

1 **SHARON NOONAN KRAMER, PRO PER**

2 2031 Arborwood Place
3 Escondido, CA 92029
4 (760) 746-8026
5 (760) 746-7540 Fax

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

8 **BRUCE J. KELMAN,**

9 **Plaintiff**

10 **v.**

11 **SHARON KRAMER,**

12 **Defendant.**

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

DEPARTMENT 30
THE HONORABLE THOMAS
NUGENT PRESIDING

[PROPOSED] NO PRELIMINARY
INJUNCTION & Acknowledgment of
Plaintiff Submission Of Fake Judgment
Document To This Court

Hearing Date: April 1, 2011
Time: 1:30
Department: N-30

14 This matter came on regularly for hearing on April 1, 2011, in the Department N-30 of the above
15 Court, the Honorable Thomas P. Nugent, Judge presiding. Keith Scheuer, Esq. of Scheuer & Gillett
16 appeared on behalf of Plaintiff Bruce J. Kelman. Defendant Sharon Kramer appeared on her own
17 behalf. The court rendered an order stating that Kramer be enjoined from:

18 **“republishing the statement that has been determined at trial to be defamatory. That**
19 **statement is: ‘Dr. Kelman altered his under oath statements on the witness stand**
20 **while he testified as a witness in an Oregon lawsuit.” (Order issued April 5, 2011)**

21 Kramer Is Being Enjoined From Republishing A Sentence She Never Published

22 Kramer has never published the sentence, “Dr. Kelman altered his under oath statements on the
23 witness stand while he testified as a witness in an Oregon trial.” Plaintiff Counsel fabricated this
24 sentence in his Proposed Judgment (page 2) submitted to the courts in September of 2008, and re-
25 submitted to *this court* on November 4, 2010. (Fake Judgment Document, attached hereto)

26 As evidenced by the COMPLAINT of May 2005, Kramer was only sued for five words with the sole
27 claim of the case being that the five words only were a malicious allegation of perjury. The five words
28 are,

1 “altered his under oath statements” as used in the sentence, “Upon viewing documents
2 presented by the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr.
3 Kelman altered his under oath statements on the witness stand.”

4 Fraudulent Document Submitted to This Court of a Judgment Never Entered Is Cheating Kramer of
5 Money Due

6 The Appellate Opinion of 9/13/10 states as its first sentence:

7 “In this defamation case, Sharon Kramer appeals from a judgment entered on a jury
8 verdict finding she libeled Bruce Kelman. The jury awarded Kelman nominal damages
9 of one dollar and the trial court awarded Kelman \$7,252.65 in costs. [in a ruling of
10 12/12/08] The jury found that Kramer did not libel GlobalTox and judgment against
11 GlobalTox was entered. The trial court awarded Kramer \$2,545.28 in costs against
12 GlobalTox. [in a ruling of 04/03/09]”

13 Plaintiff Counsel submitted a fraudulent document to this court on 11/04/10, of a judgment never
14 entered or noticed after amended rulings of Oral Argument of 12/12/08. The fake judgment document
15 in Kelman & GlobalTox v. Kramer submitted as a valid judgment to *this court* by Plaintiff Council is not
16 found in the court records file after ruling modifications of 12/12/08. It was not noticed to the either
17 party as ever being entered as a judgment. Oddly there is a judgment noted as entered 12/18/08 in
18 the court computer system, but nowhere else. On 1/07/09, North San Diego County Presiding Judge
19 Pressman claimed to have lost of jurisdiction and be unable to hear Kramer's timely filed motion for
20 reconsideration, based on a purported entry of judgment dated 12/18/08.

21 The false document submitted to this court by Plaintiff Counsel with the notation of “mgarland
22 12/18/08” (third page) was mailed from the court to Kramer on 1/09/09. It was attached to a “yellow
23 post it notice of entry”. This mailing of a fraudulent document from the court to Kramer occurred after
24 Kramer questioned the clerk of the court, Michael Garland, on 1/8/09, as to why there was no
25 judgment in the court record file and she received no notice of any such judgment entered. What
26 triggered this question and caused Kramer to physically go to the Vista court was that on 1/07/09, she
27 had received a denial by the presiding judge to hear a motion for reconsideration based on a
28 purported entry of judgment on 12/18/08 causing him to lose jurisdiction.

1 Kramer is the only one who had this document marked "mgarland 12/18/08" as mailed to her on
2 1/09/09. There is no record of it in the court files. There no evidence of a Notice of Entry of the
3 document. As such, the document Plaintiff Counsel submitted to this court as a valid prior judgment
4 appears to have been copied from Kramer's Appellate Appendix.

5 Requested on 12/17/10 in *this litigation* for production of the document and its Notice of Entry;
6 Plaintiff Council was unable to produce any valid Notice of Entry for the fraudulent document, fake
7 judgment, that he submitted to this court on 11/04/10.

8 12/17/10 Defendant Request to Plaintiff for Production of Documents # 32, "**The purported
9 judgment entered on December 18, 2008 and accompanying Notice of Entry of
10 Judgment as mailed to you from the San Diego Superior Court in Kelman and
11 GlobalTox v. Kramer**".

12 -----
13 1/14/11 Plaintiff's Response to Defendant's First Request for Production of Documents #
14 32, "**Plaintiff objects to this Request on the grounds that it is vague, ambiguous and
15 incomprehensible, and that, to the extent it can be understood, seeks information to
16 the subject matter of this action and not calculated to lead to discovery of admissible
17 evidence.**"

18 To be clear, the 9/24/08 dated judgment awarding cost only to Kelman containing the false
19 statement for which Kramer was never sued, was submitted to *this court* on 11/04/10 by Plaintiff
20 Counsel as the final judgment in the litigation of Kelman & GlobalTox v. Kramer. Should this court
21 issue a temporary injunctive relief based on the fraudulent document, it will be ratifying a non-existent
22 judgment and will be awarding costs only to Kelman of \$7,252.65; while cheating Kramer out of the
23 \$2,545.28 she was awarded by a ruling of 4/03/09 as the prevailing party over GlobalTox, Inc.

24 There is no valid judgment that was ever entered from which this motion for injunctive relief may
25 even be legally made. Plaintiff is willfully misleading this court to cheat Kramer of money, to ratify a
26 fake judgment awarding costs only to him, and to trick this court to issue an Order enjoining Kramer of
27 republishing words she has never published in the first place, based on a fraudulent document he
28 submitted to this court on 11/04/10.

1 This Order is Relying on Prior Improvidently Entered Orders Founded On Plaintiff Perjury

2 Kelman provided this court with no evidence that Kramer has ever untruthfully republished the only
3 five words for which she was sued, “altered his under oath statements”; or not disclosed they are the
4 subject of a law suit which is a matter of public record. Kramer has a right under the First Amendment
5 of Constitution to truthfully discuss and evidence errors of the case that have financially crippled her
6 family and aided a fraud to continue in public health policy and the courts.

7 For six years, including in trial, there was no evidence ever presented of Kramer even once being
8 impeached as to her subjective belief that Kelman “altered is under oath statements” by trying to say
9 the political and sectarian US Chamber mold paper was not connected to purportedly unbiased
10 science of the workers comp physician association, ACOEM; while having to admit they were closely
11 tied after a prior testimony of his from another case in Arizona was permitted into the Oregon trial over
12 Kelman’s and the defense counsel’s objections.

13 i.e., Once forced to discuss, Kelman described their relationship **alternately as “lay
14 translation” to “two different activities” and flipping back to “translation”.**

15 This judge is the eleventh judiciary, not including Ca Supreme Court justices, to have overseen this
16 libel litigation and to have been provided with the irrefutable evidence that Kelman committed perjury
17 in the underlying libel litigation to establish needed reason for Kramer to purportedly harbor malice for
18 him, based on a testimony he is evidenced by uncontroverted evidence to have never even given in
19 Kramer’s mold litigation with her insurer, Mercury Casualty, of long ago,

20 i.e. Perjury in the libel litigation of Kelman & GlobalTox v. Kramer as reason for malice: “**I
21 testified the types and amounts of mold in the Kramer house could not have caused
22 the life threatening illnesses she claimed**”. [in Kramer’s litigation with her homeowner’s
23 insurer, Mercury Casualty, 2003]

24 This court is the seventh court not including the California Supreme Court_ to have been provided
25 with the uncontroverted evidence that Plaintiff Counsel willfully and repeatedly suborned Kelman’s
26 perjury for six years to establish false yet needed reason for malice,

27 i.e., Suborning of Perjury as reason for malice: “**Dr. Kelman testified in a deposition [in
28 Mercury v. Kramer, 2003] that the type and amount of mold in the Kramer house could
not have caused the life threatening illnesses that Kramer claimed Apparently furious**

1 **that the science conflicted with her dreams of a remodeled home, Kramer launched**
2 **into an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox”.**

3 All prior courts ignored Kramer’s irrefutable evidence of Kelman’s perjury and Plaintiff Counsel’s
4 suborning of Kelman’s perjury while piling onto the errors of prior errors of prior courts’ improvidently
5 entered orders that also relied on and rewarded the use of perjury and suborning of perjury -- to
6 establish needed reason for malice in a strategic litigation over a matter adversely impacting public
7 health and involving billions of dollars.

8 This has left Kramer the victim who has repeatedly been victimized again by each new court to
9 oversee this litigation relying on prior improvidently entered orders which is repeatedly rewarding the
10 malicious crimes of perjury and suborning of perjury. This has occurred over a writing in which Kramer
11 was the first to publicly expose the deceit behind the false claim that it had been scientifically proven
12 moldy buildings do not harm, involving Kelman, the US Chamber of Commerce, a workers comp
13 physician trade association, ACOEM, and many others.

14 While lower courts may have done this in error, the evidence is undeniable that the Fourth District
15 Division One Appellate Court Justices of McConnell, Huffman and Benke have been willing, active
16 participants in a malicious litigation carried out by criminal means; even going out of their way to put a
17 false “cyberstalking” slur of Kramer on their state funded web site 10/13/10 & adding the charge of a
18 false accusation of bribery into the unpublished opinion of 9/13/10 to character assassinate and CYA.

19 The accusation of bribery was never a claim even made by Kelman.

20 If this injunctive relief motion is granted, Kramer will be victimized again by one more court making
21 a ruling while relying on prior improvidently entered orders that rewarded criminal perjury and
22 suborning of criminal perjury as a foundation for the rulings and opinions. It has cost Kramer and her
23 husband everything they own to defend the truth of her words for the public good, while the Appellate
24 Court is clearly evidence to have been practicing politics, not law, favorable to the interests of the US
25 Chamber of Commerce.

26 The Granting Of An Injunction Order Aids To Conceal Politics In the Appellate Court

27 The granting of a temporary injunctive relief, based on false plaintiff statements and phoney
28 documents would further wrongfully disparage Kramer’s credibility and the validity of her truthful
words of a fraud in science adversely impacting US public health policy as she first wrote of in March

1 of 2005. It would further promote the false concept that Kramer accused Kelman of lying about being
2 paid to write a medical association paper, ACOEM's, as wrongfully and willfully promoted by the
3 unpublished opinions issued from Fourth District Division One Appellate Court in November of 2006
4 and September of 2010 while being fully aware of their "error".

5 The proof is in black and white in Kramer's writing of what the Appellate Court has willfully done.
6 Kramer's writing is 100% accurate that the exchange of think-tank money was for the US Chamber of
7 Commerce's paper. The Appellate Court willfully made it appear that Kramer's sentence, "He admitted
8 the Manhattan Institute paid GlobalTox \$40,000 to write a position paper of the health effects of 'toxic
9 mold", was a false accusation of money changing hands for the ACOEM medical association version.
10 As accurately stated in Kramer's writing, ACOEM's was a "version of the Manhattan Institute
11 commissioned piece".

12 It was no benign action that this above noted truthful sentence of how the US Chamber and a think-
13 tank got their fingers in the mold issue is the sentence Plaintiff attempted to have Kramer gagged from
14 ever writing again by this injunctive relief motion. Kramer's inability to write that sentence would aid to
15 conceal the deceit of the US Chamber et al, and what the Fourth District justices did to aid with a
16 malicious litigation carried out by criminal means in order to deem a whistle blower to be a "malicious
17 liar".

18 First Judge To Acknowledge Irrefutable Evidence Of Plaintiff Perjury To Establish Malice Stops Fraud
19 In Policy and the Courts

20 Many lives will be saved by the first judge, who acknowledges the irrefutable evidence that an
21 author of medico-legal policy for the US Chamber of Commerce, Kelman, used criminal perjury in a
22 libel litigation to establish needed reason for malice while strategically litigating to silence a whistle
23 blower, Kramer. And that he and his "legal" counsel are now attempting to benefit from prior
24 improvidently entered orders obtained by ill gotten means. This saving of lives will occur by the
25 exposing of the US Chamber author's criminality while litigating, which will also serve to rightfully
26 discredit the scientific fraud that is used in US courts to deny liability for causation of illness and
27 sometimes even death.

28 What will also occur is the restoring of integrity to the California judicial hierarchy by the
acknowledgment of the irrefutable evidence that Justice Judith McConnell, Chair of the California
Commission on Judicial Performance, and Justice Richard Huffman, ex-Chair of the Executive

1 Committee of the Judicial Council, have been willing participants in a malicious litigation carried out by
2 criminal means and have rewarded an author of policy for the US Chamber of Commerce, Kelman, for
3 his use of criminal perjury to establish needed reason for malice in their unpublished opinions issued
4 in November of 2006 and September of 2010, respectively. (The trial judge framed the scope of the
5 trial on the November 2006, anti-SLAPP opinion. "Won't upset them if I follow their guidance", she
6 stated on August 18, 2008.)

7 To grant an injunctive relief would aid to conceal this very serious breach of judicial ethics by two
8 of the most influential justices in the state of California, that are adverse to the public's best interest
9 and adverse to democracy itself.

10 One Honest, Diligent Judge

11 One judge acknowledging Kramer's undeniable evidence of prior improvidently entered orders
12 that ignored the undeniable evidence that Kelman's sentence "I testified the types and amounts of
13 mold in the Kramer house could not have caused the life threatening illnesses she claimed" is criminal
14 perjury used to establish false reason for malice while strategically litigating; will stop the fraud in
15 health policy, in the courts and in agencies that control the courts.

16 **ONE JUDGE issuing an order acknowledging the defendant's irrefutable**
17 **evidence presented to him of the plaintiff's criminal perjury used to establish**
18 **false reason for malice while strategically litigating and now trying to conceal**
19 **crimes by an injunctive relief motion in this judge's court, will forever change**
20 **the world and the California judicial system for the better..**

21 It is as simple as that to **instantly** save the lives of many and restore integrity to California's
22 judicial hierarchy that is out of control. To not acknowledge the irrefutable evidence of prior
23 improvidently entered orders, would be aiding with the continuance of billions of dollars of fraud,
24 advantageous to the affiliates of the US Chamber of Commerce and aiding with the demise of
25 Democracy in the California judicial system.

26 As such, no preliminary injunctive relief is granted. This court reserves jurisdiction to modify this
27 injunction as the ends of justice may require.

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Judge of the Superior Court

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