer knew the statement was false, or had serious
13 doubts about the truth of the statement; and that Kelman be
14 awarded a monetary sum of nominal damages in the amount of
15 \$1.00 (one dollar and no cents).
16

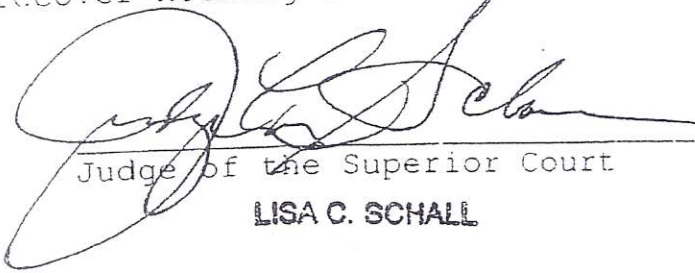
17
18 2. That Kramer made the statement to persons other
19 than GlobalTox, Inc., and that the persons to whom the
20 statement was made did not reasonably understand that the
21 statement was about GlobalTox.
22

23 NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that
24 Plaintiff Bruce Kelman recover the sum of \$1.00 (one dollar
25 and no cents) as nominal damages from Defendant Sharon
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Kramer, and costs in the amount of \$ 7,252.65 ^{mganard v. islos.}, and that Plaintiff GlobalTox, Inc. recover nothing in this action.

Dated: 9/24/08


Judge of the Superior Court
LISA C. SCHALL

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 4640 Admiralty Way, Suite 402, Marina Del Rey, California 90292. On August 28, 2008, I served the foregoing [PROPOSED] JUDGMENT on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Lincoln D. Bandlow, Esq.
David Aronoff, Esq.
SPILLANE SHAEFFER ARONOFF BANDLOW
1880 Century Park East, Suite 1004
Los Angeles, California 90067-1623
Attorney for Defendant Sharon Kramer

FILED
Clerk of the Superior Court

SEP 24 2008

By: M. GARLAND, Deputy

[X] BY MAIL – I caused each such envelope with postage thereon fully prepaid to be placed in the United States mail at Marina Del Rey, California. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice, it would be deposited in the U.S. Postal Service on that same day with postage thereon fully prepaid at Marina Del Rey, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] BY PERSONAL SERVICE – I delivered by hand such envelopes to the offices of the addressees.

[] BY FACSIMILE—I sent such document from facsimile machine (310) 301-0035 on August 28, 2008. I certify that said transmission was completed and that all pages were received and that a report was generated by said facsimile machine that confirms the transmission and receipt. I thereafter mailed a copy to the interested party by placing a true copy thereof enclosed in a sealed envelope addressed to the party listed above.

EXECUTED on August 28, 2008 at Marina Del Rey, California.

[X] (STATE) – I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Keith Scheuer

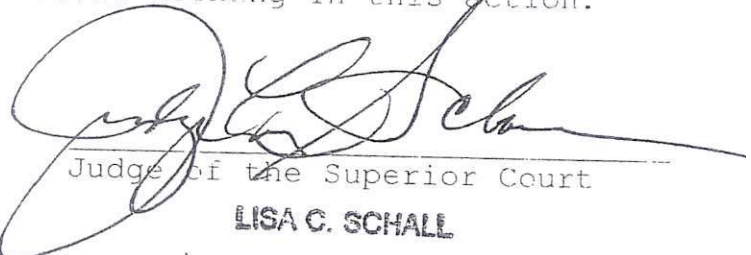
not a proof of service this was mailed from court on Sept 24, 2008 to me. A proof of service must be dated on or after the date of File Stamp By the Court. In violation of CCP 664.5(b) - I was never served this document.

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mgarand 12/15/08.

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

Dated: 9/24/08


Judge of the Superior Court
LISA C. SCHALL

OCT 28 2011 Defendant Kramer is the prevailing party as to Plaintiff Globaltox, Inc. The judgment shall include costs of \$2,545.28 in favor of defendant Kramer and as against Plaintiff Globaltox, Inc.
Dietrich

Case Header

Case Number: GIN044539
 Case Title: KELMAN vs KRAMER

Filing Date: 05/16/2005
 Case Status: Pending

Case Category: Civil - Unlimited
 Case Type: Defamation

Location: North County

Case Age: 2389 days
 Next Event Type:

Judicial Officer: Earl H. Maas, III
 Department:
 Next Event Date:

Register of Actions Notice

ROA#	Entry Date	Short/Long Entry	Filed By
275	10/20/2011	Reply to Opposition - Other filed by KRAMER, SHARON. Refers to:	KRAMER, SHARON (Defendant)
276	10/25/2011	Tentative Ruling for Motion Hearing (Civil) published.	
277	10/25/2011	Tentative Ruling for Motion Hearing (Civil) published.	
280	10/28/2011	Judgment filed by KRAMER, SHARON. Refers to:GLOBALTOX INC	KRAMER, SHARON (Defendant)
281	10/28/2011	Judgment was entered as follows: Judgment entered for KRAMER, SHARON and against GLOBALTOX INC for \$ 0.00, punitive damages: \$ 0.00, attorney fees: \$ 0.00, interest: \$ 0.00, prejudgment costs: \$ 2545.28, other costs: \$ 0.00, amount payable to court: \$.00, for a grand total of \$2545.28	
278	10/28/2011	Minutes finalized for Motion Hearing (Civil) heard 10/28/2011 01:30:00 PM.	

this printout does not constitute a Register of Actions

1 not reflected that KRAMER was a prevailing party on the judgment entered on September 24, 2008 or the
2 amended judgment purportedly entered on December 18, 2008, after oral argument of December 12, 2008 –
3 even though the Minute Order acknowledges KRAMER as a prevailing party.

4 5. KRAMER did not receive the September 24, 2008 judgment until SCHEUER noticed her on October 14,
5 2008 when he submitted his costs to the court. This caused prevailing party, KRAMER, not to be able to enter
6 costs until the judgment was already entered containing KELMAN's costs (and with no dating or initialing by
7 the CLERK of when the dollar amount awarding KELMAN \$7,252.65 was added to the judgment document.)

8 6. On January 20, 2009, KELMAN and SCHEUER placed a ("LIEN") on KRAMER's home and recorded it
9 with the County Recorder knowing it was fraudulent in the date of entry of judgment in violation of Code of
10 Civil Procedure 664 & 664.5(b). They knew it was fraudulent in the awarding of interest accruing costs to
11 KELMAN beginning on September 24, 2008 on the ("ABSTRACT") of Judgment. They knew that SCHEUER
12 had submitted costs purportedly as KELMAN's that were actually incurred by losing party, GLOBALTOX.

13 7. On December 31, 2008 an ABSTRACT was entered based on documents submitted to the court by
14 SCHEUER on December 22, 2008, upon which the LIEN is based. **Consistent with how the judgment**
15 **falsely appeared in the ("CASE FILE") after GARLAND made the undated alteration;** the LIEN and the
16 ABSTRACT state there was a judgment entered awarding costs to KELMAN of \$7,252.65 (plus \$1) on
17 September 24, 2008, (with interest on that amount accruing from that date):

18 3. Judgment creditor (name and address): Bruce Kelman 5. Original abstract recorded in this county:
19 c/o Veritox, Inc., 18372 Redmond-Fall City Rd a. Date:
Redmond, Washington 98052 b. Instrument No. [Signature]
Date: December 22, 2008
Keith Scheuer, Esq. (TYPE OR PRINT NAME) (SIGNATURE OF APPLICANT OR ATTORNEY)

20 6. Total amount of judgment as entered or last renewed: \$7,253.65 10. An execution lien attachment lien
is endorsed on the judgment as follows:
7. All judgment creditors and debtors are listed on this abstract. a. Amount: \$
8. a. Judgment entered on (date): September 24, 2008 b. In favor of (name and address):
b. Renewal entered on (date):

21 9. This judgment is an installment judgment. 11. A stay of enforcement has
a. not been ordered by the court.
b. been ordered by the court effective until
(date):

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

23 (SEAL) Superior Court of California
County of San Diego
This abstract issued on (date):
DEC 31 2008
Clerk, by [Signature], Deputy
Page 1 of 2

24 Form Adopted for Mandatory Use
Judicial Council of California
ABSTRACT OF JUDGMENT—CIVIL
AND SMALL CLAIMS
www.EJ-001 (Rev. January 1, 2008) Code of Civil Procedure, §§ 488, 490,
674, 700, 100

1 (Attached hereto as **EXHIBIT 1**, is the December 31, 2008 ABSTRACT/January 20, 2009 LIEN)

2 8. It is not possible that the ABSTRACT OF JUDGMENT is correct when awarding interest accruing
3 cost to KELMAN as of September 24, 2008. The CASE FILE evidences that the court did not receive
4 SCHEUER's submission of KELMAN's costs until October 20, 2008. (noticed to KRAMER on October 14,
5 2008 along with the Notice of Entry of Judgment from SCHEUER in violation of CCP 664.5(b)).

6 TOTAL COSTS \$ 7,252.65

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

9 Date: October 14, 2008

10 Keith Scheuer, Esq.
(TYPE OR PRINT NAME)

(SIGNATURE)

(Proof of service on reverse)

11 Form Approved for Optional Use
Judicial Council of California
MC-019 (Rev. July 1, 1999)

MEMORANDUM OF COSTS (SUMMARY)

Code of Civil Procedure,
§§ 1032, 1033.5

00000537

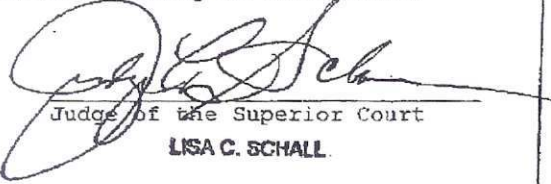
12 (Attached hereto collectively as **EXHIBIT 2** is SCHEUER's submission of KELMAN's costs and his Notice of
13 Entry of Judgment to KRAMER dated October 14, 2008)

14 9. The costs SCHEUER submitted on October 14, 2008 included costs incurred by SCHEUER's trial losing
15 client, GLOBALTOX. This is evidenced by the CASE FILE and the cost of deposition SCHEUER submitted.
16 KRAMER was only deposed once and on video. The cost for this is approximately \$4000.00. Since
17 SCHEUER had two clients, the cost submitted should have been halved. In violation of Business and
18 Professions Code 6068, they were not halved. SCHEUER submitted costs that KELMAN did not incur. He
19 then placed a LIEN on KRAMER's home for this amount. Not a quiet LIEN, he failed to notice KRAMER of it.
20 As taken from SCHEUER's submission of costs:

21 4. Deposition costs 4. \$ 3,895.25

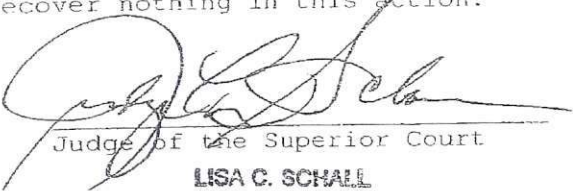
22 (Attached hereto collectively as **EXHIBIT 3**, is an excerpt of KRAMER's December 22, 2008 submitted Motion
23 for Reconsideration that was not heard based on a purported date of entry of amended judgment "mgarland
24 12/18/08" and evidencing that SCHEUER submitted costs incurred by GLOBALTOX & email from SCHEUER
25 in the summer of 2009 informing her of the LIEN with the COUNTY RECORDER)
26
27
28

1 10. Contrary to the ABSTRACT and LIEN, on September 24, 2008 when Judge Schall last signed the
2 judgment document, no costs had been awarded. Prevailing Pro Per KRAMER was not noticed of this
3 judgment by the court or SCHEUER, in violation of Code of Civil Procedure 664 and 664.5(b), additionally
4 making it the FAKE JUDGMENT DOCUMENT and resultant GAG ORDER, both void.

5
6 Kramer, and costs in the amount of \$ _____, and that
7 Plaintiff GlobalTox, Inc. recover nothing in this action.
8 Dated: 9/24/08 
9 Judge of the Superior Court
10 LISA C. SCHALL

11 (Attached hereto as **EXHIBIT 4** is what the judgment document looked like on September 24, 2008)

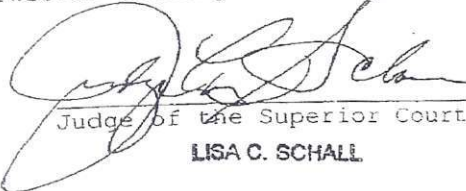
12 11 In violation of Government Code 6200, that after GARLAND received SCHEUER's submission of costs
13 on October 20, 2008 he added the dollar amount on the third page of the judgment document without dating
14 or initialing. This made it appear that \$7,252.65 was awarded to KELMAN on September 24, 2008 as is
15 evidenced by the ABSTRACT and LIEN entered. (KRAMER is reproducing what the FAKE JUDGMENT
16 DOCUMENT looked like sometime after October 20, 2008, as it is no longer in the CASE FILE in this form.
17 This alteration of the judgment document without dating or initialing was discussed in oral argument before the
18 Appellate Court on June 17, 2010. KRAMER has the audio.)

19 Kramer, and costs in the amount of \$ 7,252.65, and that
20 Plaintiff GlobalTox, Inc. recover nothing in this action.
21 Dated: 9/24/08 
22 Judge of the Superior Court
23 LISA C. SCHALL

24 (Attached hereto as **EXHIBIT 5**, is KRAMER's statements before the Appellate Court regarding the undated
25 change to the legal document, oral argument June 17, 2010)

1 12. There are four entries removed from the Register of Action (ROA) between October 23rd and October
2 27th, 2008, the timeframe when the undated alteration to the judgment document took place..(Attached hereto
3 as **EXHIBIT 6** are pages 30 & 31 of the ROA)

4 13. The only thing amended on FAKE JUDGEMENT DOCUMENT after Post Trial Oral Arguments of
5 December 12, 2008 (with the Minute Order mailed to Kramer on December 16, 2008 after the judge took
6 matters under submission) was the hand written addition of "mgarland 12/18/08" next to a dollar amount,
7 \$7,252.65 that had been previously added to the FAKE JUDGMENT DOCUMENT after KELMAN and
8 SCHEUER, submitted costs on October 14, 2008; and deemed this date to be the date of Notice of Entry of
9 Judgment to prevailing Pro Per KRAMER.

10
11 Kramer, and costs in the amount of \$ 7,252.65 ^{mgarland 12/18/08.}, and that
12 Plaintiff GlobalTox, Inc. recover nothing in this action.
13
14 Dated: 9/24/08
15 
16 Judge of the Superior Court
17 LISA C. SCHALL

18 14. In oral argument and on the Minute Order mailed on December 16, 2008, it states.
19 The Record in this case reflects that Plaintiff Bruce J. Kelman is the prevailing party solely as against
20 Defendant Sharon Kramer. Defendant Sharon Kramer is the prevailing party solely as against Defendant
21 Globaltox, Inc.

22 They made no edits to the amended judgment acknowledging KRAMER was a prevailing party and re-
23 entered the flawed judgment that said she was not.

24 15. The FAKE JUDGMENT DOCUMENT with its "mgarland 12/18/08" addition as the date of amended
25 entry of judgment was then used to deny KRAMER's December 22, 2008, timely filed Motion for
26 Reconsideration. December 22, 2008 is the same day that SCHEUER submitted documents for an
27 ABSTRACT with the still false appearance in the CASE FILE and CCMS that KELMAN had been awarded
28 costs of \$7,252.65 on September 24, 2008 – not December 18, 2008; and that he was the only prevailing
party.

1 16. The lower court, on January 7, 2009, then claimed loss of jurisdiction as of December 18, 2008. But on
2 December 18, 2008 there was no such amended judgment in the CASE FILE or the CCMS. If there was, the
3 document stating such would have been submitted by SCHEUER for the ABSTRACT, been consistent with
4 the CCMS and the accruing interest on \$7,252.65 would have been noted to begin on December 18, 2008.

5 17. Evidence indicates this hand written addition was not actually made on the FAKE JUDGMENT
6 DOCUMENT until January 9, 2009. KRAMER is aware the stealth ("CASE HISTORY") indicates a time this
7 entry was purportedly made on 12/18/08. KRAMER is also aware that many entries made in this case's CCMS
8 were hand entered with several entries in the CASE HISTORY not showing up on the ROA. **Why would an**
9 **Entry of Amended Judgment not show on an ROA? Answer: because it would have had to show as**
10 **being entered out of sequential numbering not on the date it was supposedly entered.**

11 18 What is also adding to the confusion is the date on the Minute Order after post trial oral arguments of
12 December 12, 2008 and the date on its Proof of Service. Contrary to the Appellate CCMS, and inferred in the
13 2010 Appellate Opinion, and added to the lower court ROA on December 23, 2010 after the Remittitur issued;
14 there was no judgment entered on December 12, 2008. GLOBALTOX was not a prevailing party as falsely
15 entered in the ROA on December 23, 2010.

16 19. Oral arguments concluded at 3:31 on December 12, 2008. SCHEUER and KRAMER both stayed and
17 spoke with GARLAND and SCHALL for several minutes. The Minute Order states it was entered at 3:55 on
18 December 12, 2008. The Proof of Service is dated December 12, 2008 The Minute Order was greatly
19 changed from the Tentative Ruling. The ROA shows the Minute Order was finalized on December 15, 2008. It
20 was mailed to Kramer on December 16, 2008 after matters were taken under submission, with the direction
21 she mail it to KELMAN.

22 20. Had KRAMER not submitted the December 16, 2008 postal stamped envelop back to the court on
23 December 19, 2008; it would have appeared in the CASE FILE that the Minute Order was finalized and mailed
24 on December 12, 2008.

25 21. There is no mention of any judgment entered on December 12, 2008 until the lower court ROA was
26 edited on December 23, 2010 to match the false entries in the Appellate CCMS stating a judgment was
27
28

1 entered on December 12, 2008. (*Attached hereto as EXHIBIT 7* are pages 34 and 43 of the lower court ROA
2 & the Appellate Docket falsely stating date of entry of judgment of December 12, 2008).

3 22. What Judge SCHALL and GARLAND did in the Minute Order dated December 12, 2008, was fail to
4 acknowledge the CLERK GARLAND had not properly noticed KRAMER under CCP 664.5(b) of the
5 September 24, 2008 acceptance of SCHEUER's proposed judgment. What this also did, was cause
6 KRAMER not to be able to submit costs until after the judgment awarding costs to KELMAN was entered
7 October 20, 2008, when KRAMER was noticed by SCHEUER in violation of CCP 664.5(b). (*Attached hereto*
8 *collectively as EXHIBIT 8*, are the Tentative Ruling, the Minute Order, its Proof of Service, page 35 of the
9 ROA showing finalized on December 15, 2008, (the envelop of December 16, 2008 is in the Case File); and
10 **KRAMER evidencing for Schall that she had not properly noticed KRAMER of the September 24, 2008**
11 **entry of judgment, additionally making the FAKE JUDGMENT DOCUMENT void under CCP 664.5(b)**

12 23. On November 4, 2010 when filing the COMPLAINT, KELMAN submitted a proposed temporary
13 Injunctive Relief Order of KRAMER by this lawsuit. This court originally granted it in a Temporary Ruling. As
14 this court is aware, the proposed GAG ORDER contained many sentences for which KRAMER was not even
15 sued from her writing. As is in her writing, KRAMER has given speeches about the exchange of money for the
16 US Chamber mold paper while being so closely tied to ACOEM's in setting policy, has aided massive amounts
17 of insurer fraud over this issue. To gag KRAMER from writing those sentences would have aided to conceal
18 that the **APPELATE COURT FRAMED KRAMER FOR LIBEL IN THEIR 2006 anti SLAPP OPINION AND**
19 **THEN COVER FOR THEIR ACTION IN THE 2010 APPELLATE OPINION.** (*Attached hereto as EXHIBIT 9* is
20 the proposed GAG ORDER which states)

21
22 *"Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a case*
23 *in Arizona, Dr. Kelman altered his under oath statements on the witness stand. He admitted the*
24 *Manhattan Institute, a national political think-tank, paid GlobalTox \$40,000 to write a position paper*
regarding the potential health risks of toxic mold exposure."

25 24. In their unpublished anti-SLAPP Opinion of November 2006, the Appellate Panel of McConnell, Aaron
26 and McDonald, made it appear that KRAMER had accused KELMAN of getting caught on the witness stand
27 lying about being paid by the Manhattan Institute think-tank to author a position statement for a medical trade
28 association, ACOEM: To quote from the 2006 anti-SLAPP Appellate Opinion:

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

SOUTH BUILDING

TENTATIVE RULINGS - October 14, 2011

EVENT DATE: 10/21/2011

EVENT TIME: 01:30:00 PM

DEPT.: N-30

JUDICIAL OFFICER: Thomas P. Nugent

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

CASE TITLE: KELMAN VS. KRAMER

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Defamation

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED:

No tentative ruling is being issued.

Case Header

Case Number: 37-2010-00061530-CU-DF-NC
Case Title: Bruce J Kelman vs. Sharon Kramer

Filing Date: 11/04/2010
Case Status: Pending

Case Category: Civil - Unlimited
Case Type: Defamation

Location: North County

Case Age: 498 days
Next Event Type:

Judicial Officer: Thomas P. Nugent
Department:
Next Event Date:

Register of Actions Notice

ROA#	Entry Date	Short/Long Entry	Filed By
65	10/19/2011	Ex Parte scheduled for 10/21/2011 at 01:30:00 PM at North County in N-30 Thomas P. Nugent.	
66	10/20/2011	Tentative Ruling for Motion Hearing (Civil) published.	
67	10/21/2011	Minutes finalized for Motion Hearing (Civil) heard 10/21/2011 01:30:00 PM.	
68	10/26/2011	Order to Appear scheduled for 11/14/2011 at 10:00:00 AM at North County in N-30 Thomas P. Nugent.	
69	10/28/2011	Ex Parte scheduled for 11/10/2011 at 09:00:00 AM at North County in N-30 Thomas P. Nugent.	
70	11/09/2011	Ex Parte Application - Other and Supporting Documents (CONTEMPT HEARING) filed by Kramer, Sharon. Refers to:	Kramer, Sharon (Defendant)

This printout does not constitute a Register of Actions

1 VISTA, CALIFORNIA, WEDNESDAY, 3-14-2012; 9:18 A.M.

2 -000-

3 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT.)

4 THE COURT: AL.

5 THE CLERK: BRUCE J. KELMAN, PLAINTIFF, VERSUS
6 SHARON KRAMER, DEFENDANT. 37-2010-00061530.

7 THE COURT: GOOD MORNING.

8 MR. SCHEUER: GOOD MORNING, YOUR HONOR.

9 MS. KRAMER: GOOD MORNING, YOUR HONOR.

10 THE COURT: WE ALL KNOW I CALLED THIS MEETING 09:18AM
11 FOR US BECAUSE OF THE DECISION THAT I MADE, AS I
12 REFLECTED ON ALL OF THE CIRCUMSTANCES SURROUNDING
13 THIS CASE, THAT YOU SHOULD BE RELEASED AT THIS TIME,
14 AND THAT WILL BE THE ORDER OF THIS COURT.

15 I INVITED COUNSEL TO BE HERE OUT OF
16 COURTESY. THIS IS ULTIMATELY MY CALL AND THAT IS MY
17 CALL.

18 AND, HOPEFULLY, YOU'LL BE RELEASED
19 FORTHWITH. I KNOW YOU'LL BE TAKEN BACK TO WHERE YOU
20 JUST CAME FROM, AND I UNDERSTAND THE ARRANGEMENTS 09:18AM
21 HAVE BEEN MADE THAT YOU'LL BE RELEASED AT THAT TIME.

22 YOU KNOW WHAT MY HOPE IS -- AND I'M NOT
23 ASKING YOU TO RESPOND. I'M NOT ASKING YOU TO SAY
24 ANYTHING. -- BUT THAT IS, IT SEEMED TO ME IN OUR
25 LAST MEETING I RECALLED YOU EVEN SAID THAT IT WASN'T
26 YOU WHO HAD ACCUSED THE GENTLEMAN OF PERJURY OR OF
27 ALTERING HIS TESTIMONY, IT WAS RATHER COUNSEL'S
28 EFFORTS TO TRY TO MAKE IT SOUND THAT WAY. I DON'T

1 KNOW IF I REMEMBERED IT RIGHT OR NOT. IF YOU DID
2 SAY THAT OR IF THAT'S HOW YOU FEEL, MORE
3 IMPORTANTLY, I WOULD REALLY STRONGLY URGE THAT YOU
4 GIVE EVERY CONSIDERATION TO AGREEING TO THAT
5 PROPOSAL THAT COUNSEL MADE, WHICH SIMPLY SAID "I DID
6 NOT MEAN THAT." I DIDN'T MEAN TO SUGGEST THAT. I'M
7 NOT SAYING YOU HAVE TO DO THAT. I'M NOT. DON'T
8 HEAR THAT FROM ME. BUT YOU DID HEAR THE IMPORTANT
9 THING FROM ME.

10 MS. KRAMER: NO, I DID NOT HEAR THE IMPORTANT 09:19AM
11 THING. I DIDN'T HEAR AN APOLOGY THAT THE COURT'S
12 FRAMED ME FOR LIBEL SEVEN YEARS AGO. I'M SITTING
13 HERE IN HANDCUFFS FOR SPEAKING THE TRUTH ABOUT A
14 FRAUD AND POLICY. IF YOU WANT TO SEND ME BACK TO
15 JAIL, FINE, BUT I'M NOT SIGNING AN APOLOGY FOR THE
16 COURT DOING THAT.

17 THE COURT: OKAY. THAT'S NOT A CONDITION OF
18 ANYTHING.

19 MS. KRAMER: NO, IT ISN'T.

20 THE COURT: IT WAS AN EXPRESSION OF MY WISH, 09:20AM
21 THAT'S ALL I WAS INTENDING --

22 MS. KRAMER: NO. WHAT YOU'RE ASKING ME TO DO IS
23 COLLUDE WITH THE FRAUD -- WITH THE COURT TO DEFRAUD
24 THE PUBLIC AFTER SEVEN YEARS.

25 THE COURT: RIGHT. BUT I'M NOT CONDITIONING MY
26 DECISION THIS MORNING ON THAT. THAT'S NOT A
27 CONDITION. IT WAS MERELY A WISH.

28 MS. KRAMER: THIS IS A CRIME. YOU SHOULD BE

1 ASHAMED OF YOURSELF THAT I'M SITTING HERE LIKE THIS
2 THIS MORNING.

3 THE COURT: COUNSEL, DO HAVE ANYTHING YOU WISH
4 TO SAY AT THIS POINT?

5 MR. SCHEUER: NO, YOUR HONOR.

6 THE COURT: OKAY. WELL, I APPRECIATE YOU BEING
7 HERE.

8 AND I HOPE THINGS GO WELL IN THE FUTURE AND
9 BETTER, AND I HOPE WE DON'T HAVE TO REVISIT THE
10 SITUATION.

09:20AM

11 BUT THAT WILL BE THE ORDER OF THE COURT.

12 (PROCEEDINGS ADJOURNED.)

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO
DEPARTMENT 30 HON. THOMAS P. NUGENT

_____)
BRUCE J. KELMAN,)
)
PLAINTIFF,)
)
VS.) CASE NO.
) 37-2010-61530-CU-DF-NC
SHARON KRAMER,)
)
DEFENDANT.)
_____)

REPORTER'S TRANSCRIPT
MARCH 14, 2012

LESLIE G. MAST, CSR NO. 3363
OFFICIAL REPORTER
SAN DIEGO SUPERIOR COURT

1 APPEARANCES:

2

3 FOR THE PLAINTIFF:

SCHEUER & GILLET
BY: *KEITH SCHEUER*
4640 ADMIRALTY WAY
SUITE 402
MARINA DEL REY, CA 90292
310-577-1170

5

6

FOR THE DEFENDANT:

IN PROPRIA PERSONA

7

8

TRACEY S. SANG
ATTORNEY AT LAW
(COURT APPOINTED)
215 SOUTH COAST HIGHWAY
SUITE 205
OCEANSIDE, CA 92054
760-445-8902

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN DIEGO) :

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I, *LESLIE G. MAST*, DO HEREBY CERTIFY:

THAT I AM A CERTIFIED SHORTHAND REPORTER,
CERTIFICATE NO. 3363, AN OFFICIAL COURT REPORTER OF
THE SUPERIOR COURT, NORTH COUNTY DIVISION, IN AND
FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA;

THAT AS SUCH OFFICIAL COURT REPORTER, I
REPORTED IN SHORTHAND THE ORAL PROCEEDINGS IN THE
WITHIN CAUSE ON THE DATE INDICATED HEREINBEFORE; AND

THAT THE FOREGOING AND ATTACHED "REPORTER'S
TRANSCRIPT" IS A FULL, TRUE, AND CORRECT TRANSCRIPT
OF THE ORAL PROCEEDINGS HAD ON SAID DATE.

DATED THIS 16TH DAY OF MARCH, 2012, AT
VISTA, CALIFORNIA.

LESLIE G. MAST CSR NO.3363
LESLIE G. MAST
OFFICIAL COURT REPORTER

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

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

7 BRUCE J. KELMAN

8 Plaintiff,

9 v.

10 SHARON KRAMER,

11 Defendant.

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

**DECLARATION OF SHARON KRAMER,
Appearing by Affidavit for Unlawful
Contempt of Court Hearing.**

**The Honorable Thomas Nugent Presiding
Department 30**

Hearing Date: January 6, 2012 1:30 PM

12 **DECLARATION OF SHARON KRAMER**

13 1. I am not physically appearing before any judge with unbridled Contempt of Court and
14 incarceration power, who is i.) suppressing the uncontroverted evidence in his case file that all prior
15 courts suppressed the evidence the plaintiff committed perjury in a prior case to establish needed
16 reason for malice, ii.) is suppressing the evidence that the plaintiff's attorney repeatedly suborned
17 the perjury, and iii.) is suppressing the evidence that the prior courts in the prior case, KELMAN &
18 GLOBALTOX v. KRAMER, framed me for libel over a writing impacting public health and safety.
19 This court's Temporary Injunctive Relief Order (TIRO), is precluding me from writing and
20 evidencing the corruption of prior courts by stopping me from writing the exact words for which I
21 was framed for libel in the prior case, "*altered his under oath statements*".

22 2. The direct evidence in this court's case file is that the Fourth District Division One Appellate
23 Court framed me for libel in their 2006 anti-SLAPP Appellate Opinion to make my writing appear
24 false. Then in their 2010 Appellate Opinion suppressed the evidence of what they had done in
25 2006. In their unpublished anti-SLAPP Opinion of November 2006, made it appear that I had
26 accused Kelman of getting caught on the witness stand lying about being paid by the Manhattan
27 Institute think-tank to make edits to a position statement for a medical trade association, the
28 American College of Occupational and Environmental Medicine, ACOEM: To quote from the 2006
anti-SLAPP Appellate Opinion.

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

10 From my writing of March 2005 accurately stating the Manhattan Institute think-tank money
11 was for the US Chamber’s mold position statement – not ACOEM’s.

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

22 From the Appellate Opinion of September 2010, suppressing the evidence that they had framed
23 me for libel in their 2006 Appellate Opinion.

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

3. Should the Honorable Thomas Nugent proceed with a Contempt of Court hearing on January
6, 2012, with no proof of a lawful Temporary Injunctive Relief Order, no proven jurisdiction to
hold a contempt hearing, no proof of a properly served OSC or affidavit; and while continuing to
suppress my uncontroverted evidence in his case file that the Appellate Court framed me for libel
and suppressed the evidence that Bruce Kelman committed perjury to establish malice in
KELMAN & GLOBALTOX v. KRAMER, I am fearful for my physical safety that this court
will unlawfully incarcerate me, indefinitely, for contempt of court. This, under the false
pretense that I violated a lawful court order by republishing the words for which I am evidenced by
uncontroverted evidence, public record and this court’s case file to have been framed for libel by
the Appellate Court in KELMAN & GLOBALTOX v. KRAMER, “*altered his under oath*
statements”.

1 4. The uncontroverted evidence in the case file of the Honorable Thomas Nugent, Kelman v.
2 Kramer, is that I blew a whistle on an interstate fraud involving the plaintiff, Bruce Kelman. The
3 ACOEM mold statement, the US Chamber mold statement he co-authored with Bryan Hardin (co-
4 owner of Veritox, Inc & undisclosed party to the litigation for six years), and how the two papers
5 they authored are connected in mass marketing scientific fraud for the purpose of misleading US
6 courts to find favorably for industry in mold litigations. This was the subject of my March 2005
7 writing for which the Appellate court crafted their opinions in 2006 & 2010 to frame me for libel
with actual malice while suppressing the evidence Kelman committed perjury.

8 5. The threat is now to jail me for contempt of court, indefinitely, for refusing to follow an
9 unlawful court order which precludes me from writing and evidencing how and why the courts
10 framed me. This, while aiding the misapplication of the science of toxicology to continue to be
11 used in US courts to deny and delay liability for causation of environmental illnesses, adverse to the
12 public's best interest.

13 6. **What is is all about is that it is not science now, nor was it ever that toxicology models**
14 **can be used by themselves to prove lack of causation of individual illnesses from**
15 **environmental exposures. The courts involved in these cases have aided this fraud to**
16 **continue in US courts by aiding with malicious litigation carried out by criminal means – on**
17 **behalf of the affiliates of the US Chamber of Commerce, and plaintiff Bruce Kelman.**

18 7. I have not been arraigned or advised of my right by this court regarding the Contempt of
19 Court hearing and the burden of proof. *“An adjudication for indirect contempt requires that the*
20 *facts show the contemnor’s willful and contemptuous refusal to obey a valid order of the court’* In
21 re Cassil (1995) 37 CA4th 1081, 1087–1088, 44 CR2d 267 (accused does not have burden of
22 proving inability to comply with order). *The finding must be beyond a reasonable doubt if the*
23 *proceeding results in punitive sanctions.* 37 CA4th at 1086. **The court must advise the accused of**
24 **(1) the burden of proof..’** Morelli v Superior Court (1969) 1 C3d 328, 332, 82 CR 375; 850. *“A*
25 *judgment of contempt cannot be based on a void order”.* Davidson v Superior Court (1999) 70
CA4th 514, 529, 82 CR2d 739.” California Judge Bench guide 3, page 58, Contempt of Court.

26 8. I have been advised by the Chief Justice of the Supreme Court of California Tani Cantil-
27 Sayauke and the Executive Director of the Administration of the Courts, Ron Overholt, to seek
28 assistance of the Commission on Judicial Performance for “judicial indiscretions” of the courts
framing me for libel while suppressing the evidence that Kelman committed perjury to establish

1 needed reason for malice while aiding a scientific fraud to continue in US courts. (Attached hereto
2 as **Exhibit 1** is the letter from the Chief Justice of the California Supreme Court and Executive
3 Director of the Administration of the Courts directing me to the Commission on Judicial
4 Performance to stop this judicial harassment and corruption).

5 9. *“A judge is responsible for knowing or researching the proper contempt procedures. A*
6 *judge’s ignorance or misuse of these procedures may constitute bad faith and justify disciplinary*
7 *proceedings for willful and prejudicial misconduct.”* Kloepfer v Commission on Judicial
8 Performance (1989) 49 C3d 826, 858, 264 CR 100 (*injudicious use of contempt power was willful*
9 *and prejudicial misconduct*); Ryan v Commission on Judicial Performance (1988) 45 C3d 518,
10 533, 247 CR 378 (*experienced judge should have known that contempt order was both*
11 *substantively and procedurally invalid*); Cannon v Commission on Judicial Qualifications (1975)
12 14 C3d 678, 694, 122 CR 778

13 10. I give Tracey Sang, Attorney at Law, authority to speak on my behalf regarding the lack of
14 this court holding an arraignment hearing, prior to holding an unlawful Contempt of Court hearing.
15 I have not been advised of my rights by this court, the Honorable Thomas Nugent.

16 11. I do not give Ms. Sang permission to speak on my behalf at a Contempt of Court hearing
17 should this court choose to proceed.

18 I declare under penalty of perjury and the laws of California that the foregoing is true
19 and correct and is more than evidenced as true and correct in this court’s case file.

20 January 6, 2012

21 Sharon Kramer, Pro Per
22
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Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF THE GENERAL COUNSEL

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-7446 • Fax 415-865-7664 • TDD 415-865-4272

TANI CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

RONALD G. OVERHOLT
Interim Administrative Director of the Courts

CHRISTINE PATTON
Interim Chief Deputy Director

MARY M. ROBERTS
General Counsel

November 9, 2011

Ms. Sharon Noonan Kramer
2031 Arborwood Place
Escondido, California 92029

Dear Ms. Kramer:

This is in response to your letter dated September 11, 2011, and addressed to the Honorable Tani Cantil-Sakauye, Chief Justice of California. Please note that the Judicial Council is the policymaking body for the California courts and the Administrative Office of the Courts (AOC) is the staff agency to the Judicial Council.

Your letter requests the Judicial Council review your court records. Neither the Judicial Council nor the Administrative Office of the Courts is authorized to intervene on behalf of a party in a pending case, nor may either entity offer legal advice to a member of the public as to how to proceed with, or in, a lawsuit or prosecution. Concerns as to substantive rulings in a case may be addressed through the appropriate procedural mechanisms, such as motions for reconsideration, writs, and appeals. As we are not authorized to provide legal advice and counsel to the public, you may wish to consult with your attorney.

Your letter also alleges that court clerks have used the California Court Case Management System (CCMS) to conceal alleged “judicial indiscretions” in violation of Government Code section 6200. The Commission on Judicial Performance (CJP)—not the Supreme Court of California—is the entity that is vested with authority under the California Constitution to discipline judges, including by removal from office. Following a determination by the CJP, and only upon the petition of the subject judicial officer, the Supreme Court may review the determination of the CJP, at which point it may make an independent review of that

determination. Before that time, there is no authority for the Chief Justice or the Supreme Court to discipline a judge or intervene in a proceeding pending before the CJP.

Complaints may be filed with the CJP addressed to the Commission on Judicial Performance at 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102. More information about the CJP and its processes is available online at www.cjp.ca.gov.

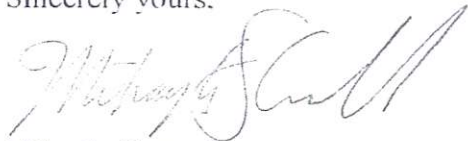
Complaints about the conduct of court staff, such as court clerks, should be directed to the Court Executive Officer of the specific court in which the conduct occurred. A complete list of California's Superior Courts and their contact information can be found online at <http://www.courts.ca.gov/superiorcourts.htm>.

We sincerely regret that you are dissatisfied with your experience in your case. Respect for the rule of law and public satisfaction with the courts are priorities for the Chief Justice, the Judicial Council, and the AOC. We will continue to promote statewide laws, policies, and practices that will enhance trust and confidence in the courts and the rule of law.

Please be assured that your concerns about your experience have been noted. As explained above, however, neither the Chief Justice, nor the Judicial Council, nor the AOC can take any action in your case.

We hope that this information is helpful. Please note that this letter is intended to be informational only, and is not intended to be legal advice or to create an attorney-client relationship.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Mikayla Connell".

Mikayla Connell

Attorney

MC/ms

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Sharon Kramer 2031 Arborwood Place Escondido, CA 92029 TELEPHONE NO.: 760-746-8026 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 325 S. Melrose Drive MAILING ADDRESS: CITY AND ZIP CODE: Vista, CA 92081 BRANCH NAME:	
PETITIONER/PLAINTIFF: Bruce Kelman RESPONDENT/DEFENDANT: Sharon Kramer	
PROOF OF PERSONAL SERVICE—CIVIL	CASE NUMBER: 37-2010-00061530 CU-Df-NC

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- I am over 18 years of age and not a party to this action.
- I served the following documents (specify):

DECLARATION OF SHARON KRAMER, Appearing by Affidavit for Unlawful Contempt of Court Hearing.

The documents are listed in the Attachment to Proof of Personal Service—Civil (Documents Served) (form POS-020(D)).

- I personally served the following persons at the address, date, and time stated:
 - Name: **Al Lum, Clerk of Court Dept 30, to be given to Attys Keith Scheuer & Tracey Sang before 1:30 PM**
 - Address: **325 S. Melrose Dr. Vista, CA 92081**
 - Date: **January 6, 2012**
 - Time:

The persons are listed in the Attachment to Proof of Personal Service—Civil (Persons Served) (form POS-020(P)).

- I am
 - not a registered California process server.
 - a registered California process server.
 - an employee or independent contractor of a registered California process server.
 - exempt from registration under Business & Professions Code section 22350(b).

- My name, address, telephone number, and, if applicable, county of registration and number are (specify):

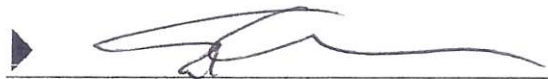
**Michael A. Kramer, 2031 Arborwood Place, Escondido, CA 92029
760-746-8026**

- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date: **1/6/12**

MICHAEL KRAMER

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)



(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

1 VISTA, CALIFORNIA, FRIDAY, 1-6-2012; 1:30 P.M.

2 -000-

3 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT.)

4 THE COURT: KELMAN VERSUS KRAMER.

5 MR. SCHEUER: GOOD AFTERNOON, YOUR HONOR. KEITH
6 SCHEUER FOR PLAINTIFF.

7 THE COURT: YES, SIR.

8 MS. SANG: GOOD AFTERNOON, YOUR HONOR. TRACEY
9 SANG APPOINTED BY THE COURT TO REPRESENT MS. KRAMER.
10 SHE HAS NOT ACCEPTED MY REPRESENTATION UP UNTIL NOW. 01:52PM

11 THE COURT: WELL, SHE HASN'T ACCEPTED IT NOW
12 UNLESS YOU GOT A PHONE CALL.

13 MS. SANG: I DID GET A PHONE CALL FROM HER.

14 THE COURT: WHEN?

15 MS. SANG: I HAVE SPOKEN TO HER TODAY.

16 THE COURT: GOOD. AND?

17 MS. SANG: AND SHE HAS GIVEN ME VERY LIMITED
18 SCOPE INSTRUCTIONS.

19 THE COURT: WELL, THAT'S NOT REPRESENTING. I'M
20 LOOKING AT A DECLARATION IF YOU HAVEN'T SEEN IT. 01:53PM

21 MS. SANG: I ONLY JUST SAW IT AS I ENTERED THE
22 COURTROOM.

23 THE COURT: IT SAYS -- YOU CAN SAY WHAT YOU WISH
24 AND I'M NOT GOING TO STOP YOU FROM THAT. I WANT YOU
25 TO KNOW THAT.

26 BUT SHE VERY EXPLICITLY SAYS THAT "I DO NOT
27 AUTHORIZE HER TO SPEAK ON MY BEHALF AT A
28 CONTEMPT-OF-COURT HEARING SHOULD THIS COURT CHOOSE

1 TO PROCEED." AND THIS COURT WOULD CHOOSE TO
2 PROCEED.

3 MS. SANG: THAT IS CORRECT. IT HAS SIMPLY COME
4 TO MY ATTENTION THAT MS. KRAMER WAS NEVER FORMALLY
5 ARRAIGNED ON THIS CONTEMPT CHARGE.

6 THE COURT: SHE WAS SERVED WITH THE PAPERS AND,
7 MORE IMPORTANTLY, SHE FILED HER OWN APPEARANCE,
8 WHICH IS THE EQUIVALENT OF A GENERAL APPEARANCE. I
9 THINK IT WAS DECEMBER 23RD WHEN WE GOT THE FIRST OF
10 THE STACK THAT WE HAD. I'M GOING TO ASK YOU A 01:54PM
11 QUESTION IN A MINUTE THAT WILL TELL YOU WHERE I'M
12 REALLY COMING FROM AND WHY YOU'RE HERE.

13 MR. SCHEUER: EXCUSE ME, YOUR HONOR. MAY I BE
14 SEATED?

15 THE COURT: OF COURSE. BOTH OF YOU CAN. BE
16 COMFORTABLE.

17 BUT ALL OF THESE DOCUMENTS SAY THE SAME
18 THING, SOME OF THEM SAY YOU DON'T HAVE JURISDICTION,
19 AND I'M SAYING IT'S NOT MY UNDERSTANDING OF THE LAW.
20 ONCE YOU PARTICIPATE IN A PROCEEDING BY WAY OF 01:54PM
21 APPEARANCE, AS INDICATED BY THIS ENORMOUS SET OF
22 DOCUMENTS FILED DECEMBER 23RD, YOU'RE IN. AND NO
23 FURTHER ACTIVITY IS REQUIRED BY THE COURT AND
24 CERTAINLY NO ARRAIGNMENT.

25 BUT IN ANY EVENT, SHE HASN'T AUTHORIZED YOU
26 TO ACT FOR HER IN THE CONTEMPT PROCEEDING, SO I
27 DON'T SEE HOW I CAN DEAL WITH IT.

28 HERE'S WHAT I DID AND HERE'S WHY. SHE'S

1 NOT A BAD LADY; NOT IN MY JUDGMENT. BUT SHE'S
2 TERRIBLY CONFUSED, IF NOT ILL. I MEAN, IF IT WERE
3 ME, OR YOU, I SUSPECT, AND SOMEONE SAID, "LOOK, STOP
4 DOING THAT, THE JURY HAS DECIDED IT WAS WRONG, THE
5 APPELLATE COURT AGREED WITH THEM, ANOTHER, A NEW
6 JUDGE LOOKED AND SAID, LOOK, I'VE GOT TO UPHOLD THE
7 FINALITY OF THE RULING IN ANOTHER COURT, SO DON'T DO
8 IT," ALL SHE HAS TO DO IS STOP DOING IT.

9 I KNOW THAT'S NOT SOMETHING SHE'S PREPARED
10 TO DO. AND YET SHE CAME HERE, I THINK IT WAS 01:55PM
11 YESTERDAY, AND TRIED TO CONVINC ME NOT TO GO
12 FORWARD TODAY. NO BASIS FOR ME TO NOT GO FORWARD
13 TODAY. I MUST.

14 I HAVE SEEN AND HEARD FROM THE VERY
15 BEGINNING, IF THIS WERE A TRUE CRIMINAL CASE, PEOPLE
16 VERSUS, I WOULD BE ORDERING HER DOWN TO THE
17 PSYCHIATRIC UNIT FOR AN EXAMINATION, NOT THAT SHE
18 NEEDS INSTITUTIONALIZATION OR ANYTHING LIKE THAT,
19 BUT IF SHE'S NOT COMPETENT TO GO FORWARD IN THESE
20 PROCEEDINGS, SHE HAS A RIGHT TO SAY THAT AND HAVE 01:56PM
21 SOMEONE SAY IT FOR HER.

22 IT'S VERY TROUBLING, THE WHOLE THING IS
23 VERY TROUBLING. SHE'S RIGHT. I READ PART OF HER
24 PAPERS WHERE SHE SAID JUDGE NUGENT DOESN'T SEEM TO
25 WANT TO GO FORWARD. WELL, ON A PERSONAL LEVEL, I
26 THINK SHE'S RIGHT. ON A PROFESSIONAL LEVEL, I HAVE
27 A CHOICE AND I WILL GO FORWARD AND I WILL REACH
28 WHATEVER CONCLUSIONS THE RECORD THAT WE CREATE HERE

1 THIS AFTERNOON REQUIRES.

2 I'M TELLING YOU IF YOU HAVE ANY INFLUENCE
3 WITH HER, I WOULD DO ANYTHING I COULD TO GET HER
4 EXAMINED, IF I CAN, BY THE PSYCHIATRIC UNIT
5 DOWNTOWN. I WAS PREPARED TO SEE IF I COULD GET THAT
6 DONE TODAY. AND, YOU KNOW, PEOPLE AREN'T SUPPOSED
7 TO PARTICIPATE IN CRIMINAL PROCEEDINGS IF THEY'RE
8 INCOMPETENT, AND HER COMPETENCE, IN MY MIND, IS A
9 SERIOUS QUESTION.

10 MS. SANG: I, TOO, HAVE GIVEN THOUGHT TO THIS 01:57PM
11 VERY ISSUE, YOUR HONOR. AND COUNSEL AND I WERE
12 DISCUSSING IT BEFORE THIS HEARING.

13 WHAT I AM -- AS A CRIMINAL ATTORNEY, THE
14 MECHANISMS THAT I USUALLY USE IN SITUATIONS LIKE
15 THIS IS A 1368.

16 THE COURT: 1368. I KNOW IT WELL.

17 MS. SANG: IT'S REALLY THE ONLY THING THAT I
18 BELIEVE WE HAVE AT OUR DISPOSAL.

19 THE COURT: SHE'S GOT TO BE CHARGED WITH A
20 MISDEMEANOR. I JUST READ THE SECTION. BUT I'M NOT 01:57PM
21 SO SURE THAT WE COULDN'T AT LEAST ATTEMPT TO GET HER
22 EXAMINED. I'VE GOT THE PAPERS. YOU KNOW, IF WE
23 COULD DOCTOR UP AN ORDER AND IF SHE WOULD GO, I'M
24 NOT GOING TO DO THAT IF SHE SAYS YOU PEOPLE ARE THE
25 ONES THAT HAVE THE COMPETENCE ISSUE, AND I'VE HAD A
26 PRO PER CLIENT TELL ME THAT ONCE. AND I CAN'T DO
27 ANYTHING ABOUT THAT.

28 I RESPECT HER AND I RESPECT HER RIGHTS IN

1 EVERY WAY. I JUST HATE TO SEE HER GOING IN THE
2 DIRECTION SHE'S GOING IN WHEN THERE'S SUCH AN EASY
3 ANSWER FOR HER. YOU KNOW, MIGHT BE A LOT OF WAYS TO
4 VOICE HER OPINIONS ABOUT A LOT OF THINGS WITHOUT
5 REPEATING THE DEFAMATORY LANGUAGE THAT HAS BEEN
6 ORDERED WRONG, DON'T DO IT ANYMORE. IT WOULD BE SO
7 EASY, BUT YOU KNOW, YOU KNOW YOU'VE DEALT WITH IT
8 ENOUGH TO KNOW THE PROBLEM.

9 BUT YOU TELL ME. DO YOU THINK SHE WOULD BE
10 WILLING TO BE EXAMINED? 01:58PM

11 MS. SANG: I CERTAINLY COULDN'T GIVE AN OPINION.
12 MY GUESS WOULD BE NO.

13 THE COURT: THAT'S MY GUESS, TOO. OKAY. WELL,
14 IT'S OUT THERE.

15 MS. SANG: NONETHELESS, IT IS CERTAINLY WITHIN
16 THE COURT'S POWER TO ORDER IT. AND --

17 THE COURT: I DON'T KNOW THAT. 1368 IS A
18 DIFFERENT BIRD. THIS ISN'T A 1368 MATTER, IT SEEMS
19 TO ME.

20 MS. SANG: WELL, MY OTHER MISGIVING ABOUT IT IS 01:58PM
21 THAT THE STANDARD FOR 1368 IS SO LOW, I'M NOT --
22 ALMOST ANYONE CAN PASS IT, AS YOU KNOW. SO I'M NOT
23 SURE IT WOULD EVEN BE A SATISFACTORY MECHANISM IN
24 THE END.

25 THE COURT: WHAT -- DOES SHE HAVE ANY, I GATHER
26 SHE DOESN'T, HAVE ANY PSYCHIATRIST, TREATING
27 PSYCHIATRIST OR SOMEONE WHO COULD FURNISH US WITH AN
28 OPINION?

1 WHICH DOESN'T HELP THESE POOR FOLKS AND ALL
2 THEY WANT TO DO IS HAVE THE LAW APPLIED. I'M
3 TREMENDOUSLY EMPATHETIC TO THEIR POSITION. I'M
4 RIGHT IN THE MIDDLE OF A VERY DIFFICULT ONE. I
5 DON'T LIKE THAT. I LIKE TO THINK I CAN GET
6 SOMETHING DONE TO RESOLVE THE CASE THE WAY IT SHOULD
7 BE.

8 I'VE TRIED WITH HER. I REMEMBER THE OTHER
9 CASE WAS WHEN A FELLOW WAS OFF HIS MEDICATION AND I
10 TOLD HIM I WANTED NO PART OF MAKING LIFE MORE 01:59PM
11 MISERABLE FOR HIM THAN IT ALREADY WAS. ALL HE HAD
12 TO DO WAS TAKE HIS MEDICATION. LIKE TALKING TO A
13 WALL. HE WASN'T LISTENING TO THAT. NEVER DID
14 LISTEN. THEY HAD TO FIND HIM GUILTY. HE DID TIME.
15 ANYWAY. TOUGH STUFF.

16 IF YOU CAN THINK OF A WAY TO CREATE THAT
17 DEFENSE, I THINK THAT WOULD BE SOMETHING THAT MIGHT
18 BE INTERESTING. SHORT OF THAT, AND SHORT OF YOUR
19 AUTHORITY TO REALLY PARTICIPATE IN THE PROCEEDINGS
20 AS I GET IT, THEN I THINK WHAT WE'LL DO IS GO 02:00PM
21 FORWARD WITH THE PLAINTIFF.

22 **MR. SCHEUER:** THANK YOU, YOUR HONOR.

23 I HAVE TO ADMIT I'M A LITTLE BIT AT SEA
24 HERE, PROCEDURALLY. I WAS AT SEA HERE BEFORE I GOT
25 HERE THINKING THAT MS. KRAMER WOULD BE HERE. AND
26 THAT'S DOUBLE DOWN NOW.

27 WITH RESPECT TO WHAT YOU WERE JUST SAYING,
28 TRACEY WAS KIND ENOUGH TO CALL ME EARLIER AND WE'VE

1 VISTA, CALIFORNIA, THURSDAY, 1-5-2012; 9:00 A.M.

2 -000-

3 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT.)

4 THE COURT: LET'S HEAR THE SCHEDULED EX-PARTE OF
5 KELMAN VERSUS KRAMER.

6 DO WE HAVE A TELEPHONIC ON THAT, AL?

7 THE CLERK: NO, YOUR HONOR.

8 THE COURT: GOOD MORNING.

9 MRS. KRAMER: YOU UNDERSTAND IN THE CASE OF
10 KELMAN AND GLOBALTOX VERSUS KRAMER THE SOLE CAUSE OF 09:16AM
11 ACTION WAS THE CASE OF -- THE CASE WAS FIVE WORDS
12 "ALTERED HIS UNDER OATH STATEMENTS."

13 THE COURT: WE'RE NOT GOING TO RETRY THAT.

14 MRS. KRAMER: NO. NO. I'M JUST ASKING --

15 THE COURT: BEEN THERE, DONE THAT. KNOW YOUR
16 CASE, KNOW THE PROBLEMS.

17 KNOW THIS: TOMORROW WE HAVE, AS YOU KNOW,
18 A SCHEDULED HEARING. ANY CHALLENGE TO THAT HEARING
19 MUST BE MADE AT THAT HEARING, NOT IN AN EX-PARTE.
20 EX-PARTE ISN'T DESIGNED TO COME IN AND LET'S TALK 09:16AM
21 ABOUT SUBSTANTIVE ISSUES. IT'S AT THE HEARING WE
22 DEAL WITH THAT.

23 MRS. KRAMER: I DON'T THINK THAT YOU HAVE
24 JURISDICTION TO HOLD THAT HEARING, YOUR HONOR.

25 THE COURT: YOU CAN SAY THAT.

26 MRS. KRAMER: I CAN SAY THAT TODAY OR TOMORROW?

27 THE COURT: TOMORROW. IT WON'T OFFEND ME.

28 MRS. KRAMER: YOU KNOW, I'M SCARED TO DEATH.

1 THAT STATEMENT I JUST MADE IS A MATTER OF PUBLIC
2 RECORD.

3 THE COURT: WELL, THE EASIEST WAY TO GET
4 UNSCARED IS TO STOP REPUBLISHING THE DEFAMATORY
5 MATERIAL.

6 MRS. KRAMER: THERE'S NOTHING DEFAMATORY ABOUT
7 STATING A MATTER OF PUBLIC RECORD.

8 THE COURT: I KNOW THAT'S WHAT YOU THINK. WE'VE
9 BEEN OVER THIS. THERE WAS A JUDGMENT RENDERED
10 AGAINST YOU, APPEALED, CONFIRMED, AND NOW WE HAVE 09:17AM
11 TOLD YOU YOU CAN'T KEEP DOING THAT, AND YOU SAY I
12 DON'T AGREE WITH YOU. THAT'S OKAY. THIS IS
13 AMERICA. I DON'T GET OFFENDED, BUT I HAVE TO DO MY
14 JOB.

15 MY JOB IS TO CONSIDER ALL THE ISSUES AT THE
16 HEARING TOMORROW, WHICH I'LL DO, INCLUDING MY
17 JURISDICTION. BUT THAT'S WHEN. NOT TODAY.
18 EX-PARTE ISN'T JUST WHEN SOMEONE WANTS TO COME IN
19 AND TALK ABOUT A SUBSTANTIVE ISSUE IN THEIR CASE,
20 PARTICULARLY SOMETHING LIKE JURISDICTION. 09:17AM

21 MRS. KRAMER: WELL, OKAY, I DID A LITTLE READING
22 ON IT, AND I THOUGHT THAT YOU COULD STOP THE
23 HEARING.

24 THE COURT: TOMORROW WE COULD CONSIDER THAT.

25 MRS. KRAMER: OKAY.

26 THE COURT: AND I WILL AT THE HEARING. I'LL
27 CONSIDER EVERYTHING THERE IS TO CONSIDER, THE ISSUES
28 THAT ARE FRAMED BY THE PROCEEDING. BUT THAT'S THE

1 TIME TO DO IT, NOT NOW.

2 MRS. KRAMER: OKAY.

3 THE COURT: SEE YOU TOMORROW.

4 MS. KRAMER: MAY I ASK YOU WHAT YOUR -- AND
5 TRACEY, THE PUBLIC DEFENDER THAT YOU ASSIGNED TO
6 HELP ME, ARE YOU INTENDING TO INCARCERATE ME FOR --

7 (OVERLAPPING)

8 THE COURT: I DON'T DECIDE IN ADVANCE WHAT MY
9 RULING'S GOING TO BE IN ANY KIND OF A SITUATION. I
10 HEAR THE EVIDENCE, BOTH SIDES, AND THEN I AM CALLED 09:18AM
11 UPON TO MAKE A DECISION THAT'S IN THE BEST INTEREST
12 OF THE CASE AND SOCIETY. THAT'S WHAT I DO. AND I
13 HAVEN'T BEGUN TO THINK ABOUT THAT. I HAVEN'T HEARD
14 ANYTHING. I'LL HEAR IT TOMORROW.

15 MRS. KRAMER: OKAY. ALL RIGHT.

16 THE COURT: ALL RIGHT.

17 MRS. KRAMER: THANK YOU, YOUR HONOR.

18 THE COURT: OKAY. WHAT TIME TOMORROW?

19 THE CLERK: 10:00 A.M.

20 MRS. KRAMER: IT SAYS 1:30 ON THE ORDER TO SHOW 09:19AM
21 CAUSE.

22 THE COURT: THAT'S WHY I WANTED TO BRING IT TO
23 YOUR ATTENTION.

24 THE CLERK: I HAVE IT AT 10:00 A.M.

25 MRS. KRAMER: I HAVE THE ORDER TO SHOW CAUSE
26 RIGHT HERE AND IT SAYS 1:30.

27 THE COURT: TAKE A LOOK AT THAT AND MAKE SURE WE
28 HAVE THAT ALL UNDERSTOOD. I DON'T WANT ANYBODY HERE

1 WHEN THEY DON'T HAVE TO BE HERE, AND I WANT
2 EVERYBODY HERE WHEN THEY DO HAVE TO BE HERE. JUST
3 WAIT FOR US A MOMENT.

4 (PROCEEDINGS ADJOURNED.)

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO
DEPARTMENT 30 HON. THOMAS P. NUGENT

_____)
BRUCE J. KELMAN,)
)
PLAINTIFF,)
)
VS.)
)
SHARON KRAMER,) CASE NO.
) 37-2010-61530-CU-DF-NC
)
DEFENDANT.)
_____)

REPORTER'S TRANSCRIPT
JANUARY 5, 2012

LESLIE G. MAST, CSR NO. 3363
OFFICIAL REPORTER
SAN DIEGO SUPERIOR COURT

1 APPEARANCES:

2

3 FOR THE DEFENDANT:

IN PROPRIA PERSONA

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN DIEGO) :

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I, *LESLIE G. MAST*, DO HEREBY CERTIFY:

THAT I AM A CERTIFIED SHORTHAND REPORTER,
CERTIFICATE NO. 3363, AN OFFICIAL COURT REPORTER OF
THE SUPERIOR COURT, NORTH COUNTY DIVISION, IN AND
FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA;

THAT AS SUCH OFFICIAL COURT REPORTER, I
REPORTED IN SHORTHAND THE ORAL PROCEEDINGS IN THE
WITHIN CAUSE ON THE DATE INDICATED HEREINBEFORE; AND

THAT THE FOREGOING AND ATTACHED "REPORTER'S
TRANSCRIPT" IS A FULL, TRUE, AND CORRECT TRANSCRIPT
OF THE ORAL PROCEEDINGS HAD ON SAID DATE.

DATED THIS _____ DAY OF _____,
2012, AT VISTA, CALIFORNIA.

_____, CSR NO.3363
LESLIE G. MAST
OFFICIAL COURT REPORTER

I N V O I C E

JANUARY 9, 2012

FROM: LESLIE G. MAST "SKEETER"
SUPERIOR COURT REPORTER
325 SOUTH MELROSE
VISTA, CA 92081
760-201-8665

TO: MRS. KRAMER

IN RE: KELMAN V KRAMER

CASE NO: 37-2010-61530-CU-DF-NC

HEARING DATE: JANUARY 5 AND JANUARY 6, 2012

TOTAL DUE \$48.00

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ORDER OR RULE, OR FOR INTERNAL USE, BUT SHALL NOT
OTHERWISE PROVIDE OR SELL A COPY OR COPIES TO ANY
PARTY OR PERSON.

1 VISTA, CALIFORNIA, FRIDAY, 1-6-2012; 1:30 P.M.

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3 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT.)

4 THE COURT: KELMAN VERSUS KRAMER.

5 MR. SCHEUER: GOOD AFTERNOON, YOUR HONOR. KEITH
6 SCHEUER FOR PLAINTIFF.

7 THE COURT: YES, SIR.

8 MS. SANG: GOOD AFTERNOON, YOUR HONOR. TRACEY
9 SANG APPOINTED BY THE COURT TO REPRESENT MS. KRAMER.
10 SHE HAS NOT ACCEPTED MY REPRESENTATION UP UNTIL NOW. 01:52PM

11 THE COURT: WELL, SHE HASN'T ACCEPTED IT NOW
12 UNLESS YOU GOT A PHONE CALL.

13 MS. SANG: I DID GET A PHONE CALL FROM HER.

14 THE COURT: WHEN?

15 MS. SANG: I HAVE SPOKEN TO HER TODAY.

16 THE COURT: GOOD. AND?

17 MS. SANG: AND SHE HAS GIVEN ME VERY LIMITED
18 SCOPE INSTRUCTIONS.

19 THE COURT: WELL, THAT'S NOT REPRESENTING. I'M
20 LOOKING AT A DECLARATION IF YOU HAVEN'T SEEN IT. 01:53PM

21 MS. SANG: I ONLY JUST SAW IT AS I ENTERED THE
22 COURTROOM.

23 THE COURT: IT SAYS -- YOU CAN SAY WHAT YOU WISH
24 AND I'M NOT GOING TO STOP YOU FROM THAT. I WANT YOU
25 TO KNOW THAT.

26 BUT SHE VERY EXPLICITLY SAYS THAT "I DO NOT
27 AUTHORIZE HER TO SPEAK ON MY BEHALF AT A
28 CONTEMPT-OF-COURT HEARING SHOULD THIS COURT CHOOSE

1 TO PROCEED." AND THIS COURT WOULD CHOOSE TO
2 PROCEED.

3 MS. SANG: THAT IS CORRECT. IT HAS SIMPLY COME
4 TO MY ATTENTION THAT MS. KRAMER WAS NEVER FORMALLY
5 ARRAIGNED ON THIS CONTEMPT CHARGE.

6 THE COURT: SHE WAS SERVED WITH THE PAPERS AND,
7 MORE IMPORTANTLY, SHE FILED HER OWN APPEARANCE,
8 WHICH IS THE EQUIVALENT OF A GENERAL APPEARANCE. I
9 THINK IT WAS DECEMBER 23RD WHEN WE GOT THE FIRST OF
10 THE STACK THAT WE HAD. I'M GOING TO ASK YOU A 01:54PM
11 QUESTION IN A MINUTE THAT WILL TELL YOU WHERE I'M
12 REALLY COMING FROM AND WHY YOU'RE HERE.

13 MR. SCHEUER: EXCUSE ME, YOUR HONOR. MAY I BE
14 SEATED?

15 THE COURT: OF COURSE. BOTH OF YOU CAN. BE
16 COMFORTABLE.

17 BUT ALL OF THESE DOCUMENTS SAY THE SAME
18 THING, SOME OF THEM SAY YOU DON'T HAVE JURISDICTION,
19 AND I'M SAYING IT'S NOT MY UNDERSTANDING OF THE LAW.
20 ONCE YOU PARTICIPATE IN A PROCEEDING BY WAY OF 01:54PM
21 APPEARANCE, AS INDICATED BY THIS ENORMOUS SET OF
22 DOCUMENTS FILED DECEMBER 23RD, YOU'RE IN. AND NO
23 FURTHER ACTIVITY IS REQUIRED BY THE COURT AND
24 CERTAINLY NO ARRAIGNMENT.

25 BUT IN ANY EVENT, SHE HASN'T AUTHORIZED YOU
26 TO ACT FOR HER IN THE CONTEMPT PROCEEDING, SO I
27 DON'T SEE HOW I CAN DEAL WITH IT.

28 HERE'S WHAT I DID AND HERE'S WHY. SHE'S

1 NOT A BAD LADY; NOT IN MY JUDGMENT. BUT SHE'S
2 TERRIBLY CONFUSED, IF NOT ILL. I MEAN, IF IT WERE
3 ME, OR YOU, I SUSPECT, AND SOMEONE SAID, "LOOK, STOP
4 DOING THAT, THE JURY HAS DECIDED IT WAS WRONG, THE
5 APPELLATE COURT AGREED WITH THEM, ANOTHER, A NEW
6 JUDGE LOOKED AND SAID, LOOK, I'VE GOT TO UPHOLD THE
7 FINALITY OF THE RULING IN ANOTHER COURT, SO DON'T DO
8 IT," ALL SHE HAS TO DO IS STOP DOING IT.

9 I KNOW THAT'S NOT SOMETHING SHE'S PREPARED
10 TO DO. AND YET SHE CAME HERE, I THINK IT WAS 01:55PM
11 YESTERDAY, AND TRIED TO CONVINC ME NOT TO GO
12 FORWARD TODAY. NO BASIS FOR ME TO NOT GO FORWARD
13 TODAY. I MUST.

14 I HAVE SEEN AND HEARD FROM THE VERY
15 BEGINNING, IF THIS WERE A TRUE CRIMINAL CASE, PEOPLE
16 VERSUS, I WOULD BE ORDERING HER DOWN TO THE
17 PSYCHIATRIC UNIT FOR AN EXAMINATION, NOT THAT SHE
18 NEEDS INSTITUTIONALIZATION OR ANYTHING LIKE THAT,
19 BUT IF SHE'S NOT COMPETENT TO GO FORWARD IN THESE
20 PROCEEDINGS, SHE HAS A RIGHT TO SAY THAT AND HAVE 01:56PM
21 SOMEONE SAY IT FOR HER.

22 IT'S VERY TROUBLING, THE WHOLE THING IS
23 VERY TROUBLING. SHE'S RIGHT. I READ PART OF HER
24 PAPERS WHERE SHE SAID JUDGE NUGENT DOESN'T SEEM TO
25 WANT TO GO FORWARD. WELL, ON A PERSONAL LEVEL, I
26 THINK SHE'S RIGHT. ON A PROFESSIONAL LEVEL, I HAVE
27 A CHOICE AND I WILL GO FORWARD AND I WILL REACH
28 WHATEVER CONCLUSIONS THE RECORD THAT WE CREATE HERE

1 THIS AFTERNOON REQUIRES.

2 I'M TELLING YOU IF YOU HAVE ANY INFLUENCE
3 WITH HER, I WOULD DO ANYTHING I COULD TO GET HER
4 EXAMINED, IF I CAN, BY THE PSYCHIATRIC UNIT
5 DOWNTOWN. I WAS PREPARED TO SEE IF I COULD GET THAT
6 DONE TODAY. AND, YOU KNOW, PEOPLE AREN'T SUPPOSED
7 TO PARTICIPATE IN CRIMINAL PROCEEDINGS IF THEY'RE
8 INCOMPETENT, AND HER COMPETENCE, IN MY MIND, IS A
9 SERIOUS QUESTION.

10 MS. SANG: I, TOO, HAVE GIVEN THOUGHT TO THIS 01:57PM
11 VERY ISSUE, YOUR HONOR. AND COUNSEL AND I WERE
12 DISCUSSING IT BEFORE THIS HEARING.

13 WHAT I AM -- AS A CRIMINAL ATTORNEY, THE
14 MECHANISMS THAT I USUALLY USE IN SITUATIONS LIKE
15 THIS IS A 1368.

16 THE COURT: 1368. I KNOW IT WELL.

17 MS. SANG: IT'S REALLY THE ONLY THING THAT I
18 BELIEVE WE HAVE AT OUR DISPOSAL.

19 THE COURT: SHE'S GOT TO BE CHARGED WITH A
20 MISDEMEANOR. I JUST READ THE SECTION. BUT I'M NOT 01:57PM
21 SO SURE THAT WE COULDN'T AT LEAST ATTEMPT TO GET HER
22 EXAMINED. I'VE GOT THE PAPERS. YOU KNOW, IF WE
23 COULD DOCTOR UP AN ORDER AND IF SHE WOULD GO, I'M
24 NOT GOING TO DO THAT IF SHE SAYS YOU PEOPLE ARE THE
25 ONES THAT HAVE THE COMPETENCE ISSUE, AND I'VE HAD A
26 PRO PER CLIENT TELL ME THAT ONCE. AND I CAN'T DO
27 ANYTHING ABOUT THAT.

28 I RESPECT HER AND I RESPECT HER RIGHTS IN

1 EVERY WAY. I JUST HATE TO SEE HER GOING IN THE
2 DIRECTION SHE'S GOING IN WHEN THERE'S SUCH AN EASY
3 ANSWER FOR HER. YOU KNOW, MIGHT BE A LOT OF WAYS TO
4 VOICE HER OPINIONS ABOUT A LOT OF THINGS WITHOUT
5 REPEATING THE DEFAMATORY LANGUAGE THAT HAS BEEN
6 ORDERED WRONG, DON'T DO IT ANYMORE. IT WOULD BE SO
7 EASY, BUT YOU KNOW, YOU KNOW YOU'VE DEALT WITH IT
8 ENOUGH TO KNOW THE PROBLEM.

9 BUT YOU TELL ME. DO YOU THINK SHE WOULD BE
10 WILLING TO BE EXAMINED? 01:58PM

11 MS. SANG: I CERTAINLY COULDN'T GIVE AN OPINION.
12 MY GUESS WOULD BE NO.

13 THE COURT: THAT'S MY GUESS, TOO. OKAY. WELL,
14 IT'S OUT THERE.

15 MS. SANG: NONETHELESS, IT IS CERTAINLY WITHIN
16 THE COURT'S POWER TO ORDER IT. AND --

17 THE COURT: I DON'T KNOW THAT. 1368 IS A
18 DIFFERENT BIRD. THIS ISN'T A 1368 MATTER, IT SEEMS
19 TO ME.

20 MS. SANG: WELL, MY OTHER MISGIVING ABOUT IT IS 01:58PM
21 THAT THE STANDARD FOR 1368 IS SO LOW, I'M NOT --
22 ALMOST ANYONE CAN PASS IT, AS YOU KNOW. SO I'M NOT
23 SURE IT WOULD EVEN BE A SATISFACTORY MECHANISM IN
24 THE END.

25 THE COURT: WHAT -- DOES SHE HAVE ANY, I GATHER
26 SHE DOESN'T, HAVE ANY PSYCHIATRIST, TREATING
27 PSYCHIATRIST OR SOMEONE WHO COULD FURNISH US WITH AN
28 OPINION?

1 WHICH DOESN'T HELP THESE POOR FOLKS AND ALL
2 THEY WANT TO DO IS HAVE THE LAW APPLIED. I'M
3 TREMENDOUSLY EMPATHETIC TO THEIR POSITION. I'M
4 RIGHT IN THE MIDDLE OF A VERY DIFFICULT ONE. I
5 DON'T LIKE THAT. I LIKE TO THINK I CAN GET
6 SOMETHING DONE TO RESOLVE THE CASE THE WAY IT SHOULD
7 BE.

8 I'VE TRIED WITH HER. I REMEMBER THE OTHER
9 CASE WAS WHEN A FELLOW WAS OFF HIS MEDICATION AND I
10 TOLD HIM I WANTED NO PART OF MAKING LIFE MORE 01:59PM
11 MISERABLE FOR HIM THAN IT ALREADY WAS. ALL HE HAD
12 TO DO WAS TAKE HIS MEDICATION. LIKE TALKING TO A
13 WALL. HE WASN'T LISTENING TO THAT. NEVER DID
14 LISTEN. THEY HAD TO FIND HIM GUILTY. HE DID TIME.
15 ANYWAY. TOUGH STUFF.

16 IF YOU CAN THINK OF A WAY TO CREATE THAT
17 DEFENSE, I THINK THAT WOULD BE SOMETHING THAT MIGHT
18 BE INTERESTING. SHORT OF THAT, AND SHORT OF YOUR
19 AUTHORITY TO REALLY PARTICIPATE IN THE PROCEEDINGS
20 AS I GET IT, THEN I THINK WHAT WE'LL DO IS GO 02:00PM
21 FORWARD WITH THE PLAINTIFF.

22 **MR. SCHEUER:** THANK YOU, YOUR HONOR.

23 I HAVE TO ADMIT I'M A LITTLE BIT AT SEA
24 HERE, PROCEDURALLY. I WAS AT SEA HERE BEFORE I GOT
25 HERE THINKING THAT MS. KRAMER WOULD BE HERE. AND
26 THAT'S DOUBLE DOWN NOW.

27 WITH RESPECT TO WHAT YOU WERE JUST SAYING,
28 TRACEY WAS KIND ENOUGH TO CALL ME EARLIER AND WE'VE

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Keith Scheuer, Esq. Cal. Bar No. 82797
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(310) 577-1170
Attorney for Plaintiff
BRUCE J. KELMAN

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

BRUCE J. KELMAN,)
) CASE NO. :
) 37-2010-00061530-CU-DF-NC
Plaintiff,)
)
v.) Assigned for All Purposes to:
) HON. THOMAS P. NUGENT
) DEPARTMENT: N-30
SHARON KRAMER, and DOES 1)
through 20, inclusive,) UNLIMITED CIVIL CASE
)
Defendants.) PLAINTIFF'S EX PARTE
) APPLICATION FOR AN ORDER TO
) SHOW CAUSE RE: CONTEMPT BY
) DEFENDANT SHARON KRAMER;
) DECLARATION OF KEITH SCHEUER

Hearing Date: April 13, 2012
Time: 10:00 a.m.
Department: N-30

Trial Date: None

PLEASE TAKE NOTICE that on April 13, 2012, at 10:00
a.m. or as soon thereafter as the matter may be heard, in
Department N-30 of the above-entitled Court, located at 325
South Melrose, Vista, California 92081, Plaintiff will apply
ex parte for an Order to Show Cause why Defendant Sharon

1 Kramer should not be held in contempt, pursuant to
2 California Code of Civil Procedure § 1209(a)(5), for again
3 violating the preliminary injunction issued by this Court on
4 May 2, 2011. She republished the libel on at least three
5 separate occasions -- March 19, March 27 and April 2, 2012 -
6 - each of which constitutes a separate act of contempt and
7 each of which subjects her to punishment of up to five days
8 in jail and payment of Dr. Kelman's attorney's fees and
9 costs in bringing this motion. C.C.P. § 1218(a).

11 The preliminary injunction prohibits Kramer from
12 republishing the following statement, which was determined
13 to be libelous at the trial of the prior action (San Diego
14 Superior Court case no. GIN 044539):

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

18 On or about March 19, 2012, less than a week after she
19 was released from incarceration for her prior contemptuous
20 conduct, Kramer republished the defamatory portion of her
21 2005 press release that precipitated these two lawsuits.

22 Specifically, on the Internet discussion board of the
23 American Industrial Hygiene Association (hereafter "AIHA"),
24 Kramer wrote:

1 "Jeff, to answer your question of why they let me out
2 early. They had accomplished what they wanted. By
3 Monday afternoon March 12th, the judge had signed the
4 order that I was to be released on March 14th. They
5 left me unlawfully incarcerated for two nights in a
6 dorm setting with tweakers, prostitutes and shoplifters
7 - and they gave me a false criminal record for refusing
8 to be coerced to commit perjury aiding to defraud the
9 public over the mold issue. It is really bad. I would
10 not make these statements if I could not support them
11 with the direct evidence. The linked evidence is at
12 <http://freepdfhosting.com/22464c3748.pdf> and the links
13 within this link. **Be sure to read the links that are**
14 **highlighted.**" (Emphasis added. A copy of Kramer's AIHA
15 posting, including the linked documents, is attached to
16 the accompanying Scheuer declaration as Exhibit 1.)

17 The highlighted links that Kramer urged her readers to
18 "be sure to read" republished the enjoined statement at
19 least 56 times.¹

20 One of the documents that Kramer recommended to her
21 readers is titled, "Appendix of Why Mrs. Kramer Cannot Sign
22 Mr. Kelman's Proposed 'Retraction by Mrs. Kramer' Without
23 Committing Perjury, Defrauding the Public and Aiding to
24 Conceal Judicial Misconduct." This "Appendix" serves as her
25 table of contents to her screed titled "No Retraction by
26 Sharon Kramer," which follows the "Appendix."

27 On page 7 of the "No Retraction by Sharon Kramer," she
28 quotes verbatim the libelous language from her 2005 press
release.

¹ Plaintiff's counsel has denoted the republications of the libel with
markings in the right margin of Exhibit 1.

1 She republished these same materials again on March 27,
2 2012, linking to them at her blog, ContemptofCourtfor.Me, to
3 which her "Appendix" and "No Retraction" are electronically
4 attached as Exhibit 2. She also linked to her blog post on
5 Katy's Exposure, the Yahoo group "sickbuildings" and the
6 Facebook group "Justice for Sharon Kramer." (A copy of the
7 March 27 ContemptofCourtfor.Me posting on is attached hereto
8 as Exhibit 2.)
9

10 On April 2, she again reposted the "Appendix" and "No
11 Retraction" on her ContemptofCourtfor.Me blog. (A copy of
12 the April 2 ContemptofCourtfor.Me blog post is attached
13 hereto as Exhibit 3.)

14 The preliminary injunction is a valid order. Kramer was
15 served with the written preliminary injunction and at all
16 times has had actual knowledge of its existence and terms.
17 Kramer at all times was able to comply with the terms of the
18 preliminary injunction, but she has willfully disobeyed the
19 Court's order and chosen repeatedly to violate the
20 preliminary injunction.
21

22 Kramer represents herself in this action. Her address
23 is 2031 Arborwood Place, Escondido, California 92029. On
24 April 10, 2012, Plaintiff's counsel sent her an email
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notifying her of this ex parte hearing on April 13, 2012 at 10:00 a.m. in this Court, and served her with this ex parte application by FedEx overnight delivery, to be delivered April 11, 2012, the next business day.

Dated: April 10, 2012

Respectfully submitted,
SCHEUER & GILLETT
a professional corporation

By



Keith Scheuer
Attorney for Plaintiff
BRUCE J. KELMAN

1 Kramer at all times was able to comply with the terms of the
2 preliminary injunction, but has willfully and repeatedly
3 disobeyed the Court's order and chosen to violate the
4 preliminary injunction. Kramer has previously been found in
5 contempt for violating the preliminary injunction and as a
6 consequence was incarcerated between March 12 and March 14,
7 2012.
8

9 4. On March 20, 2012, I learned that Kramer had
10 republished the defamatory statement on the Internet
11 discussion board of the American Industrial Hygiene
12 Association (hereafter "AIHA") the previous day. A copy of
13 Kramer's AIHA posting is attached hereto as Exhibit 1. On
14 the second page of that posting, Kramer exhorted the readers
15 of the discussion board to "[b]e sure to read the links that
16 are highlighted." The links she highlighted include at least
17 56 repetitions of the enjoined defamatory statement. Those
18 repetitions of the libel appear primarily in her "Appendix
19 of Why Mrs. Kramer Cannot Sign Mr. Kelman's Proposed
20 'Retraction by Mrs. Kramer' Without Committing Perjury,
21 Defrauding the Public and Aiding to Conceal Judicial
22 Misconduct," which she uses as a table of contents to her
23
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1 "No Retraction by Sharon Kramer," which follows the
2 Appendix.

3 5. On page 7 of the "No Retraction," she quotes
4 verbatim the libelous portion of her 2005 press release.

5 6. She republished these same materials again on March
6 27, 2012, linking to them at her blog,
7 ContemptofCourtfor.Me, to which her "Appendix" and "No
8 Retraction" are electronically attached as Exhibit 2. (A
9 copy of the ContemptofCourtfor.Me posting on March 27 is
10 attached hereto as Exhibit 2.)

11 7. On April 2, she again linked to the "Appendix" and
12 "No Retraction" on her ContemptofCourtfor.Me blog. (A copy
13 of the April 2 ContemptofCourtfor.Me blog post is attached
14 hereto as Exhibit 3.)

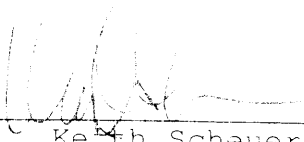
15 8. Kramer represents herself in this action. Her
16 address is 2031 Arborwood Place, Escondido, California
17 92029. On April 10, 2012, at approximately 11:30 a.m., I
18 notified her by email of this ex parte application. (A copy
19 of that notification is attached hereto as Exhibit 4.) On
20 that same date, I sent a copy by FedEx of this Ex Parte

21 //

1 Application to her at her Arborwood Place address, for
2 delivery the next day, April 11, 2012.

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

6 Executed on April 10, 2012 at Marina Del Rey,
7 California.

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9 _____
10 Keith Scheuer

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