

1 VISTA, CALIFORNIA, FRIDAY, 1-6-2012; 1:30 P.M.

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3 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT.)

4 THE COURT: KELMAN VERSUS KRAMER.

5 MR. SCHEUER: GOOD AFTERNOON, YOUR HONOR. KEITH
6 SCHEUER FOR PLAINTIFF.

7 THE COURT: YES, SIR.

8 MS. SANG: GOOD AFTERNOON, YOUR HONOR. TRACEY
9 SANG APPOINTED BY THE COURT TO REPRESENT MS. KRAMER.
10 SHE HAS NOT ACCEPTED MY REPRESENTATION UP UNTIL NOW. 01:52PM

11 THE COURT: WELL, SHE HASN'T ACCEPTED IT NOW
12 UNLESS YOU GOT A PHONE CALL.

13 MS. SANG: I DID GET A PHONE CALL FROM HER.

14 THE COURT: WHEN?

15 MS. SANG: I HAVE SPOKEN TO HER TODAY.

16 THE COURT: GOOD. AND?

17 MS. SANG: AND SHE HAS GIVEN ME VERY LIMITED
18 SCOPE INSTRUCTIONS.

19 THE COURT: WELL, THAT'S NOT REPRESENTING. I'M
20 LOOKING AT A DECLARATION IF YOU HAVEN'T SEEN IT. 01:53PM

21 MS. SANG: I ONLY JUST SAW IT AS I ENTERED THE
22 COURTROOM.

23 THE COURT: IT SAYS -- YOU CAN SAY WHAT YOU WISH
24 AND I'M NOT GOING TO STOP YOU FROM THAT. I WANT YOU
25 TO KNOW THAT.

26 BUT SHE VERY EXPLICITLY SAYS THAT "I DO NOT
27 AUTHORIZE HER TO SPEAK ON MY BEHALF AT A
28 CONTEMPT-OF-COURT HEARING SHOULD THIS COURT CHOOSE

1 TO PROCEED." AND THIS COURT WOULD CHOOSE TO
2 PROCEED.

3 MS. SANG: THAT IS CORRECT. IT HAS SIMPLY COME
4 TO MY ATTENTION THAT MS. KRAMER WAS NEVER FORMALLY
5 ARRAIGNED ON THIS CONTEMPT CHARGE.

6 THE COURT: SHE WAS SERVED WITH THE PAPERS AND,
7 MORE IMPORTANTLY, SHE FILED HER OWN APPEARANCE,
8 WHICH IS THE EQUIVALENT OF A GENERAL APPEARANCE. I
9 THINK IT WAS DECEMBER 23RD WHEN WE GOT THE FIRST OF
10 THE STACK THAT WE HAD. I'M GOING TO ASK YOU A 01:54PM
11 QUESTION IN A MINUTE THAT WILL TELL YOU WHERE I'M
12 REALLY COMING FROM AND WHY YOU'RE HERE.

13 MR. SCHEUER: EXCUSE ME, YOUR HONOR. MAY I BE
14 SEATED?

15 THE COURT: OF COURSE. BOTH OF YOU CAN. BE
16 COMFORTABLE.

17 BUT ALL OF THESE DOCUMENTS SAY THE SAME
18 THING, SOME OF THEM SAY YOU DON'T HAVE JURISDICTION,
19 AND I'M SAYING IT'S NOT MY UNDERSTANDING OF THE LAW.
20 ONCE YOU PARTICIPATE IN A PROCEEDING BY WAY OF 01:54PM
21 APPEARANCE, AS INDICATED BY THIS ENORMOUS SET OF
22 DOCUMENTS FILED DECEMBER 23RD, YOU'RE IN. AND NO
23 FURTHER ACTIVITY IS REQUIRED BY THE COURT AND
24 CERTAINLY NO ARRAIGNMENT.

25 BUT IN ANY EVENT, SHE HASN'T AUTHORIZED YOU
26 TO ACT FOR HER IN THE CONTEMPT PROCEEDING, SO I
27 DON'T SEE HOW I CAN DEAL WITH IT.

28 HERE'S WHAT I DID AND HERE'S WHY. SHE'S

1 NOT A BAD LADY; NOT IN MY JUDGMENT. BUT SHE'S
2 TERRIBLY CONFUSED, IF NOT ILL. I MEAN, IF IT WERE
3 ME, OR YOU, I SUSPECT, AND SOMEONE SAID, "LOOK, STOP
4 DOING THAT, THE JURY HAS DECIDED IT WAS WRONG, THE
5 APPELLATE COURT AGREED WITH THEM, ANOTHER, A NEW
6 JUDGE LOOKED AND SAID, LOOK, I'VE GOT TO UPHOLD THE
7 FINALITY OF THE RULING IN ANOTHER COURT, SO DON'T DO
8 IT," ALL SHE HAS TO DO IS STOP DOING IT.

9 I KNOW THAT'S NOT SOMETHING SHE'S PREPARED
10 TO DO. AND YET SHE CAME HERE, I THINK IT WAS 01:55PM
11 YESTERDAY, AND TRIED TO CONVINC ME NOT TO GO
12 FORWARD TODAY. NO BASIS FOR ME TO NOT GO FORWARD
13 TODAY. I MUST.

14 I HAVE SEEN AND HEARD FROM THE VERY
15 BEGINNING, IF THIS WERE A TRUE CRIMINAL CASE, PEOPLE
16 VERSUS, I WOULD BE ORDERING HER DOWN TO THE
17 PSYCHIATRIC UNIT FOR AN EXAMINATION, NOT THAT SHE
18 NEEDS INSTITUTIONALIZATION OR ANYTHING LIKE THAT,
19 BUT IF SHE'S NOT COMPETENT TO GO FORWARD IN THESE
20 PROCEEDINGS, SHE HAS A RIGHT TO SAY THAT AND HAVE 01:56PM
21 SOMEONE SAY IT FOR HER.

22 IT'S VERY TROUBLING, THE WHOLE THING IS
23 VERY TROUBLING. SHE'S RIGHT. I READ PART OF HER
24 PAPERS WHERE SHE SAID JUDGE NUGENT DOESN'T SEEM TO
25 WANT TO GO FORWARD. WELL, ON A PERSONAL LEVEL, I
26 THINK SHE'S RIGHT. ON A PROFESSIONAL LEVEL, I HAVE
27 A CHOICE AND I WILL GO FORWARD AND I WILL REACH
28 WHATEVER CONCLUSIONS THE RECORD THAT WE CREATE HERE

1 THIS AFTERNOON REQUIRES.

2 I'M TELLING YOU IF YOU HAVE ANY INFLUENCE
3 WITH HER, I WOULD DO ANYTHING I COULD TO GET HER
4 EXAMINED, IF I CAN, BY THE PSYCHIATRIC UNIT
5 DOWNTOWN. I WAS PREPARED TO SEE IF I COULD GET THAT
6 DONE TODAY. AND, YOU KNOW, PEOPLE AREN'T SUPPOSED
7 TO PARTICIPATE IN CRIMINAL PROCEEDINGS IF THEY'RE
8 INCOMPETENT, AND HER COMPETENCE, IN MY MIND, IS A
9 SERIOUS QUESTION.

10 MS. SANG: I, TOO, HAVE GIVEN THOUGHT TO THIS 01:57PM
11 VERY ISSUE, YOUR HONOR. AND COUNSEL AND I WERE
12 DISCUSSING IT BEFORE THIS HEARING.

13 WHAT I AM -- AS A CRIMINAL ATTORNEY, THE
14 MECHANISMS THAT I USUALLY USE IN SITUATIONS LIKE
15 THIS IS A 1368.

16 THE COURT: 1368. I KNOW IT WELL.

17 MS. SANG: IT'S REALLY THE ONLY THING THAT I
18 BELIEVE WE HAVE AT OUR DISPOSAL.

19 THE COURT: SHE'S GOT TO BE CHARGED WITH A
20 MISDEMEANOR. I JUST READ THE SECTION. BUT I'M NOT 01:57PM
21 SO SURE THAT WE COULDN'T AT LEAST ATTEMPT TO GET HER
22 EXAMINED. I'VE GOT THE PAPERS. YOU KNOW, IF WE
23 COULD DOCTOR UP AN ORDER AND IF SHE WOULD GO, I'M
24 NOT GOING TO DO THAT IF SHE SAYS YOU PEOPLE ARE THE
25 ONES THAT HAVE THE COMPETENCE ISSUE, AND I'VE HAD A
26 PRO PER CLIENT TELL ME THAT ONCE. AND I CAN'T DO
27 ANYTHING ABOUT THAT.

28 I RESPECT HER AND I RESPECT HER RIGHTS IN

1 EVERY WAY. I JUST HATE TO SEE HER GOING IN THE
2 DIRECTION SHE'S GOING IN WHEN THERE'S SUCH AN EASY
3 ANSWER FOR HER. YOU KNOW, MIGHT BE A LOT OF WAYS TO
4 VOICE HER OPINIONS ABOUT A LOT OF THINGS WITHOUT
5 REPEATING THE DEFAMATORY LANGUAGE THAT HAS BEEN
6 ORDERED WRONG, DON'T DO IT ANYMORE. IT WOULD BE SO
7 EASY, BUT YOU KNOW, YOU KNOW YOU'VE DEALT WITH IT
8 ENOUGH TO KNOW THE PROBLEM.

9 BUT YOU TELL ME. DO YOU THINK SHE WOULD BE
10 WILLING TO BE EXAMINED? 01:58PM

11 MS. SANG: I CERTAINLY COULDN'T GIVE AN OPINION.
12 MY GUESS WOULD BE NO.

13 THE COURT: THAT'S MY GUESS, TOO. OKAY. WELL,
14 IT'S OUT THERE.

15 MS. SANG: NONETHELESS, IT IS CERTAINLY WITHIN
16 THE COURT'S POWER TO ORDER IT. AND --

17 THE COURT: I DON'T KNOW THAT. 1368 IS A
18 DIFFERENT BIRD. THIS ISN'T A 1368 MATTER, IT SEEMS
19 TO ME.

20 MS. SANG: WELL, MY OTHER MISGIVING ABOUT IT IS 01:58PM
21 THAT THE STANDARD FOR 1368 IS SO LOW, I'M NOT --
22 ALMOST ANYONE CAN PASS IT, AS YOU KNOW. SO I'M NOT
23 SURE IT WOULD EVEN BE A SATISFACTORY MECHANISM IN
24 THE END.

25 THE COURT: WHAT -- DOES SHE HAVE ANY, I GATHER
26 SHE DOESN'T, HAVE ANY PSYCHIATRIST, TREATING
27 PSYCHIATRIST OR SOMEONE WHO COULD FURNISH US WITH AN
28 OPINION?

1 WHICH DOESN'T HELP THESE POOR FOLKS AND ALL
2 THEY WANT TO DO IS HAVE THE LAW APPLIED. I'M
3 TREMENDOUSLY EMPATHETIC TO THEIR POSITION. I'M
4 RIGHT IN THE MIDDLE OF A VERY DIFFICULT ONE. I
5 DON'T LIKE THAT. I LIKE TO THINK I CAN GET
6 SOMETHING DONE TO RESOLVE THE CASE THE WAY IT SHOULD
7 BE.

8 I'VE TRIED WITH HER. I REMEMBER THE OTHER
9 CASE WAS WHEN A FELLOW WAS OFF HIS MEDICATION AND I
10 TOLD HIM I WANTED NO PART OF MAKING LIFE MORE 01:59PM
11 MISERABLE FOR HIM THAN IT ALREADY WAS. ALL HE HAD
12 TO DO WAS TAKE HIS MEDICATION. LIKE TALKING TO A
13 WALL. HE WASN'T LISTENING TO THAT. NEVER DID
14 LISTEN. THEY HAD TO FIND HIM GUILTY. HE DID TIME.
15 ANYWAY. TOUGH STUFF.

16 IF YOU CAN THINK OF A WAY TO CREATE THAT
17 DEFENSE, I THINK THAT WOULD BE SOMETHING THAT MIGHT
18 BE INTERESTING. SHORT OF THAT, AND SHORT OF YOUR
19 AUTHORITY TO REALLY PARTICIPATE IN THE PROCEEDINGS
20 AS I GET IT, THEN I THINK WHAT WE'LL DO IS GO 02:00PM
21 FORWARD WITH THE PLAINTIFF.

22 **MR. SCHEUER:** THANK YOU, YOUR HONOR.

23 I HAVE TO ADMIT I'M A LITTLE BIT AT SEA
24 HERE, PROCEDURALLY. I WAS AT SEA HERE BEFORE I GOT
25 HERE THINKING THAT MS. KRAMER WOULD BE HERE. AND
26 THAT'S DOUBLE DOWN NOW.

27 WITH RESPECT TO WHAT YOU WERE JUST SAYING,
28 TRACEY WAS KIND ENOUGH TO CALL ME EARLIER AND WE'VE

1 HAD SOME OPPORTUNITY TO TALK TODAY. MRS. KRAMER, I
2 BELIEVE MRS. KRAMER'S MOTHER AND SISTER ARE HERE, SO
3 THEY MAY BE ABLE TO SHED SOME LIGHT ON WHETHER SHE
4 HAS MENTAL HELP OR NOT.

5 I'D ALSO LIKE TO POINT OUT, YOUR HONOR,
6 THIS IS THE PLAINTIFF, DR. BRUCE KELMAN, WHO FLEW
7 DOWN FROM WASHINGTON FOR THIS HEARING TODAY.

8 THE COURT: GOOD AFTERNOON AND WELCOME TO ALL OF
9 YOU.

10 MR. SCHEUER: YOUR HONOR, I ASSUMED THE COURT 02:01PM
11 HAS RECEIVED, I KNOW THE COURT HAS RECEIVED THE
12 ORIGINAL DECLARATION AND APPLICATION THAT I FILED,
13 AS WELL AS THREE SUPPLEMENTAL DECLARATIONS.

14 THE COURT: THE THIRD ONE WAS FILED
15 DECEMBER 21ST. AND THE GENERAL, WHAT I'M CALLING A
16 GENERAL APPEARANCE FROM MS. KRAMER WAS FILED
17 DECEMBER 23RD.

18 YOU SERVED ALL THOSE BY MAIL, DIDN'T YOU?

19 MR. SCHEUER: I SERVED ALL THOSE ELECTRONICALLY
20 AND BY MAIL. 02:01PM

21 THE COURT: SO I CAN'T KNOW THAT THE 21ST GOT
22 THERE IN TIME TO CONTROL HER APPEARANCE ON THE 23RD.
23 BUT I AM PREPARED TO UTILIZE, BUT YOU'RE GOING TO
24 HAVE TO TESTIFY TO THEM, THE FIRST -- THE ORIGINAL,
25 THE FIRST AND SECOND SUPPLEMENT.

26 MR. SCHEUER: ALL RIGHT. THEN IF I MAY, I'LL
27 TESTIFY BY A NARRATIVE, YOUR HONOR.

28 THE COURT: SURE.

1 MR. SCHEUER: DO I NEED TO BE SWORN?

2 THE COURT: YES.

3

4

KEITH SCHEUER,

5 TESTIFYING ON BEHALF OF PLAINTIFF, HAVING BEEN FIRST

6 DULY SWORN, TESTIFIED AS FOLLOWS:

7

8 THE COURT: PLEASE STATE YOUR FULL NAME AND

9 SPELL YOUR LAST FOR THE RECORD.

10 MR. SCHEUER: KEITH SCHEUER, S-C-H-E-U-E-R. 02:02PM

11 THE COURT: OKAY. PLEASE PROCEED.

12 MR. SCHEUER: THANK YOU, YOUR HONOR.

13 YOUR HONOR, I REPRESENT AND HAVE AT ALL

14 TIMES REPRESENTED THE PLAINTIFF IN THIS ACTION.

15 THE COURT: HOLD ON, JUST A SECOND.

16 (PAUSE IN PROCEEDINGS.)

17 THE COURT: PLEASE PROCEED.

18 MR. SCHEUER: THANK YOU, YOUR HONOR.

19 I'D ASK THE COURT TO TAKE JUDICIAL NOTICE

20 OF THE PRELIMINARY INJUNCTION THAT WAS FILED IN THIS 02:03PM

21 MATTER ON MAY 2, 2011, AND ITS FILES REGARDING THE

22 BRIEFING BACK AND FORTH AND THE ORAL ARGUMENT

23 REGARDING THE ISSUANCE OF THE PRELIMINARY

24 INJUNCTION, ALL OF WHICH MRS. KRAMER PARTICIPATED

25 IN.

26 ON SEPTEMBER 22, 2011 MRS. KRAMER FILED A

27 MOTION TO NULLIFY THE VOID TEMPORARY INJUNCTIVE

28 RELIEF ORDER. AND WITH RESPECT TO ALL OF THESE,

1 YOUR HONOR, I WOULD ASK THAT THE COURT TAKE JUDICIAL
2 NOTICE OF IT.

3 THE COURT: I CAN AND WILL; HOWEVER, I CAN'T
4 TAKE JUDICIAL NOTICE OF THE TRUTH OF ANYTHING
5 CONTAINED THEREIN.

6 MR. SCHEUER: UNDERSTOOD.

7 THE COURT: YOU HAVE TO GO BEYOND JUST GETTING
8 THEM IN THE RECORD.

9 MR. SCHEUER: I UNDERSTAND.

10 ON OCTOBER 13TH, I, ON BEHALF OF
11 DR. KELMAN, FILED THE EX-PARTE APPLICATION FOR AN
12 ORDER TO SHOW CAUSE, IT WAS SERVED ON OCTOBER 12TH.
13 AND IT, ATTACHED AS EXHIBIT 1 TO MY DECLARATION, A
14 SEPTEMBER 13, 2011 POSTING ON THE "KATYSEXPOSURE"
15 WEBSITE.

02:04PM

16 MRS. KRAMER FILED AN OPPOSITION THE
17 FOLLOWING DAY ON OCTOBER 13, 2011. AMONG OTHER
18 THINGS IN THAT OPPOSITION, AT PARAGRAPH 21 SHE
19 REPEATS THE DEFAMATION AND SAYS THAT HER POSTING
20 WILL BE ON-LINE LATER THAT DAY. SO AS EARLY AS
21 OCTOBER 13, 2011, SHE HAD GENERALLY APPEARED IN THIS
22 MATTER.

02:05PM

23 IN EXHIBIT 1 AT PAGE 6 --

24 THE COURT: EXHIBIT 1 OF WHICH FILING?

25 MR. SCHEUER: THIS EXHIBIT 1 ATTACHED TO MY
26 OCTOBER 12 APPLICATION, EX-PARTE APPLICATION.

27 THE COURT: OKAY.

28 MR. SCHEUER: IN THAT ON PAGE 6, SHE SAYS, "FROM

1 MY PURPORTEDLY LIBELOUS WRITING STATING THE
2 THINK-TANK MONEY WAS FOR THE U.S. CHAMBER PAPER -
3 NOT ACOEM'S. THIS IS CONTRARY TO WHAT MCCONNELL
4 FRAMED ME FOR IN A DOUBLE-SPEAK OPINION, WHILE
5 INTERPRETING KELMAN'S TESTIMONY IN QUESTION EXACTLY
6 HOW I HAD WRITTEN IT:"

7 "UPON VIEWING DOCUMENTS PRESENTED BY THE
8 HAYNE'S ATTORNEY OF KELMAN'S PRIOR TESTIMONY FROM A
9 CASE IN ARIZONA, DR. KELMAN ALTERED HIS UNDER OATH
10 STATEMENTS ON THE WITNESS STAND." 02:07PM

11 SHE GOES ON. THAT IS A DIRECT QUOTE OF THE
12 LANGUAGE.

13 THE COURT: I'VE READ IT.

14 MR. SCHEUER: THEN, YOUR HONOR, THIS IS
15 PROCEDURAL, I HAVE COPIES OF THAT EXHIBIT. SHOULD I
16 ENTER THAT INTO EVIDENCE?

17 THE COURT: I THINK THAT'S A GOOD IDEA.

18 MR. SCHEUER: MAY I RESERVE THOSE AND DO IT ALL
19 AT THE END?

20 THE COURT: THAT WOULD BE BEST. 02:07PM

21 MR. SCHEUER: THANK YOU.

22 (COURT'S EXHIBIT NO. 1, "KATYSEXPOSURE" WEBSITE
23 POSTING, MARKED FOR IDENTIFICATION.)

24 MR. SCHEUER: IN HER RESPONSE TO THAT
25 APPLICATION WHICH SHE FILED ON OCTOBER 13TH,
26 PARAGRAPH 17 -- I'M SORRY, PARAGRAPH 16 -- I'M
27 SORRY, PARAGRAPH 15, KRAMER SAID, "BY THE ISSUANCE
28 OF THE GAG ORDER ON MAY 2, 2011, THIS COURT LEFT

1 KRAMER IN CONTEMPT OF THE LAW IF SHE REPUBLISHED THE
2 PHRASE 'ALTERS UNDER OATH STATEMENTS' OR IF SHE DID
3 NOT REPUBLISH IT. IF SHE DID NOT REPUBLISH IT TO
4 EVIDENCE CORRUPTION IN THE COURTS, SUPPRESSING
5 EVIDENCE OF CRIMINAL PERJURY, THEN SHE WAS AN
6 ACCESSORY TO THE CRIME OF AIDING TO CONCEAL ALL
7 COURT'S SUPPRESSED EVIDENCE OF A PLAINTIFF'S
8 CRIMINAL PERJURY IN A LITIGATION OVER PUBLIC HEALTH
9 POLICY. KRAMER WOULD BE AIDING TO CONCEAL
10 INTERSTATE INSURANCE FRAUD WRITTEN IN THE POLICY AND 02:09PM
11 ADVERSE TO PUBLIC HEALTH. IF SHE DID REPUBLISH IT,
12 THEN KRAMER WAS VIOLATING THIS COURT'S GAG ORDER
13 FOUNDED SOLELY ON THE PRIOR CASE AND TRYING TO FORCE
14 KRAMER TO CONCLUDE (SIC) WITH THE COURTS TO SUPPRESS
15 EVIDENCE OF THE COURT'S AIDING MALICIOUS LITIGATION
16 CARRIED OUT BY CRIMINAL MEANS AND IMPACTING PUBLIC
17 HEALTH."

18 THIS COURT ISSUED THE ORDER TO SHOW CAUSE
19 ON NOVEMBER 2, 2011. IT WAS FILED ON THAT DATE. IT
20 WAS PERSONALLY SERVED ON MRS. KRAMER. I CAUSED IT 02:09PM
21 TO BE PERSONALLY SERVED ON MRS. KRAMER ON
22 NOVEMBER 18, 2011. IT WAS SERVED BY MAIL ON HER
23 ATTORNEY, MS. SANG, ON NOVEMBER 30, 2011.

24 ON NOVEMBER 7, I FILED THE SUPPLEMENTAL --
25 A SUPPLEMENTAL DECLARATION IN THIS MATTER. ATTACHED
26 TO THAT SUPPLEMENTAL DECLARATION WAS EVIDENCE THAT
27 ON NOVEMBER 3 I HAD LEARNED THAT KRAMER HAD
28 PUBLISHED EARLIER IN THE DAY A POSTING ON THE YAHOO

1 GROUP "SICKBUILDINGS" CHAT ROOM. AND THAT POSTING
2 ON THE "SICKBUILDINGS" CHAT ROOM LINKED TO AN
3 ARTICLE PUBLISHED ON THE SAME DATE ON THE WEBSITE
4 "KATYSEXPOSURE."

5 I WILL ADMIT THE "SICKBUILDINGS" CHAT ROOM
6 POSTING AS EXHIBIT 2 -- OR IF YOU DON'T MIND AS
7 EXHIBIT 3, JUST TO KEEP IT IN LINE WITH WHAT IS IN
8 MY DECLARATIONS. THAT WOULD BE EASIER FOR ME.

9 (COURT'S EXHIBIT NO. 3, "SICKBUILDINGS" CHAT ROOM
10 POSTING, MARKED FOR IDENTIFICATION.)

02:11PM

11 THE COURT: WHATEVER IS EASIER FOR YOU, AS LONG
12 AS THE RECORD IS CLEAR.

13 MR. SCHEUER: WE'LL MARK THE "SICKBUILDINGS"
14 CHAT ROOM AS EXHIBIT 3.

15 THE POST ON THE "SICKBUILDINGS" CHAT ROOM,
16 AND THIS IS AGAIN DATED NOVEMBER 3, 2011, THERE'S A
17 POSTING BY "SNK1955@AOL.COM" AND THAT IS
18 MRS. KRAMER'S E-MAIL ADDRESS TO AND FROM WHICH SHE
19 AND I SEND E-MAILS AND HAVE FOR THE LAST HALF-DOZEN
20 YEARS OR SO.

02:12PM

21 IN IT, SHE LINKS TO A
22 "KATYSEXPOSURE.WORDPRESS.COM" ARTICLE TITLED "TEXAS
23 JUDGE ABUSES HIS CHILD," ON AND ON. AND SHE SIGNS
24 THAT NOVEMBER 3RD POSTING ON "SICKBUILDINGS" "SHARON
25 NOONAN KRAMER."

26 EXHIBIT 4, ATTACHED TO MY DECLARATION OF MY
27 FIRST SUPPLEMENTAL DECLARATION, WHICH WAS FILED ON
28 NOVEMBER 7. EXHIBIT 4 IS THE "KATYSEXPOSURE"

1 POSTING TO WHICH SHE LINKED BY EXHIBIT 3.

2 (COURT'S EXHIBIT NO. 4, "KATYSEXPOSURE" WEBSITE
3 POSTING, MARKED FOR IDENTIFICATION.)

4 MR. SCHEUER: THE HEADLINE OF IT IS "TEXAS JUDGE
5 ABUSES HIS CHILD FOR NET USAGE. CAL COURTS THREATEN
6 KATY BLOGGERS WITH JAIL TIME FOR EXPOSING BY NET
7 MANY CHILDREN ABUSED BY THEIR ACTIONS."

8 IN THAT "KATYSEXPOSURE" POSTING, ON THE
9 FIRST PAGE IT SAYS, "THE SOLE CLAIM OF THE FIRST
10 CASE WAS THAT SHARON KRAMER'S USE OF THE PHRASE 02:13PM
11 'ALTERED HIS UNDER OATH STATEMENTS' IN A MARCH 2005
12 INTERNET POSTING WAS A MALICIOUSLY FALSE ACCUSATION
13 THAT BRUCE KELMAN, AUTHOR OF ENVIRONMENTAL POLICY
14 FOR THE U.S. CHAMBER, COMMITTED PERJURY ON THE
15 WITNESS STAND IN AN OREGON TRIAL IN FEBRUARY OF
16 2005. THE PHRASE WAS USED BY SHARON IN THE SENTENCE
17 'UPON VIEWING DOCUMENTS PRESENTED BY THE HAYNE'S
18 ATTORNEY OF KELMAN'S PRIOR TESTIMONY FROM THE CASE
19 IN ARIZONA, DR. KELMAN ALTERED HIS UNDER OATH
20 STATEMENTS ON THE WITNESS STAND.'" 02:14PM

21 ELSEWHERE IN THAT SAME "KATYSEXPOSURE"
22 POSTING ON THE THIRD PAGE OF THE "KATYSEXPOSURE"
23 POSTING DATED NOVEMBER 3, 2011, AGAIN THE DEFAMATORY
24 STATEMENT IS QUOTED. IT SAYS, "IN THE MATTER OF
25 KELMAN AND GLOBALTOX VERSUS KRAMER, BRUCE KELMAN AND
26 GLOBALTOX, INC. SUED SHARON KRAMER FOR THE WORDS
27 'DR. KELMAN ALTERED HIS UNDER OATH STATEMENTS ON THE
28 WITNESS STAND.'" "

1 ON NOVEMBER 8, I FILED MY SECOND
2 SUPPLEMENTAL DECLARATION, IT REFERS TO A POSTING
3 THAT MRS. KRAMER POSTED ON NOVEMBER 5 ON THE YAHOO
4 GROUP "SICKBUILDINGS" CHAT ROOM.

5 (COURT'S EXHIBIT NO. 5, E-MAIL FROM MS. KRAMER TO
6 MR. SCHEUER, MARKED FOR IDENTIFICATION.)

7 MR. SCHEUER: EXHIBIT 5 IS AN E-MAIL FROM
8 MRS. KRAMER TO ME. IT IS FROM "SNK1955@AOL.COM" TO
9 ME. THE SUBJECT LINE OF THE E-MAIL IS "HERE, SEND
10 THIS TO JUDGE NUGENT, TOO. I PUT YOUR DEC ON NET 02:16PM
11 WITH FAX TO BROWN." THE TITLE OF THIS IS "TEXAS
12 JUDGE WON'T BE CHARGED WITH BEATING INTO SUBMISSION
13 TO STOP INTERNET USE. WILL CALIFORNIA'S JUDICIAL
14 COUNCIL EVER BE?"

15 THE BOTTOM OF THE FIRST PAGE OF THAT
16 "KATYSEXPOSURE" EXHIBIT, WHICH IS I'M CALLING
17 EXHIBIT 5, SHE QUOTES AGAIN THE DEFAMATORY
18 STATEMENT, "DR. KELMAN ALTERED HIS UNDER OATH
19 STATEMENTS ON THE WITNESS STAND WHILE HE TESTIFIED
20 AS A WITNESS IN AN OREGON LAWSUIT." 02:16PM

21 ON THE THIRD PAGE OF THAT EXHIBIT, SHE
22 SAYS, "ARE YOU INSANE? WE ARE NOT SHUTTING UP."
23 ABOVE THAT SHE SAYS, "SUE US ALL YOU LIKE. THREATEN
24 US WITH JAIL TIME ALL YOU LIKE. USE THE U.S. POSTAL
25 SERVICE TO MAIL US THREATS, INTERSTATE, BASED ON
26 FAKE LEGAL DOCUMENTS THAT ORIGINATED FROM YOUR
27 COURTS, CALIFORNIA. WE ARE NOT VULNERABLE
28 16-YEAR-OLD GIRLS. WE ARE GROWN WOMEN AND MOTHERS

1 OF GROWN WOMEN."

2 ALSO, ON -- AT THE CONCLUSION OF THAT
 3 EXHIBIT, EXHIBIT 5, SHE HAS A DATE NOVEMBER 4, 2011,
 4 FAX TO GOVERNOR BROWN, AND BENEATH THAT SHE SAYS
 5 "SUPPLEMENTAL DECLARATION RECEIVED TODAY FROM BRUCE
 6 J. KELMAN AND VERITOX'S ATTORNEY KEITH SCHEUER,
 7 CALIFORNIA STATE BAR NUMBER 82797. EVIDENCING FOR
 8 JUDGE THOMAS NUGENT THAT I NEED TO BE SILENCED
 9 BECAUSE WE ARE EVIDENCING ON NET THE COURT'S
 10 COLLUDING TO DEFRAUD THE PUBLIC AND THREATENING 02:18PM
 11 CRIMINAL RECORDS AND INCARCERATION TO SILENCE AND
 12 INTIMIDATE US."

13 (COURT'S EXHIBIT NO. 6, "SICKBUILDINGS" WEBSITE
 14 POSTING DATED NOVEMBER 5TH, MARKED FOR
 15 IDENTIFICATION.)

16 MR. SCHEUER: EXHIBIT 6, ATTACHED TO MY SECOND
 17 SUPPLEMENTAL DECLARATION, IS A "SICKBUILDINGS" POST,
 18 THIS IS THE YAHOO GROUP "SICKBUILDINGS." SHE AGAIN
 19 LINKED -- IN WHICH SHE AGAIN LINKED TO THE
 20 DEFAMATORY "KATYSEXPOSURE" WEBSITE THAT I JUST 02:19PM
 21 TALKED ABOUT AND SAID THAT HER INTENTION WAS TO
 22 "DISSEMINATE THE" LEVEL -- "THE LIBEL 'FAR AND
 23 WIDE.'"

24 EXHIBIT 6 IS TITLED, "DO YOU UNDERSTAND
 25 THEY WILL PUT ME IN JAIL FOR USING NET TO SHOW
 26 YUCA?" IT IS DATED NOVEMBER 5. HALFWAY DOWN THE
 27 FIRST PAGE OF IT, SHE SAYS, "WE CANNOT WRITE ABOUT
 28 AND PUBLISH WHAT HAPPENED IN A LIBEL CASE THAT IS A

1 MATTER OF PUBLIC RECORD, WHICH THIS ONE IS, WITHOUT
2 BEING ABLE TO WRITE WHAT WORDS WERE CLAIMED TO BE
3 LIBELOUS. THAT'S WHY THE COURTS, KELMAN, AND HIS
4 LEGAL COUNSEL ARE TRYING TO GAG US AND ARE
5 THREATENING US NOT TO REPUBLISH THE FOLLOWING
6 SENTENCE: 'DR. KELMAN ALTERED HIS UNDER OATH
7 STATEMENTS ON THE WITNESS STAND WHILE HE TESTIFIED
8 AS A WITNESS IN AN OREGON LAWSUIT.'"

9 ANOTHER POSTING IS PART OF EXHIBIT 6, THIS
10 IS ALSO ON THE "SICKBUILDINGS" CHAT ROOM, AGAIN FROM 02:20PM
11 MRS. KRAMER, AND IT SAYS, "IF I GO TO JAIL, IT IS
12 BECAUSE I REFUSE TO BE SILENCED OF WHAT THE COURTS
13 DID TO AID THE FRAUD TO CONTINUING POLICY BY AIDING
14 MALICIOUS SLAPP LITIGATION CARRIED OUT BY CRIMINAL
15 MEANS ON BEHALF OF THE AFFILIATES OF THE U.S.
16 CHAMBER AND THE POLITICAL WHIMS OF EX-GOVERNOR
17 SCHWARZENEGGER, WORKER'S COMP, REFORM A/K/A INSURER
18 COST SHIFTING" SCREEN -- I'M SORRY, "SCHEME. ALL I
19 HAVE TO DO IS GET THIS INFO OUT FAR AND WIDE AND
20 THEN LET THEM GO AHEAD AND BLOCK MY MOVEMENT 02:21PM
21 (INCARCERATE ME) FOR SPEAKING AND EVIDENCING THE
22 TRUTH OF A MASSIVE FRAUD IN PUBLIC HEALTH AND
23 WORKER'S COMP POLICY AIDED TO CONTINUE BY THE
24 COMPROMISED COURTS OF CALIFORNIA. THIS IS THE BLOG
25 ON 'KATYS' THAT WAS ATTACHED AS EVIDENCE OF WHY I
26 SHOULD BE HELD IN CONTEMPT OF COURT, GIVEN A
27 CRIMINAL RECORD, AND SENT TO JAIL. IT'S LETTERS TO
28 THE LEADERS OF CALIFORNIA COURTS EVIDENCING THAT

1 THEY KNOW WHAT THEY HAVE DONE, EVIDENCING THAT IT IS
2 CRIMINAL, AND ASKING THEM TO STOP THE HARASSMENT."

3 AND SHE CITES TO -- OR I'M SORRY. SHE
4 LINKS TO "KATYSEXPOSURE" POSTING.

5 SHE GOES ON, "YOU CAN SEE IT WAS ATTACHED
6 TO KELMAN'S COMPLAINT FOR CONTEMPT OF COURT AS
7 EXHIBIT OF WHY I NEED TO BE SHUT UP."

8 ON DECEMBER 21ST, 2011 --

9 THE COURT: IS THIS THE ONE THAT CAME IN YOUR
10 THIRD SUPPLEMENTAL? 02:22PM

11 MR. SCHEUER: YES.

12 THE COURT: WE'RE NOT GOING TO GO THERE, BECAUSE
13 I CUT IT OFF AFTER THE SECOND.

14 MR. SCHEUER: THANK YOU, YOUR HONOR.

15 THE COURT: SURE.

16 MR. SCHEUER: YOUR HONOR, EXCUSE ME, I NEED TO
17 BLOW MY NOSE.

18 THE COURT: I DO, TOO, SO GO RIGHT AHEAD. IT'S
19 GOING AROUND.

20 MR. SCHEUER: IT WON'T GO AWAY, EITHER. 02:23PM

21 THE COURT: OFF THE RECORD.

22 (OFF-THE-RECORD DISCUSSION HELD.)

23 MR. SCHEUER: I WOULD POINT OUT, YOUR HONOR,
24 THAT THE FIRST OF THE EXHIBITS THAT I HAVE READ INTO
25 THE RECORD WERE POSTED AFTER, AFTER WE APPLIED FOR
26 THIS ORDER TO SHOW CAUSE RE CONTEMPT.

27 YOUR HONOR, I DON'T KNOW IF NOW IS THE
28 APPROPRIATE TIME, BUT WE HAVE ALSO REQUESTED

1 ATTORNEY'S FEES SET FORTH --

2 THE COURT: I'M FAMILIAR WITH YOUR REQUEST.

3 MR. SCHEUER: -- AND SANCTIONS, AS WELL, FOR THE
4 FRIVOLOUS MOTION BROUGHT EARLIER.

5 THE COURT: I UNDERSTAND. I READ YOUR REPLY
6 BRIEF.

7 MR. SCHEUER: THANK YOU.

8 THE COURT: LET'S MOVE THOSE INTO EVIDENCE,
9 THOSE EXHIBITS.

10 MR. SCHEUER: THANK YOU, YOUR HONOR. 02:25PM

11 THE COURT: YOU NEED A LITTLE TIME TO DO THAT?

12 MR. SCHEUER: I'M SORRY?

13 THE COURT: DO YOU NEED A LITTLE TIME TO
14 SEPARATE THEM?

15 MR. SCHEUER: ORGANIZATION IS NOT MY STRONG
16 SUIT.

17 THE COURT: TAKE YOUR TIME. WORK WITH AL TO GET
18 THEM MARKED, AND I'LL COME RIGHT BACK AND ADMIT AND
19 TAKE IT FROM THERE.

20 (PROCEEDINGS RECESSED.) 02:25PM

21 THE COURT: WE HAVE THE EXHIBITS READY NOW AND
22 MARKED?

23 MR. SCHEUER: YES.

24 THE COURT: DO YOU HAVE THEM, AL?

25 THE CLERK: YES, YOUR HONOR.

26 THE COURT: I'VE PROBABLY LOOK AT ALL OF THESE
27 IN THE COURSE OF THE EVENTS. IN ANY EVENT, THEY ARE
28 MARKED AS EXHIBITS JUST AS COUNSEL INDICATED THEY

1 WOULD BE. I'M GOING TO RECEIVE INTO EVIDENCE 1, 3,
2 4 AND 5, ALL OF WHICH -- AND 6, EXCUSE ME.

3 (COURT'S EXHIBIT 1 RECEIVED INTO EVIDENCE.)

4 (COURT'S EXHIBIT 3 RECEIVED INTO EVIDENCE.)

5 (COURT'S EXHIBIT 4 RECEIVED INTO EVIDENCE.)

6 (COURT'S EXHIBIT 5 RECEIVED INTO EVIDENCE.)

7 (COURT'S EXHIBIT 6 RECEIVED INTO EVIDENCE.)

8 THE COURT: -- ALL OF WHICH CONTAINED LANGUAGE
9 THAT HAS BEEN ENJOINED BY THIS COURT AND FOUND
10 DEFAMOUS BY ANOTHER COURT, AND AS A CONCLUSION, 02:42PM
11 THEREFORE, THE COURT IS COMPELLED TO FIND THAT THE
12 DEFENDANT, SHARON KRAMER, IS IN CONTEMPT OF THIS
13 COURT'S ORDER.

14 AND NOW THE QUESTION OF COURSE IS: WHAT DO
15 YOU DO ABOUT THAT? AND IT IS THE JUDGMENT OF THIS
16 COURT THAT MRS. KRAMER SHOULD SERVE FIVE DAYS IN THE
17 SAN DIEGO COUNTY JAIL SUSPENDED, WRITE THAT DOWN
18 BACK THERE, SUSPENDED UPON THE CONDITION THAT SHE
19 PUBLISH A RETRACTION SPECIFICALLY OF THE STATEMENTS
20 THAT SHE'S BEEN ENJOINED FROM MAKING, ALL WITHIN -- 02:42PM
21 ALL OF THE SAME PUBLICATIONS THAT SHE HAS USED THAT
22 ARE THE SUBJECT OF THESE EXHIBITS AND DO SO WITHIN
23 30 DAYS.

24 IN THE EVENT -- AND WE'LL RECONVENE IN 30
25 DAYS OR SO, AND LOOKING AT THE CALENDAR I THINK
26 FEBRUARY 10TH AT 1:30 WOULD BE THE NEXT BEST TIME,
27 IF WE HAVE TO, AT WHICH TIME WE WILL REVIEW WHAT HAS
28 GONE ON SINCE NOW, AND IF INDEED THE RETRACTION HAS

1 BEEN PUBLISHED, IN AN APPROPRIATE FORM, THEN OF
2 COURSE THE CONTEMPT WILL BE PURGED AND OF COURSE
3 THERE WILL BE NO SENTENCING.

4 AND INDEPENDENT OF THAT IS THE REQUEST BY
5 COUNSEL OF ATTORNEY'S FEES THAT HE'S BEEN REQUIRED
6 TO INCUR ON BEHALF OF HIS CLIENT, WHICH BY MY
7 NUMBERS, INCLUDING A COST BILL OF \$143.95, COMES TO
8 \$19,343.95. THAT'S INDEPENDENT OF ANY PURGING.
9 THAT'S JUST A SEPARATE ITEM.

10 I'VE TRIED TO MAKE MYSELF VERY CLEAR TO ALL 02:44PM
11 INVOLVED AND PEOPLE THAT ARE RELATED TO MRS. KRAMER
12 THAT ARE HERE, AND I'M TRYING TO REACH OUT AND I
13 HOPE MRS. KRAMER GRABS ON AND UNDERSTANDS THAT THESE
14 PROBLEMS DON'T HAVE TO BE AND IT GIVES ME NO
15 PLEASURE AT ALL, AND I HOPE ON THE 10TH TO SEE A
16 SMILING MRS. KRAMER ALONG WITH COUNSEL IN A
17 RESOLUTION TO YOUR PROBLEMS. FAILING THAT, I WOULD
18 HAVE NO CHOICE OTHER THAN TO REMAND HER TO THE
19 CUSTODY OF THE SHERIFF.

20 MR. SCHEUER: YOUR HONOR, ONE QUESTION. I 02:44PM
21 DIDN'T QUITE UNDERSTAND. YOU AWARDED US \$19,343.95.

22 THE COURT: I DID.

23 MR. SCHEUER: THANK YOU.

24 MS. SANG: AND SO I'M CLEAR, YOUR HONOR, YOU'RE
25 PRONOUNCING A SENTENCE NOW.

26 THE COURT: YES.

27 MS. SANG: I KNOW THAT MRS. KRAMER HAD ASKED ME
28 TO ASK THE COURT IF SENTENCING COULD BE PUT OUT.

1 SHE HAS A RIGHT TO PREPARE FOR A SENTENCING BECAUSE
2 SHE WANTED TO DO EXACTLY THAT. I WILL CERTAINLY
3 PASS THIS ON TO HER, AND PERHAPS I COULD JUST LET
4 HER KNOW THAT.

5 THE COURT: YOU MADE THE REQUEST AND I REJECTED
6 IT; THAT SHE HAD THE OPPORTUNITY TO BE HERE AND SHE
7 CHOSE NOT TO BE AND WE COULD HAVE HAD WHATEVER
8 DISCUSSION SHE WISHED TO HAVE AT THAT TIME.

9 BUT THE RECORD IS PATENTLY CLEAR THAT SHE
10 DOES NOT BELIEVE THAT SHE HAS TO ADHERE TO THE 02:45PM
11 INJUNCTION. AND THAT LEAVES ME WITH NO ALTERNATIVE
12 OTHER THAN THE ONE I'VE OFFERED TO HER, AND IF
13 SHE'LL PUBLISH A RETRACTION OF THAT LIMITED
14 STATEMENT AND GET ALL THE APPROPRIATE PUBLICATIONS,
15 WE'LL HAVE A MUCH HAPPIER TIME HERE ON THE 10TH.
16 OTHERWISE, IT WILL BE THE OBLIGATION OF THIS COURT
17 TO DO WHAT I'VE JUST SAID I WOULD DO.

18 ALL RIGHT?

19 MR. SCHEUER: THANK YOU VERY MUCH, YOUR HONOR.

20 MS. SANG: THANK YOU, YOUR HONOR. 02:46PM

21 THE COURT: THANKS A LOT FOR HANGING IN, DOING
22 WHAT YOU COULD. I APPRECIATE IT.

23 MS. SANG: I'VE LEARNED MORE THAN I EVER THOUGHT
24 I WOULD ABOUT CONTEMPT.

25 THE COURT: I SUSPECT THAT MAKES THREE OF US.

26 MR. SCHEUER: I THINK THAT'S RIGHT.

27 MS. SANG: I THOUGHT I KNEW THINGS, BUT SHE'S
28 REALLY GOTTEN ME TO EXAMINE --

1 THE COURT: I -- WE'RE OFF THE RECORD.
2 (PROCEEDINGS ADJOURNED.)

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO
DEPARTMENT 30 HON. THOMAS P. NUGENT

_____)
BRUCE J. KELMAN,)
)
PLAINTIFF,)
)
VS.)
)
SHARON KRAMER,) CASE NO.
) 37-2010-61530-CU-DF-NC
)
DEFENDANT.)
_____)

REPORTER'S TRANSCRIPT
JANUARY 6, 2012

LESLIE G. MAST, CSR NO. 3363
OFFICIAL REPORTER
SAN DIEGO SUPERIOR COURT

1 APPEARANCES:

2

3 FOR THE PLAINTIFF:

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6

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760-445-8902

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN DIEGO) :

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I, *LESLIE G. MAST*, DO HEREBY CERTIFY:

THAT I AM A CERTIFIED SHORTHAND REPORTER,
CERTIFICATE NO. 3363, AN OFFICIAL COURT REPORTER OF
THE SUPERIOR COURT, NORTH COUNTY DIVISION, IN AND
FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA;

THAT AS SUCH OFFICIAL COURT REPORTER, I
REPORTED IN SHORTHAND THE ORAL PROCEEDINGS IN THE
WITHIN CAUSE ON THE DATE INDICATED HEREINBEFORE; AND

THAT THE FOREGOING AND ATTACHED "REPORTER'S
TRANSCRIPT" IS A FULL, TRUE, AND CORRECT TRANSCRIPT
OF THE ORAL PROCEEDINGS HAD ON SAID DATE.

DATED THIS _____ DAY OF _____,
2012, AT VISTA, CALIFORNIA.

_____, CSR NO.3363
LESLIE G. MAST
OFFICIAL COURT REPORTER

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