# REQUEST FOR ORAL ARGUMENT

SUBMITTED BY FASCIMILE TO:

Ms. Rita Rodiguez, Deputy Clerk
Court of Appeal
Fourth Appellate District
Division One
750 B Street, Suite 300
San Diego, CA 92101
Fax: (619) 645-2495

APPELLATE COURT CASE NO. D054496
SUPERIOR COURT CASE NO. GIN044539

Bruce J. Kelman ("Respondent") v. Sharon Kramer ("Appellant")

1. Attorney Responding:

Sharon Kramer, Appellant in Properia Persona,
2031 Arborwood Place,
Escondido, CA 92029
Fax No. 760-746-7540

Party Represented:

Sharon Kramer

2. Time requested (limited to 15 minutes unless the court grants a timely request for additional time (Misc. Order No. 021505)):

Appellant respectfully requests 30 minutes for oral argument under California Rules of the Court, Rule 8.256(c)(2) which states, *"Each side is allowed 30 minutes for argument...."*.

This time is required because the San Diego courts, to date, have not grasped that Appellant's purportedly libelous writing of March, 2005, in relation to Respondent's expert witnessing for the defense in toxic torts is more involved than just the phrase "altered his under oath statements".

Appellant's writing was the first – but not the last – to publicly write of a deception in science over the mold issue; how it marketed its way into United States health policy for the purpose of influencing judicial decision makers; and who was involved in the marketing scheme.

Appellant was not permitted to explain this to the jury and how the marketing wrongfully legitimizes Respondent's and others' expert witnessing testimonies when serving the interest of financial stakeholders of moldy buildings in mold litigation. Appellant needs this Court to understand the matter for this Court to understand the contextual meaning of the phrase "altered his under oath statements."

The sophisticated marketing trail behind a simple deceit in science is what Respondent was attempting to hide from the Oregon jury on Februray 18, 2005, by trying to say two controversial policy papers over the mold issue were not connected, but having to simultaneously admit they were.

Simply put, Respondent and his business partner applied math to data that they borrowed from someone else's rat study and professed to scientifically prove that all claims of human mold toxin induced illnesses were simply a result of "trial lawyers", "media" and "Junk Science".

A medical association with a dubious history of being in service to industry – the American College of Occupational and Environmental Medicine; a conservative think tank - Manhattan Institute Center for Legal Policy; and the world's most powerful business lobbying group - the United States Chamber of Commerce and its Institute for Legal Reform; created an elaborate marketing scheme based on the unscientific nonsense for the express purpose of influencing judicial rulings favorably to financial stakeholders of moldy buildings.

The situation is quite similar to that used by Big Tobacco in the RICO litigation of United States of America v. Phillip Morris et al. (2004) Civil Action No. 99-2496, United States District Court District of Columbia. The Big Tobacco RICO involves some of the same entities and organizations involved in the mold marketing scheme, including Respondent.

Appellant, who holds a degree in the science of marketing, estimates it will take her approximately fifteen minutes to explain the marketing scheme and the roles of the parties involved to this Court.

The other 15 minutes are needed to argue the trial court's and other courts' abuses of judicial discretions culminating in a wrongful denial of Appellant's Motion for Judgment Not Withstanding the Verdict.

3. Thrust of the argument:

Appellant wants her half a million (plus) dollars back that this litigation has cost her in attorney fees and costs from this Court leaving

Appellant bare from protection of Respondent's retribution and attempts to coerce Appellant into silence.

Appellant wants her good name cleared from being falsely labeled a malicious liar by the San Diego courts - for the exact speech that has helped to change U.S. public health policy of the good of United States citizens.

Appellant is a real estate agent by profession who cannot financially afford to be falsely labeled a liar caused by errors the San Diego courts.

There have been egregious abuses of judicial discretions by the San Diego Courts in this litigation, not just by the trial judge. A California licensed attorney has repeatedly suborned his client's perjury to create false reason for Appellant to purportedly harbor malice for Respondent. All courts ignored Appellant's uncontroverted evidence of Respondent's perjury on the issue of malice when making seven key rulings in this litigation:

A. October 2005, denial of Appellant's C.C.P. 425.16 anti-SLAPP Motion.

B. November 2006, this Courts' affirmation of the anti-SLAPP Motion denial.

C. June 2008, denial of Appellant's Motion for Summary Judgment

D & E.. December 2008, denial of Appellant's Motion for Judgment Notwithstanding the Verdict and Motion for New Trial

F. January 2008, denial of Appellant's Motion for Reconsideration based solely on a purported entry of judgment date of "12/18/08"

that there is no record of existence in the North Country records file.

G. April 2009, denial of Appellant's Motion for Costs and Attorney Fees.

All courts were informed by Appellant's uncontroverted evidence when denying the above seven motions that Respondent was committing perjury on the issue of malice while, amazingly, his purported sole cause of this litigation is that Appellant falsely accused Respondent of being one who would commit perjury, when she had not.

Respondent has not been able to provide evidence that Appellant was ever impeached as to the subjective belief of her words "altered his under oath statements" in trial or any other time in the past four years.

Respondent has not been able to provide the court with one single piece of evidence of Appellant even uttering a harsh personal word of Respondent, Bruce Kelman, before she authored her Press Release in 2005 with purported actual malice stemming from purported personal malice.

To speak out of a deception in U.S. public health policy in which Respondent happens to be involved is not evidence of personal malice for Respondent. It is a right of all United States citizens that the courts are to protect from being chilled by the retribution of strategic litigation.

Instead, the San Diego courts twisted Appellant's successful advocacy work and her attempts to inform the San Diego courts via her declarations of the marketing of a scientific fraud that was adversely impacting United States citizens, into evidence of personal malice for Respondent.

In four years time, Respondent has never even been able to state what Appellant supposedly accused him of perjuring himself of with the use of her phrase “altered his under oath statements”. But Appellant, on the other hand, can cite to the exact words of Respondent’s on February 18, 2005, in black and white, that Appellant considers to be obfuscating and altering under oath statements. The primary ones are: “lay translations” to “two different papers, two different activities” and back to “translation”.

(“Counsel”) Keith Scheur, bamboozled the courts by applying the words of Calvin ‘Kelly’ (“Vance”) when questioning Respondent on February 18, 2005, to falsely imply that Appellant accused Respondent of lying about being paid by a think-tank to author a medical association paper.

Appellant did not accuse Respondent of lying about being paid by a think-tank to author a medical association paper. Appellant did not fail to investigate. Appellant’s Press Release is 100% accurate that there were two policy papers involved. Appellant’s Press Release is 100% accurate about who paid whom for what. IF one read the Press Release in its entirety, they would easily see this.

Counsel submitted costs for his losing client, GlobalTox. His prevailing client, Bruce Kelman, was awarded the costs for a party, GlobalTox, that Appellant prevailed over in the jury trial. Bruce Kelman has placed an interest accruing lien on Sharon Kramer’s home for costs Bruce Kelman should not have been awarded in the first place.

Appellant has a ruling of April 3, 2009, that she is entitled to costs as the prevailing party over GlobalTox, but no judgment to this effect.

Appellant does not even have a judgment recognizing that the jury found her to be the undisputed prevailing party over GlobalTox.

Four lower court judges oversaw this case within eight months time from early August 2008 to early April 2009. Each made rulings based on prior courts' rulings while stating they could do nothing about prior courts' errors in rulings. By doing so, each court simply parlayed on the errors of the prior courts.

This would include the trial judge, who came into the case days before trial and erroneously framed the scope of the trial on this Court's C.C.P. 425.16 ruling that was made while refusing to take notice of Appellant's uncontroverted evidence of Respondent's perjury on the issue of malice.

Counsel encouraged this in the trial judge being fully aware that he had defeated Appellant's anti-SLAPP motion through the use of perjury on the issue of malice.

This caused Appellant to be unable to add the needed contextual meaning to her words "altered his under oath statements" for the jury to hear by the wrongful exclusion of evidence and experts. Respondent's fraudulent expert witnessing and the marketing that supports it – that were the underlying subject of the last two paragraphs of Apppellant's Press Release – were not permitted to be discussed in front of the jury. In other words, Appellant could not even discuss what she was writing of for the jury to hear.

Judicial perception bias as to the knowledge, integrity, mental stability and motivations of the parties to this litigation have pervaded this case. If

a matter was easy to understand and there were no perception biases to overcome, it would not take a Whistleblower to loudly blow a whistle.

4. Settlement pending: NO

5. A Proof of Service To Opposing Counsel Attached

Appellant fax files this request for oral argument in accordance to Fax Filing Pilot Project of the website http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv1/

Dated: October 13, 2009 _____

Sharon Kramer, Appellant Pro Per