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

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

> "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 of the paper issued by ACOEM. He admitted being paid by the Manhattan Institute to write a lay translation...In sum, Kelman and GlobalTox presented sufficient evidence to satisfy a prima facie showing the statement in the press release was false" And on page 20, "The order is affirmed. Kelman is awarded costs on appeal". McConnell, McDonald, Aaron, November 16, 2006.

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

> He admitted the Manhattan Institute, a national political think-tank, paid GlobalTox $40,000 to write a position paper regarding the potential health risks of toxic mold exposure... 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."

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

> "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. We also found there was sufficient evidence to defeat Kramer's claim she was protected by the fair reporting privilege provided to journalists by Civil Code section 47, subdivision (d)(1). Under the doctrine of the law case, these determinations are binding on us and compel us to find there is sufficient evidence to support the jury's determination Kramer libeled Kelman and was not entitled to the fair reporting privilege.
>
> We do not propose to catalogue or to attempt to conjure up all possible circumstances under which the 'unjust decision' exception might validly operate,

but judicial order demands there must at least be demonstrated a manifest misapplication of existing principles resulting in substantial injustice before an appellate court is free to disregard the legal determination made in a prior appellate proceeding."...

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

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

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

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

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

12. Irrefutably evidenced extensively in the court records, but not mentioned in the 2010 Opinion; since September of 2005, Kramer has provided all courts to oversee the litigation with irrefutable proof that Kelman's attorney, Scheuer, willfully and repeatedly suborned Kelman's perjury used to

establish false reason for Kramer's malice; even doing so in his Appellate Reply Brief of September 2009, and the courts *know* it. (Attached hereto collectively as Exhibit 9 is a sampling from the Appellant Appendix of how many times the courts were provided uncontroverted evidence of Kelman's perjury; and the courts being evidenced – again –of the suborning of perjury while being made aware of it causing and aiding this new malicious litigation on January 19, 2011.)

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

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

I am a victim of crime in the California courts that judiciaries have aided for six years by repeatedly pretending they were not undisputedly evidenced of the crimes of perjury and suborning of perjury to try to silence me of a fraud in health policy. The Commission on Judicial Performance has not stopped it. The State Bar has not stopped. The California Supreme Court has not stopped it. The San Diego County District Attorney, Bonnie Dumanis, has not stopped it.

As such, I am now being victimized again by a new malicious prosecution that would gag me of writing of the courts' involvement in aiding insurer fraud by aiding with a malicious litigation carried out by criminal means; of which not only the courts would now benefit from seeing me gagged; but all the California government legal system policing agencies who have turned a blind eye to crime in the courts by author of policy for the US Chamber of Commerce and ACOEM, in incestuous Deliberate Indifference.