

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 In their unpublished anti-SLAPP Opinion of November 2006, made it appear that I had  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

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21 Sharon Kramer, Pro Per  
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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  
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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](http://www.cjp.ca.gov).

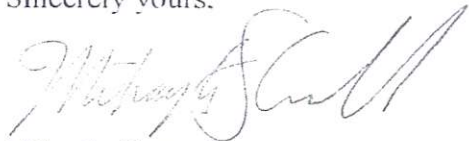
Complaints about the conduct of court staff, such as court clerks, should be directed to the Court Executive Officer of the specific court in which the conduct occurred. A complete list of California's Superior Courts and their contact information can be found online at <http://www.courts.ca.gov/superiorcourts.htm>.

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):  <b>Sharon Kramer</b> 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	
<b>PROOF OF PERSONAL SERVICE—CIVIL</b>	CASE NUMBER: 37-2010-00061530 CU-Df-NC

**(Do not use this Proof of Service to show service of a Summons and Complaint.)**

1. I am over 18 years of age and not a party to this action.
2. 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)).
3. I personally served the following persons at the address, date, and time stated:
  - a. Name: Al Lum, Clerk of Court Dept 30, to be given to Attys Keith Scheuer & Tracey Sang before 1:30 PM
  - b. Address: 325 S. Melrose Dr. Vista, CA 92081
  - c. Date: January 6, 2012
  - d. Time:
  - The persons are listed in the Attachment to Proof of Personal Service—Civil (Persons Served) (form POS-020(P)).
4. I am
  - a.  not a registered California process server.
  - b.  a registered California process server.
  - c.  an employee or independent contractor of a registered California process server.
  - d.  exempt from registration under Business & Professions Code section 22350(b).
5. 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**
6.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
7.  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)