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

8 BRUCE J. KELMAN

9 Plaintiffs,

10 v.

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

13 Defendant.

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

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

Department 30, North County Superior
Court,

The Honorable Judge Thomas Nugent

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

Filed November 4, 2010

Served November 28, 2010

Temporary Injunctive Relief Motion
Hearing, March 25, 2011

22 Defendant's Opposition to Plaintiff's Motion for Temporary Injunctive Relief that Defendant be
23 gagged from writing or referencing the five words for which she was sued "*altering his under*
24 *oath statements*" in Kelman & GlobalTox v. Kramer, GIN044539, D047758, S149090, D054496,
25 S187554 and additional words for which she was never sued; and Memorandum of Points and
26 Authorities.

27 March 4, 2011

28 Sharon Kramer, Pro Per

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THE US CHAMBER OF COMMERCE &
ACOEM)**

14 **Memorandum of Points & Authorities**

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

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

- 19 a.) if one authors medico-legal policy for the ("US Chamber") of Commerce, the courts
20 will reward them for using criminal perjury to establish false, yet libel law needed reason for
21 malice while strategically litigating to silence any citizen who speaks out against the fraud
22 in medico-legal policy of the US Chamber and how it was marketed into public policy and
23 marketed to the courts; and.
- 24 b.) if a California citizen dares to speak the truth of the fraud in US Chamber medico-
25 legal policy; how it got into public health policy via a medical trade organization called the
26

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

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

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

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

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

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

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

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

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

3 4. In the case of Kelman & GlobalTox v Kramer, **McConnell is clearly evidenced to be playing politics**
4 **with the courts on behalf of the interest of the US Chamber of Commerce while victimizing Kramer**
5 **and her First Amendment guranteed right to speak the truth in America. Justice Benke, in a double**
6 **speak opinion in 2010, is clearly evidenced to have covered for McConnell. Now both would benefit**
7 **from seeing Kramer gagged by this lower court for words of which she was never even sued.**
8 MetropolitanNews of McConnell explaining how Democracy is being lost in this courts, without
9 disclosing her first hand knowledge, may be read at:
10 <http://www.metnews.com/articles/2010/foru052410.htm>

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

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

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

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

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

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

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

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

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

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

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

18 March 9, 2005 Oregon City, OR - The case is a first in the Northwest to award personal injury
19 damages to a family exposed to toxic mold in a newly built home. This verdict is significant
20 because it holds construction companies responsible when they negligently build sick
21 buildings.....Dr. Bruce Kelman of GlobalTox, Inc, a Washington based environmental risk
22 management company, testified as an expert witness for the defense, as he does in mold
23 cases throughout the country. Upon viewing documents presented by the Hayne's attorney
24 of Kelman's prior testimony from a case in Arizona, Dr. Kelman altered his under oath
25 statements on the witness stand. He admitted the Manhattan Institute, a national political
26 think-tank, paid GlobalTox \$40,000 to write a position paper regarding the potential health
27 risks of toxic mold exposure. Although much medical research finds otherwise, the
28 controversial piece claims that it is not plausible the types of illnesses experienced by the
 Haynes family and reported by thousands from across the US, could be caused by "toxic
 mold" exposure in homes, schools or office buildings. In 2003, with the involvement of the
 US Chamber of Commerce and ex-developer, US Congressman Gary Miller (R-CA), the
 GlobalTox paper was disseminated to the real estate, mortgage and building industries'
 associations. A version of the Manhattan Institute commissioned piece may also be found as
 a position statement on the website of a United States medical policy-writing body, the
 American College of Occupational and Environmental Medicine.

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

7 11. Impeached many times over and as evidenced at nausea in the court records, the following is
8 criminal perjury by Kelman to establish false yet needed reason for Kramer's purported malice. Not
9 mentioned in the 2006 Opinion or the 2010 Opinion, undisputed evidence in the court records file is
10 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.

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

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

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

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

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

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

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

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

18 He admitted the Manhattan Institute, a national political think-tank, paid GlobalTox
19 \$40,000 to write a position paper regarding the potential health risks of toxic mold
20 exposure... A version of the Manhattan Institute commissioned piece may also be
21 found as a position statement on the website of a United States medical policy-
22 writing body, the American College of Occupational and Environmental Medicine."

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

25 "In our prior opinion, we found sufficient evidence Kramer's Internet post was false
26 and defamatory as well as sufficient evidence the post was published with
27 constitutional malice. We also found there was sufficient evidence to defeat Kramer's
28 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 " However, even though the jury had found that the press release was false and
22 defamatory and libeled KELMAN, and even though Judgment had been entered against
23 her in the action, KRAMER and the other Defendants since the entry of the Judgment
24 have willfully, wrongfully, maliciously and with full knowledge of the Judgment
25 continued to repeat and republish the press release and the statements defaming
26 KELMAN that were found to be libelous in the Action, including but not limited to
27 posting the defamatory statements on the katysexposure.wordpress.com website in or
28 about February 2010 and the AskFamillys.Com website in or about September, 2010"

22 II.

23 AFFIRMATIVE DEFENSES

24 **A. First Affirmative Defense**

25 As and for the affirmative defense the complaint fails to state cause of action against Kramer.
26 It cites many irrelevant documents and makes many false and inflammatory statements and
27 inferences. It seeks to have Kramer gagged from writing "statements" when only five words in
28

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

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

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

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

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

24 *"Although much medical research finds otherwise, the controversial piece claims that it is not*
25 *plausible the types of illnesses experienced by the Haynes family and reported by thousands*
26 *from across the US, could be caused by "toxic mold" exposure in homes, schools or office*
27 *buildings. In 2003, with the involvement of the US Chamber of Commerce and ex-developer, US*
28 *Congressman Gary Miller (R-CA), the GlobalTox paper was disseminated to the real estate,*
mortgage and building industries' associations. A version of the Manhattan Institute
commissioned piece may also be found as a position statement on the website of a United
States medical policy-writing body, the American College of Occupational and Environmental
Medicine"

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

4 **B. Second Affirmative Defense**

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

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

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

22 Much of the information that "they" are trying to decieve this court by making false inflammatory
23 claims and "they" would like to see taken off of the Internet is on Katy's Exposure Blog out of Texas
24 and dated April 30, 2010. It is titled ("TRUTH OUT") *Sharon Kramer Letter To Andrew Saxon MOLD*
25 *ISSUE*". It can and should be read online by this court to understand what it is "they" want silenced by
26 this malicious injunctive relief motion. It may be read at:
27 [http://katysexposure.wordpress.com/2010/04/30/truth-out-sharon-kramer-letter-to-andrew-saxon-](http://katysexposure.wordpress.com/2010/04/30/truth-out-sharon-kramer-letter-to-andrew-saxon-mold-issue/)
28 [mold-issue/](http://katysexposure.wordpress.com/2010/04/30/truth-out-sharon-kramer-letter-to-andrew-saxon-mold-issue/).

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

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

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

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

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

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

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

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

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

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

1 **C. Third Affirmative Defense**

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

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

20 **D. Fourth Affirmative Defense**

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

1 **E.. Fifth Affirmative Defense**

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

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

10 **F. Sixth Affirmative Defense**

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

20 **G. Seventh Affirmative Defense**

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

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

7 **H Eighth Affirmative Defense**

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

18 **I. Ninth Affirmative Defense**

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

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

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

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

12 **J. Tenth Affirmative Defense**

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

23 **K. Eleventh Affirmative Defense**

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

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

6 **L. Twelfth Affirmative Defense**

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

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

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

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

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

16 March 4, 2011

17 _____
18 Sharon Kramer, Pro Per

DECLARATION OF SHARON KRAMER, PRO PER

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

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

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

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

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

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

March 4, 2011

Sharon Kramer, Pro Per