EMERGENCY PETITION FOR WRIT OF MANDAMUS
Relief Sought By Petitioner Under Duress

1. In lawful accordance with California C.C.P.1209(a) this ("PETITION") & linked evidence may be read at ContemptOfCourtFor.ME http://wp.me/p20mAH-nZ "California Supreme Court, PLEASE STOP Justice Judith McConnell from Conspiring to Defraud the Public Over 'Toxic Mold' & STOP Her Harassment of a US Citizen to Hide What She Has Done to Defraud Them"

2. Real Party in Interest, **McConnell,** Administrative Presiding Justice of **Respondent**, must be disqualified. All rulings, orders and opinions she has issued in this and the **Predicate Case**, *Kelman & GlobalTox[1] v. Kramer[2],* from November 2006 to March 26, 2013[3] must be vacated and reversed; or by C.C.P.1087 she must be commanded show good cause why not.

---

[1] ("**Plaintiffs**") are toxic tort defense witnesses and co-owners of ("**Veritox**"), Inc. Veritox was formerly known as GlobalTox, Inc. The six Plaintiffs & owners of Veritox are Bruce ("**Kelman**"), Bryan ("**Hardin**"), Coreen ("**Robbins**"), Loni ("**Swenson**"), Robert ("**Schreibe**") and Robert ("**Clark**'). Toxicologist Kelman holds a PhD in veterinary science. He comes to the Mold Issue from Big Tobacco. Toxicologist Hardin holds a PhD in mathematics. His second career of expert witnessing began upon his 2001 retirement as a US Asst Surgeon General & Deputy Director of CDC NIOSH. Known to be a party since 2005, his involvement has been concealed by Plaintiffs, Plaintiff Counsel Keith ("**Scheuer**") & judicial officers including Justice Judith ("**McConnell**") of the ("**Respondent**") Fourth District Division One Appellate Court. A 2010 ("**Remittitur**") was falsified by Respondent's Clerk, the late Stephen ("**Kelly**"), & Deputy Clerk Rita ("**Rodrigues**") to conceal false 2006 & 2009 Plaintiffs' ("**Certificate of Interested Persons"**)

[2] ("**Petitioner**") Under Duress, Sharon Noonan Kramer, is an advocate for integrity in health marketing, which is the study of how and why concepts are marketed to influence public health policies. She holds a BA in marketing with emphasis in accounting. Hse is not a tpysit. Via the US Senate HELP Committee and late Senator Edward Kennedy, Petitioner caused the 2008 Federal Government Accountability Office Report, "INDOOR MOLD Better Coordination of Research on Health Effects and More Consistent Guidance Would Improve Federal Efforts". It exposes Plaintiffs' pseudoscience as fraud upon the court.

[3] The defamation ("**Predicate Case**") to this case was filed in May of 2005, Superior Court Case No. GIN044539. In the November ("**2006 anti-SLAPP Opinion**") Case No. D047758, McConnell, Justices Cynthia ("**Aaron**") & Alex ("**McDonald**"), Plaintiffs & Scheuer colluded to falsely portray Petitioner to be a malicious liar for the words "altered his under oath statements" in her ("**March 2005 Writing**") & concealed Plaintiff Kelman's perjury to establish malice. In the alleged September ("**2010 Review Opinion**") Case No. D054496, Justices Patricia ("**Benke**"), Richard ("**Huffman**"), Joan ("**Irion**") colluded with Scheuer to conceal the framing. The December 2008 judgment is ante-dated & void. This 2nd case is founded solely upon that ("**Void Judgment**"). In March 2012 Petitioner was jailed by Judge Thomas ("**Nugent**") for refusal to sign a false confession & state she does not believe Kelman committed perjury. In April 2012, Nugent ordered her ("**Sheriff Record**") to be falsified to make it appear she was jailed for violating a contempt order with which the court knew she could not comply under C.C.P1219(a). They tried to scare & force Petitioner to say McConnell did not frame her in 2006.

3. This PETITION to the California Supreme Court is to command McConnell to follow the law under C.C.P.1094.5(b). It is filed under duress by a court harassed, United States citizen. It is in lawful accordance with Rules of the Court 8.486(b)(2), C.C.P.170.3(d) and C.C.P.1013(a).

4. The mandate is required because of McConnell's March 26, 2013 ("DENIAL") to be disqualified as the Administrative Presiding Justice overseeing this matter. The DENIAL was mailed to Petitioner on March 27, 2013. There was no explanation given for her DENIAL. When refusing to be disqualified she also issued a ("DISMISSAL") of the appeal and thus the case. Petitioner had refused to file an opening brief in a court which an Appellate Presiding Justice refused to prove subject matter jurisdiction upon challenge. The evidence is undeniable that court has is none because of falsified court documents in the Predicate Case. (Doc 1 pgs 1-3 is McConnell's March 26th DENIAL, DEMISSSAL & March 27th post marked mailing)

5. On March 22, 2013, Petitioner filed a "(MOTION TO DISQUALIFY') JUSTICE JUDITH MCCONNELL, SELF-KNOWN TO BE MALICIOUSLY PRESIDING CORAM NON JUDICE; MEMORANDUM OF POINTS & AUTHORITIES; DECLARATION UNDER DURESS OF SHARON NOONAN KRAMER". Petitioner's MOTION TO DISQUALIFY was served on the California Commission on Judicial Performance ("CJP") and California Chief Justice Tani ("Canti-Sayauke") in the capacity as the Chairperson of the California Judicial Council ("JC"). (Doc 2, pgs 4 -132 is Petitioner's March 22, 2013, MOTION TO DISQUALIFY, 15 Exhibits and Proof Of Service)

6. McConnell has refused to provide evidence of Respondent's subject matter jurisdiction (because she cannot) upon Petitioner's repeated challenges from September 2012 to February 2013. Each one denied while avoiding the obvious fact that Respondent has no subject matter jurisdiction. This is because the sole foundational document to the case, the judgment from the Predicate Case, is fraudulent, ante-dated and void to be used for any purpose. (See Doc 2, Pgs 20:6-20; 21 -26 & 102-109 for evidence that McConnell knows of the falsified court documents.)

A. The judgment from the Predicate Case, sole foundation to this case, is an ante-dated Void Judgment, unable to be legally used for any purpose.

1. The documents proving the evidence that the sole foundational document to this case is void; are grouped as Document 3 in the Appendix for clarification of sequence of events. (See Doc 3, Pgs 133-139) They are the Predicate Case:

i.) 2008 Void Judgment in current form and used as sole foundation to this case by Scheuer, November 4, 2010. Stated Date of Entry of Judgment on it's face is 12/18/08. The document was amended on October 28, 2011, over three years after Trial, to acknowledge Petitioner was a trial prevailing party. (Doc 3, Pgs 133-135)

ii.) 2008 Register of Action with sequential numbering of entries proving nothing occurred in the case on 12/18/08; (Doc 3, Pg 136)

iii.) December 30, 2008 Court issued Abstract of Judgment & January 20, 2009 Lien recorded by Scheuer with stated Date of Entry 09/24/08. It was submitted for Abstract by Scheuer on 12/22/08. (So on 12/22/08, the judgment showed a Date of Entry as 09/24/08) This is contradictory to Void Judgment that the same attorney who recorded the Lien, Scheuer, submitted as sole foundation to this case with stated Date of Entry 12/18/08; (Doc 3, Pg 137)

iv.) October 14, 2008, Scheuer's submission of costs. This is 3 weeks after the stated Date of Entry of Judgment of 09/24/08 on the Abstract the Court recorded and on the Lien that Scheuer recorded on Petitioner's property. (Doc 3, Pg 139)

v.) McConnell knows no judgment was entered on 09/24/08 in the Predicate Case. She accepted Petitioner's Notice to Appeal, that was filed over 100 days later on 1/14/09. (Doc 3, Pg 140)

2. Petitioner prevailed over Veritox in the August 2008 trial. Kelman prevailed over Petitioner. (See Doc 3, Pg. 135) On 9/24/08, the trial judge, Lisa ("Schall") signed Scheuer's Proposed judgment. (See Doc 3, Pgs. 133-135) The dollar amount of costs to be awarded to Kelman was an underlined blank. On this date, his costs had not been submitted. (See Doc 3, Pg. 139) There was nowhere for Petitioner's costs to be added to the document. In violation of C.C.P.664.5(b), Petitioner, a trial prevailing party -- by this time a Pro Per, was not made aware by the court that the Schall had signed Scheuer's Proposed Judgment.

3. On October 14, 2008, Scheuer submitted costs. (See Doc 3, Pg. 139) The clerk of the court, Michael ("Garland") filled in the dollar amount on the Proposed Judgment that Schall had signed on 09/24/08 without dating or initialing the change to the legal document. This made it appear that judgment was entered awarding costs on September 24, 2008. This is a violation of Penal Code 134 and Government Codes 6200(a)(c) and 6203(a)(b) by a clerk of the court.

4. On December 22, 2008, Scheuer submitted the ante-dated judgment back to the court for a recording of Abstract of Judgment. On this date it still falsely appeared that the Date of Entry of Judgment was September 24, 2008. (See Doc 3, Pg. 137)

5 The fraudulent Abstract was recorded on December 30, 2008. (See Doc 3, Pgs. 137-138) (See Doc 2, Pg. 106)

6. Scheuer then took the known fraudulent court issued Abstract and recorded a known fraudulent Lien for Respondent Kelman on Petitioner's property on January 20, 2009; with interest accruing on costs from three weeks before Kelman's costs were even submitted by Scheuer on October 14, 2008. (Scheuer also commingled his clients' costs and submitted those incurred by trial loser Plaintiff Veritox as being those of Plaintiff Kelman's) (See Doc 3, Pgs 137-138)(See Doc 2, Pg. 41, 42,106 that officers of Respondent knew of the commingling in their 2010 Review)

7. On December 22, 2008, Petitioner timely filed a Motion for Reconsideration after oral arguments on December 12, 2008. (See Doc 2, Pg 108)

8. On January 7, 2009, the Presiding Judge of the North San Diego County Superior Court, Joel ("Pressman") issued a denial to hear the Motion. His stated reason was that an "Amended Judgment" had been entered on 12/18/08 causing the lower court to lose jurisdiction. (See Doc 2 Pg 108)

9. <u>So was 12/18/08 the Date of Entry of Judgment as stated on the face of the sole foundational document to this case, as submitted by Scheuer? Or was it the Date of an Amended Judgment as stated by Presiding Judge Pressman? Answer: Neither</u>.

10 The Register of Action, sequential number of entries proves nothing occurred in the case on 12/18/08. (See Doc 3, Pg. 136)(Doc 2 Pg. 105) The conflicting Abstract, submitted for Abstract on 12/22/08 by Scheuer with stated Date of Entry of Judgment of 09/24/08, proves 12/18/08 was not the day the dollar amount was added to the document. The document is Void and ante-dated. (See Doc 2, Pgs 102- 109 that McConnell knows it is a fraudulent document.)(See Doc 3, Pgs. 133-140 that she would have known this in 2009)

11. Pressman's January 7, 2009 claimed of loss of jurisdiction, based on the ante-dated, Void Judgment as a reason he could not review all of Schall's errors, caused Petitioner to have

to file a notice of appeal on January 14, 2009. (Doc 3, Pg 140)(Doc 2, Pg108 for evidence McConnell and Benke know this.)

(Side Bar: The December 12, 2012, oral argument was Schall's last case to over see in Civil Court before being moved to Family Court. She had been caught drunk driving down the wrong way of a main street in Escondido. She could have been removed from the bench, but was instead given a public admonishment by the CJP in September of 2008. At this time of trial and post trial oral arguments McConnell was Chairwoman of the CJP)

12. McConnell accepted Respondent's jurisdiction on January 22, 2009. If the judgment had truly been entered on September 24, 2008, she would have been forbidden by law to accept Petitioner's untimely filed notice of 1/14/09. (See Doc 3, Pg. 140)

13. The case was assigned to Benke, Huffman and Irion for alleged review. They concealed that the Judgment was Void in their 2010 Review Opinion. (See Doc 2, Pg. 41-42) Petitioner, newly Pro Per at the time, did not understand the significance of the judgment document ante-dating as it pertains to lack of jurisdiction. After five years of harassment by courts who have feigned subject matter jurisdiction based on the ante-dated court document to harass Petitioner, she understands it now. (See Doc 2, Pgs 4, 5, 9, 20, 99,100)

14. On November 4, 2010, Scheuer submitted the Void Judgment – that differs from the Lien he recorded in the Predicate Case - as the sole foundational document to this case. (See Doc 3 Pg 133-135, 137)

15. There is no Notice of Entry of Judgment dated 12/18/08. There is no Notice of Entry of Judgment dated 09/24/08. Neither date is possible to have been the Date of Entry of Judgment.

16. The sole foundational document to this case with "MGarland 12/18/08" is a fraudulent, anti-dated Void Judgment. In this case, Petitioner has been harassed for over two years by courts, Plaintiffs and Scheuer, without subject matter jurisdiction – trying to silence her of what occurred in the Predicate Case and the continued adverse impact on her and the public because of it.

17. In the face of the direct evidence, no one denies it is a Void Judgment, yet ALL COURTS have refused to vacate the Void Judgment, sole foundation to this now two and half year old harassing, coram non judice, case which began in November of 2010.

18. On December 31, 2012, Scheuer filed an unsuccessful Motion to deem Petitioner a "Vexatious Litigant" in the lower court for her repeated motions for *someone* to vacate the Predicate Case Void Judgment and stop harassing her. Not denying the judgment is void, Scheuer attached as exhibit of why Petitioner should be deemed vexatious, *some* of the times Petition has attempted to get *someone* to vacate the fraudulent document. He did not attach the evidence that Benke refused to vacate it on an appellate level, and he argued that no lower court could vacate it after appeal. (See Doc 6, Pgs 150-154)

19. On March 26, 2013, McConnell and Benke continued on with the pretence this Void Judgment again gives their court jurisdiction to harass Petitioner -- to dismiss an appeal for Petitioners's refusal to file an opening brief in a court, in which an administrative presiding justice refuses to prove subject matter jurisdiction. This, in the face of direct evidence her court does not have jurisdiction because of court issued, falsified documents, concealed as such by her peer, Benke. By dismissing the appeal, coram non judice, she is aiding all this fraud to continue and void judgments, unlawful sanctions, and criminal liens to stand. (See Docs 1, 2, 3, 4, 5, 6 for the insidious tale)

20. Petitioner did not even know what an Abstract of Judgment was until the summer of 2011. A Lien noted on her credit report with the date of September 24, 2008, caused her to go to the County Recorder. Under Government Code 6203(b), Petitioner has until at least July 2015 to sue the Plaintiffs, Scheuer, Clerks and the San Superior Court for this act alone of recording the fraudulent Abstract and fraudulent Lien on her property – concealed as fraudulent by numerous officers of both the Appellate and Superior Courts, coram non judice.

21. This is now into its 5th year of harassment and terrorizing of Petitioner based on a 2008 anti-dated, Void Judgment. The criminal harassment includes false incarceration, falsification of her Sheriff Department and FBI records, attempted coercion into criminal perjury, bodily harm, emotional distress, character assassination and financial ruination – while Plaintiffs' scientific fraud plays on to harm the lives of thousands.

B. The Predicate Case 2010 Remittitur issued from the Appellate Court which released jurisdiction for this case to begin, is fraudulent and awards costs to undisclosed "Respondents". Only one "Respondent" was disclosed on Appeal, 2009, concealing McConnell hid true parties to the litigation in the 2006 anti-SLAPP Opinion.

1. These documents proving the Remittitur is fraudulent are grouped in the Appendix as Document 4, for clarification of sequence of events. (See Doc 4. Pgs 141-145)

1.) Excerpt of Petitioner's July 2005 Declaration in the lower court, showing it was known that Plaintiff Hardin was a party as an owner of Veritox;(Doc 4, Pg 141)

ii.) Scheuer's 2006 anti-SLAPP Certificate with Plaintiff Hardin's name missing as an owner of Veritox. (Doc 4, Pg 142) This was a 2nd submission, even after McConnell was made aware that Hardin's name was improperly missing from the 1st submission. On June 29, 2006, Petitioner requested McConnell to take judicial notice that Plaintiff Hardin was an improperly undisclosed owner of Veritox on Plaintiffs' Certificate of Interested Parties.(See Doc 2, Pgs 116:1-7; 117:12-16 for the June 2006 request)

iii.) Excerpt of McConnell's 2006 anti-SLAPP Opinion showing she that she was asked to take notice that Hardin's name was missing and suppressed the evidence of the non-disclosure of parties on appeal. (Doc 4, Pg. 143)

iii.) Scheuer's 2009 Review Case Certificate of Interested Persons with the only one disclosed "Respondent" being Kelman; (Doc 4, Pg 144)

iv.) 2010 Appellate falsified Remittitur awarding costs to undisclosed "Respondents". (Doc 4, Pg 145)

2. In the 2006 anti-SLAPP Opinion, McConnell concealed the evidence that Plaintiff Hardin was an improperly undisclosed party to the litigation on the Certificate of Interested Persons. Plaintiff Hardin is a 2001 retired US Asst. Surgeon General; retired Deputy Director of CDC NIOSH; co-author of the US Chamber Mold Statement and co-author of the ACOEM Mold Statement. (See Doc 2 Pgs 116:1-7; 117:12-16 that McConnell knows she concealed parties in the anti-SLAPP Opinion)(See Doc 4, Pgs 141-143 for the actual concealment)(See Doc 2, Pgs 89 -97 for the marketing of scientific fraud to the courts via these two Position Statements, co-authored by Plaintiffs Kelman & Hardin)[4]

[4] In 2002, Kelman & Hardin applied extrapolations to data taken from a single, acute, rodent study of mold blasted into the lungs of rats. Based solely on these calculations, they fraudulently professed to have proven **"Thus, the notion that 'toxic mold' is an insidious, secret 'killer,' as so many media reports and trial lawyers would claim, is 'junk science' unsupported by actual scientific study."** In 2002, a workman's compensation physician trade association legitimized the false concept by making Kelman's & Hardin's pseudoscience a position statement ("**ACOEM Mold Statement**"), portrayed to be the scientific understanding of thousands of physicians. In 2003, the ("**Manhattan Institute**") think-tank & ('**US Chamber**") of Commerce paid the duo to write a second version ("**US Chamber Mold Statement**") specifically for judges. (See underlined direct quote above).

3. Upon appeal again after the 2008 trial, Scheuer submitted a Certificate of Interested Persons to the Appellate Court in September, 2009. This time with only Plaintiff Kelman disclosed as the "Respondent" party on appeal. (See Doc 4, Pg. 144) If Plaintiff Veritox was disclosed on appeal, it's owner, Plaintiff Hardin, would have had to been named -- proving McConnell concealed in 2006 that he was an improperly undisclosed party to the litigation since the beginning in 2005.

4. In the 2010 Review Opinion, Benke, Huffman and Irion awarded costs to undisclosed "Respondents". On December 30, 2010, Deputy Clerk Rodriguis signed the Remittitur awarding costs against Petitioner to unknonwn people, "Respondents" – concealing that Hardin had been an improperly undisclosed party all along. (See Doc 4. Pg 145) The late Clerk Kelly's name and seal of the State of California was placed on the fraudulent Remittitur. (See Doc 2 Pg 86-88 regarding a telephone call Petitioner received from Kelly, October 5, 2011, of what McConnell would do if Petitioner pursued legal action) The falsification of the Remittiur, is a felony under Penal Code 134, by clerks of the court. Under Government Code 6203(b) has until 2014 to sue the Appellate Court, its clerks and officers, coram non judice, for this false cost award against her to improperly undisclosed parties.

Petitioner's ("**March 2005 Writing**") for which McConnell and co-conspirators framed her to be a malicious liar, was the first to publicly expose how Plaintiffs' pseudoscience was mass marketed into policy. This was for the purpose of lending false credibility to Plaintiffs' scientific fraud upon US courts. Petitioner named the connected names involved.

The framing of Petitioner to falsely make her appear to be a malicious liar and attempted cover up has abetted Plaintiffs' scientific fraud to continue to be used to deny and delay financial responsibility for causation of illness, disability and death from exposure to water damaged buildings' ("**WDB**") biocontaminants. The costs for these illnesses are shifted onto taxpayers via social service programs directly because of the malicious acts of McConnell, shielded by her peers. This matter now entering its 9th year, is easily into billions of dollars of fraud.

McConnell, now acting coram non judice in an administrative capacity, has no judicial immunity for conspiring to defraud and for the relentless harassment of Petitioner to conceal the defrauding. Apparently banking on complicit Deliberate Indifference by hired, elected & appointed government employees, McConnell knows the appeal dismissal is a Penal Code134 felony act in concealment of prior felonies. Penal Code 134 states "Every person guilty of preparing any false or ante-dated book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced for any fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding, or inquiry whatever, authorized by law, is guilty of felony."

C. McConnell and Benke are now working in concert for McConnell to feign subject matter jurisdiction based on known fraudulent court documents.

1. The following documents are grouped as Document 5 in the Appendix for clarity to understand the sequence of events.

i.) Benke's January 21, 2011 & January 25, 2013 Denials to Recall/Rescind/Vacate the Predicate Case 2010 Fraudulent Remittitur & vacate the 2008 Void Judgment with no explanation given. (See Doc 6, Pg. 146, 147)

ii.) McConnell's January and February 2013, 1st and 2nd DENIAL to prove Respondent's subject matter jurisdiction, upon Petitioner's repeated challenges and using the fraudulent documents that Benke refuses to recall/rescind/vacate as feigned jurisdiction. (See Doc 6, Pg. 148, 149)

2. Benke denied to vacate the court criminally falsified documents from the Predicate Case in January of 2011. (See Doc 5, Pg, 146) The lower court has used them to harass Petitioner for over two years (See Doc 6 Pg 150-152). Now, in 2013, Benke refuses to recall/vacate them again (See Doc 5, Pg 147). This is enabling McConnell to use them to falsely feign Respondent has subject matter jurisdiction in this case – to dismiss it when Petitioner challenged jurisdiction.(See Doc 1, Pg 1,2) That is called "conspiracy to defraud without judicial immunity" under Penal Code 162(a)(1)(3)(4)(5), 134, & C.C.P.410.10.

D. In order to prove subject matter jurisdiction, all that McConnell would have needed to do is prove the Void Judgment from the Predicate Case, with the stated Date of Entry of Judgment on it's face of 12/18/08 is not ante-dated, fraudulent and void to be used for any purpose. It is the sole foundational document to this case.

1. McConnell would have had to explain how and why a contradictory Abstract of Judgment with a different Date of Entry of 09/24/08 was recorded by the Court. She would have had to explain how Scheuer was able to record a Lien with stated Date of Entry, 09/24/08, three weeks before he submitted costs on 10/14/08. She would have had to explain why Scheuer was able to record a Lien with one stated Date of Entry 09/24/08; and then begin this case founded on a document with a differing stated Date of Entry 12/18/08. Again, there is no Notice of Entry of Judgment available for either date, 12/18/08 or 12/24/08, and neither date is possible to be the Date of Entry of Judgment.

2. McConnell would have had to explain this in the face of direct evidence that the Void Judgment was ante-dated twice by the court; once with Plaintiffs' cost filled in without initialing or dating to make it appear Entry of Judgment was 09/24/08; and once to add "MGarland 12/18/08" sometime after 12/22/08 when the document was submitted for Abstract by Scheuer and still showing the false 09/24/08 Date of Entry.

3. If McConnell was intending to be forthright and lawful in her actions, all she would have needed to do was request that Scheuer and Benke help her provide the evidence that the Void Judgment was a valid legal document – and explain how Scheuer was able to record a contradictory Lien on Petitioner's property.

4. McConnell would have needed to prove that the 2010 Remittitur is valid and does not award costs to improperly undisclosed "Respondents" - contradictory to the 2009 Plaintiff Certificate of Interested Persons which only discloses one "Respondent" – and concealed that she herself concealed a fraudulent Certificate of Interested Parties in 2006.

E. Unable to prove the impossible, McConnell continues to abuse her position as an administrative officer of a higher court, coram non judice; while Benke aids her by refusing to recall/rescind/vacate fraudulent court issued documents.

1. California Codes that were cited by Petitioner in support of the reasons McConnell must be disqualified and all her prior rulings, orders and opinions, beginning in November 2006, be reversed are Codes of Civil Procedure 170.1.(a),(3)(A),(6)(A)(iii),(B), 410.10; Government Codes 6200(a)(c), 6203(a)(b)(c), 68150(d); Penal Code 126, 127, 134, 162.(a)(1)(2)(3)(4)(5); and the United States Constitution, case law and treatises.

2. The True Root of the Problem: McConnell framed Petitioner for defamation in the Predicate Case 2006 anti-SLAPP Opinion and suppressed the direct evidence that Plaintiff Kelman committed perjury in his declarations to establish false light reason for Petitioner's alleged malice. Upon alleged 2010 Review, her judicial peers concealed it. This has caused Petitioner's ruination and years of unbridled harassment for Petitioner by Plaintiffs, Scheuer and the courts themselves in concealment of McConnell's aiding and abetting financially motivated discrimination against environmentally disabled and dying US citizens. (See Doc 2 Pgs. 12:2-

20; 13; 14; 16:8-23; 33 to 46 for *some* of the evidence of framing) (See Memorandum of Points & Authorities for a detailed description of how she intentionally framed Petition for defamation)

F. The required dismissal and reversal of all McConnell's rulings and orders are because of McConnell's fraud upon the court in both cases and in both judicial and administrative capacities.

1. This entire case is about trying to harass Petitioner into silence of how McConnell framed Petitioner to defraud the public in the Predicate Case – with all courts shielding her for the continued damage to the public because of it, (See Memorandum of Points & Authorities)

2. In this case, Petitioner has been enjoined from writing the words for which McConnell framed her in the Predicate Case "altered his under oath statements", along with some words not even in Petitioner's March 2005 Writing. (See Doc 2, Pgs. 18, 37, 74) If Petitioner cannot write those words, she also cannot explain how and why McConnell framed Petitioner for libel; how all courts covered for her; and the continued adverse impact on the public and continued harassment of Petitioner because of it.

G. All legal remedies have been more than exhausted for Petitioner. It is so bad, that Petitioner is unable to seek redress of grievance for the damage to her from the fraud upon the court; without threat of more unlawful incarceration, more bodily harm, more emotional distress, sanctions, liens and cost/attorney fee awards to Plaintiffs.

1. As merely one example of how bad this matter really is, in 2012 Petitioner was held in contempt of court for letters she sent in 2011 to members of the JC, including Cantil-Sayauke, and along with McConnell, seeking help to stop the harassment. Petitioner put the letters on the Internet. (See Doc 2, Pg. 80-86)

2. Unlawfully found in contempt, coram non judice, and unable to retract or issue a retraction under C.C.P.1219(a) because website owners said "No", the evidence would not come off their sites; (See Doc 2, Pg 54-63) Petitioner *was* jailed for refusing to sign a false confession crafted by Scheuer (See Doc 2, Pg 51-53, 62-70). The Sheriff Department record was then ordered to be falsified by the Court to conceal the true reason for jailing to make it

appear she was lawfully jailed under C.C.P. 1218(a) for violating a contempt order. (See Doc 2, Pg. 71)

3. On July 2, 2012, the Court issued an order that Petitioner is to pay $3000 for putting the evidence of the unlawful jailing on the Internet, pay Plaintiff Kelman over $8000.00 more dollars, publish a false confession on the Internet for a sentence she never wrote and never write of the matter again – or possibly be jailed again. (Doc 2, Pg. 73-79). All of this wrath, under the false pretense for repeating the words, "altered his under oath statements" – while seeking help to stop the harassment, liens, sanctions, threats of more jailing, bodily harm, etc., by McConnell and her compromised courts.

H. For public health, safety and welfare; leading officer of the California judicial branch, Justice Judith McConnell, must be MANDATED by the California Supreme Court to cease this harassment of a United States citizen, undo the damage she has caused or show good cause why not under C.C.P. 1087.

1.. In violation of Court Rule 10.1004(b) Administrative Presiding Justice McConnell is now misleading the court and the public by acting in her own personal interest while denying Petitioner "access to justice". McConnell has refused provide Petitioner a "forum for the fair and expeditious resolution of disputes". In violation of C.C.P. 410.10, McConnell is violating Petitioner's rights to have matters fairly adjudicated. She has exercised jurisdiction "inconsistent with the Constitution of this state or of the United States", by issuing an order to dismiss an appeal, and thus a case, where Respondent has no subject matter jurisdiction.

2. Taken to the brink of poverty from the years of relentless harassment, terrorizing and character assassination; Petitioner Under Duress cannot even afford to file this Petition or even print copies of the voluminous evidence. Under Rules of the Court 8.486(b)(2) exigent conditions exist. Under C.C.P.1209(a) all evidence may be read online. Some printed key documents are numbered, attached and referenced as exhibit.

3. Immediate relief is needed so Petitioner may make a living rather than having to spend all her time trying to stop the harassment, character assassination, terrorizing, threats of more bodily harm and the ever mounting damage to her from the ruination of her reputation and depletion of funds. Besides being an exposer of scientific fraud on the court aided and abetted

by court officer's fraud; Petitioner is a real estate agent by profession who depends on solid reputation to make a living.

4. In concealment of past misconduct, McConnell's DENIAL and DISMISSAL, coram non judice, on March 26, 2013, is continuance of conspiring in reckless disregard for public safety, public health and misuse of public tax dollars. It is attempted cover up of Plaintiffs' and court officers' past and present heinous moral turpitude, while US citizens are dying from their collusion. It is egregious violation of McConnell's sworn oath of office, denying the rights of Petitioner that are guaranteed to her and to all citizens under the Constitution of the United States. I.e. to speak the truth in America without retaliation from co-conspirators disguised as respectable court officers and honest clerks, who aid and abet those who are paid to bear false witness before US courts. (See Doc 2, Pg.6-10's footnotes, 99-111)[i]

[i]

2008 Predicate Case Void Judgment in current form, stated Date of Entry 12/18/08
(Doc 3 Pg 133-135) http://freepdfhosting.com/5338a526d9.pdf
2008 Register of Action, Nothing occurred on 12/18/08
(Doc 3 Pg 136) http://freepdfhosting.com/c147f48b01.pdf
2008 Contradictory Abstract of Judgment, Lien stated Date of Entry 09/24/08
(Doc 3 Pg 137-138) http://freepdfhosting.com/f103f7393c.pdf
2008 Plaintiff Submission of Costs 10/14/08
(Doc 3 Pg 139) http://freepdfhosting.com/afa04e3558.pdf

March 26, 2013, McConnell Denial & Case Dismissal http://freepdfhosting.com/8a39885adc.pdf
March 22, 2013 Petitioner's Motion To Disqualify w/working links to Exhibits of how McConnell ("PJ"), Benke et.al. framed Petitioner, jailed & falsified the Sheriff Department Record to cover up the criminal collusion to aid the continuance of Plaintiffs' scientific fraud upon US courts:
http://freepdfhosting.com/9f138bf774.pdf
The 15 Exhibits that were attached to the Motion To Disqualify McConnell are:

1. March 2005 Petitioner's writing accurately stating Veritox was paid to write the US Chamber Mold Position Statement http://freepdfhosting.com/4a6534d9aa.pdf
2. July 2005, Appellant's declaration (5:5-8) http://freepdfhosting.com/8eb43146b2.pdf
3. November 2006, anti-SLAPP Opinion (Pg 10) falsely making it appear Petitioner was writing of the ACOEM Mold Position Statement and that she accused Plaintiff Kelman of getting caught lying about being paid to make revisions in the ACOEM Mold Position Statement http://freepdfhosting.com/ec7db9f462.pdf
4. July 2009, Appellant's Brief (Pg 4,5 & 7-9 & 34) http://freepdfhosting.com/5ea33b09f7.pdf
5. September 2010 Appellate Opinion (Pg 0, 8,10) concealing McConnell framed Petitioner in the 2006 anti-SLAPP Opinion and the Judgment is Void http://freepdfhosting.com/6034e77cd3.pdf

6. February10, 2012, Proposed "Retraction of Sharon Kramer", a false confession written by Scheuer which also states, "I do not believe Dr. Kelman committed perjury." – when everyone knows he did to establish false theme for malice in the Predicate Case and it was concealed by six judicial officers of Respondent, including McConnell. http://freepdfhosting.com/ec6c5a7899.pdf
7. February 10, 2012, Appellant Notice To Court (Pg 0,8) unable to comply with January 19, 2012 Contempt Order under C.C.P.1219(a) & Declarations of Kevin Carstens (Pg0,1, 4) & Crystal Stuckey Pg (0,4) stating no retractions of the truth will be permitted on their internet sites http://freepdfhosting.com/bee7b4c47a.pdf
8. March 9, 2012 Minute Order sent to jail for refusing to sign false confession, "Retraction of Sharon Kramer" http://freepdfhosting.com/2975dc147b.pdf
9. March 14, 2012 Transcript, court acknowledges this is a crime. http://freepdfhosting.com/0cce163e7b.pdf
10. April 5, 2012 Minute Order sent to Sheriff Dept w/libelous CCP1218(a) to conceal PJ, Benke, et.al, framed Appellant & she was jailed for refusing to commit perjury http://freepdfhosting.com/fece7d4bf6.pdf
11. July 6, 2012 Judgment, Order & Permanent Injunction for a sentence not even in Petitioner's March 2005 Writing http://freepdfhosting.com/ee4494b707.pdf
12. January 19, 2012 Civil Contempt of Court Order for sending this letter to PJ and others. Letter to PJ: http://freepdfhosting.com/0267bd88be.pdf Read all letters to Judicial leaders at: http://katysexposure.wordpress.com/2011/09/13/is-the-california-court-case-management-system-ccms-being-misused-for-politics-in-policy-litigation-and-the-fleecing-of-the-california-taxpayer/
13. October 5, 2011 Appellant fax to Kelly (Cover & 1st page) regarding his threat that McConnell would deem Appellant a Vexatious Litigant should she pursue legal action for the fraudulent 2010 Remittitur http://freepdfhosting.com/ceafac9fac.pdf
14. October 2002 ACOEM legitimized Plaintiff's pseudoscience http://freepdfhosting.com/74478c4cad.pdf; July 2003 the US Chamber spun it further & mass marketed it http://freepdfhosting.com/a8baea5e37.pdf& July 2008 Plaintiff Kelman says under oath that they were paid to write it for judges http://freepdfhosting.com/cfe9bff790.pdf
15. February 1, 2013 Appellant's Second Demand To Prove Jurisdiction Recall/Rescind/ Vacate Fraudulent Remittitur & Void Judgment in predicate case. http://freepdfhosting.com/1a7ab42057.pdf

HISTORY OF APPELLATE COURT (2012-13) AFTER LOWER COURT HARASSMENT(2010-2013)

September 28, 2012 Petitioner's ("Appellant") Notice of Appeal (forced to file or all the fraud would have stood) http://freepdfhosting.com/20c2e3150c.pdf & Exhibits of the Void Judgment, etc., concealed by PJ & Benke http://freepdfhosting.com/39bb642632.pdf

October 9, 2012 Court Notice To Appellant To Clear Default, no mention of the Void Judgment, etc. http://freepdfhosting.com/4cfd65e707.pdf

November 15, 2012 Appellant's Statement of the Case again questioning jurisdiction & Exhibits of fraudulent court issued documents http://freepdfhosting.com/3aca3361d5.pdf

December 28, 2012 Court's Notice of due date for Appellant's opening brief. No mention of the Void Judgment, etc. http://freepdfhosting.com/fb552c1427.pdf

January 7, 2013 Appellant's Request For Extension and questioning Court's jurisdiction again w/Exhibits of court falsified documents http://freepdfhosting.com/1fb4c8677a.pdf

January 8, 2013 PJ's Denial of Extension –No mention of the Void Judgment, etc. http://freepdfhosting.com/8b1409342e.pdf

January 11, 2013 Appellant's 2nd Request for Indefinite Extension until Court Proves Jurisdiction. http://freepdfhosting.com/a8a4f974c3.pdf

January 14, 2013 PJ granted extension to February 28, 2013, again suppressing and not addressing the evidence of falsified documents/lack of jurisdiction http://freepdfhosting.com/0fdde66d1a.pdf

January 25, 2013, **Predicate Case**, Appellant's Motion To Recall & Rescind Remittitur and vacate Void Judgment http://freepdfhosting.com/295235b492.pdf

January 25, 2013 **Predicate Case** Benke's Denial to Recall/Rescind Fraudulent Remittitur & Vacate Void Judgment in http://freepdfhosting.com/83b635b628.pdf

January 28, 2013 Appellant's DEMAND that Benke Recall & Rescind Remittitur and PJ stop harassing Appellant without subject matter jurisdiction. http://freepdfhosting.com/bb0ea71958.pdf

January 29, 2013 PJ's refusal to recall/rescind/vacate Benke's fraudulent documents in the Predicate Case, giving PJ feigned subject matter jurisdiction in this case. http://freepdfhosting.com/c4a802ef85.pdf

February 1, 2013 Appellant's Second Demand To Prove Jurisdiction Recall/Rescind/ Vacate Fraudulent Remittitur & Void Judgment in Predicate Case. http://freepdfhosting.com/1a7ab42057.pdf

February 6, 2013 PJ's Second Denial to Prove Jurisdiction "Court takes no action" http://freepdfhosting.com/2f2bcde419.pdf

March 6, 2013 Court Order that Appellant's opening brief due is March 21, 2013 while suppressing the evidence Respondent has no subject matter jurisdiction and causing Petitioner to file a Motion to Disqualify McConnell on March 22, 2013 http://freepdfhosting.com/dadd8e9599.pdf

HISTORY OF APPELLATE COURT(2006-11) CAUSING LOWER COURT HARASSMENT(2010-13)

January 19, 2011 Appellant Motion To Recall & Rescind Remittitur w/evidence PJ, Benke et.al, **KNOW** they framed Appellant and this case is about silencing her – based on a Void Judgment. http://freepdfhosting.com/5ab0fff0bf.pdf

January 20, 2011, Benke's Denial To Recall/Rescind Fraudulent Remittitur, knowingly causing this case to maliciously continue http://freepdfhosting.com/523dcd4f2e.pdf

January 6, 2012 One of many examples of known lack of jurisdiction and fraud upon the court by McConnell Benke, et.al.; Appellant's Declaration for the unlawful January 6, 2012 Contempt Hearing http://freepdfhosting.com/8056e01016.pdf

January 19, 2012 Civil Contempt Order that Petitioner must post a retraction for a sentence not even in her March 2005 Writing,"Dr. Kelman altered his under oath statements on the witness stand' when he testified in an Oregon lawsuit" or go to jail. http://freepdfhosting.com/3786cf3fe5.pdf

February 10, 2012 Petitioner's Notice To Court of Inability to Comply With Unlawful January 19, 2012 Contempt Of Court Order, Declarations of Dr. Lorna Scharz Re: the stress this is causing Petitioner; Declaration of Kevin Carstens stating he will not allow any retractions on Sickbuildings, Yahoo Groups; Declaration of Crystal Stuckey stating she would not give Petitioner to retract truthful words from Katy's Exposure http://freepdfhosting.com/d6edc82b90.pdf

February 10, 2012 Scheuer's proposed "Retraction of Sharon Kramer", false confession of being guilty of libel, under penalty of perjury. It also contains the sentence "I do not believe Dr. Kelman committed perjury." – when the evidence is undeniable that he did to establish false theme for malice in the Predicate case. This document contains the evidence of how McConnell, et.al. framed Petitioner. http://freepdfhosting.com/3affc8769d.pdf

March 9, 2012 Transcript – Court knew it was sentencing a never impeached US citizen, who blew a whistle on fraud, to jail. http://freepdfhosting.com/fc91c243b6.pdf

March 9, 2012 Minute Order – Sent to jail for refusing to sign false confession under penalty of perjury. http://freepdfhosting.com/4f2399f151.pdf

April 5, 2012 Falsification of Sheriff Department Record to Conceal the reason for the jailing. http://freepdfhosting.com/e244c767f2.pdf

July 6, 2012 Judgment, Order and Permanent Injunction, Petitioner is permanently enjoined from "republishing" a sentence not even in her March 2005 Writing**,"Dr. Kelman altered his under oath statements on the witness stand' when he testified in an Oregon lawsuit"**. She is threatened with more jailing to conceal McConnell framed her for libel in the 2006 anti-SLAPP Opinion for the sentence, **"Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the witness stand"** http://freepdfhosting.com/0d9df0350d.pdf

April 11, 2013

_____

Sharon Noonan Kramer, Petitioner Under Duress

MEMORANDUM OF POINTS & AUTHORITIES

I.

Background

1. By direct evidence of omitted material evidence, it would appear that McConnell and judicial officers of Respondent willfully framed Petitioner for Defamation for the sentence *"Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the witness stand."* in the 2006 anti-SLAPP Opinion. (See Doc 7 Pgs. 154-172 for the 2006 anti-SLAPP Opinion)

2. It is undeniable that three more judicial officers knowingly concealed the evidence that Petitioner was never lawfully found guilty of libel, in the 2010 Review Opinion. (See Doc 8 Pgs. 173-189 for the 2010 Review Opinion)(See Doc 2 Pgs. 32-33 for Petitioner's March 2005 Writing.)(See Doc 9, Pgs.190-91 for Plaintiff Kelman's February 18, 2005 testimony in question.)

3. Compiled for clarity as Document 10 are excerpts of Petitioner's July 2009 Errata Opening Brief and Appendix of exhibits. They illustrate what the Reviewing Court knew, yet suppressed in their 2010 Review Opinion.

i.) In both opinions they deleted 14 Key lines from the middle of Kelman's testimony in *Haynes* to make it appear he clarified statements rather than was obfuscating. (See Doc 10, Pgs 192 -195)

ii.) They suppressed the evidence that Kelman committed perjury to establish malice and that Scheuer suborned it. (See Doc 10, Pgs 196-208)

iii.) They suppressed the evidence that the trial judge absurdly stated on Dec 12, 2008, that a source witness who said the writing was correct – was the clear and convincing evidence the writing was incorrect. (See Doc 10, Pgs 209-210)

iv.) They suppressed the evidence that the trial judge refused to be "drawn into that kind of petty behavior" or having Scheuer admit the perjury to establish malice. (See Doc 10, Pg 211-212)

v.) They knew the judgment with 12/18/08, was void. (See Doc 10, Pg 213)

4. In the 2010 Review Opinion, Benke, Huffman and Irion wrote,

> "In a prior opinion, a previous panel of this court affirmed an order denying Kramer's motion to strike under the anti-SLAPP statute… In doing so, we largely resolved the issues Kramer now raises on appeal. In our prior opinion, we found sufficient evidence Kramer's Internet post was false and defamatory as well as sufficient evidence the post was published with constitutional malice."

"Thus any disagreement we might entertain with respect to our prior disposition would be no more than that: a disagreement. Given that circumstance and the fact that only nomimal damages were awarded against Kramer, the value of promoting stability in decision making far outweighs the value of any reevaluation of the merits of our prior disposition."

We recognize that with respect to malice "courts are required to independently examine the record to determine whether it provides clear and convincing proof thereof." (McCoy v. Hearst Corp. (1991) 227 Cal.App.3d 1657, 1664.) However, in Kelman v. Kramer I [anti-SLAPP Opinion] we expressly rejected Kramer's argument that such independent review entitled her to judgment. (See Doc 8 Pgs 174, 186)

A. The McConnell Framing of Petitioner for Defamation In the 2006 anti-SLAPP Opinion

1. In March of 2005, Petitioner wrote of how an expert defense witness in mold litigations, Plaintiff Kelman, got caught on a witness stand in Oregon in February 2005, having to discuss how the Manhattan Institute think-tank's paid for hire paper, the US Chamber Mold Statement. was closely connected to a purportedly unbiased medical association paper, the ACOEM Mold Statement. She wrote of how Plaintiff Kelman appeared to be obfuscating to hide their connection. She wrote of how he only admitted their connection when forced to do so by a prior testimony of his from Arizona being permitted into the Oregon trial proceeding, over objections trying to stop the line of questioning. (See Doc 2 Pg 33)

2. Petitioner's March 2005 Writing in relevant part:

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

[The following was omitted from any mention in the 2006 anti-SLAPP Opinion changing the gist and hiding the significance of the Petitioner's March 2005 writing]

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." [ACOEM] (See Doc 10, Pg 214 that on 2010 Review they knew this)

3. McConnell's 2006 anti-SLAPP Opinion concealed that Petitioner's March 2005 Writing exposed how the US Chamber, US Congressman Gary ("Miller") (R-CA), the Manhattan Institutes think-tank, and the real estate, mortgage and building industries were closely connected to the "US medical policy writing body", ACOEM, via expert defense witnesses, Plaintiffs, when selling pseudoscience over the Mold Issue. (See Doc 7 in its entirety. There is no mention that Petitioner was writing of the US Chamber Mold Position Statement)

4. McConnell took Petitioner's writing of the truth of the mass marketing of scientific fraud harming thousands of people and as explained in Petitioner's declarations and said it was evidence of personal malice for Plaintiff Kelman because the tone was bad. (See Doc 7 Pgs167)

5. Petitioner was framed for libel with actual malice by McConnell for the sentence, "Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the witness stand**."**

8. First, McConnell acknowledged that Petitioner's allegedly maliciously libelous sentence is absolutely correct. Confirmed by McConnell, Kelman did alter his under oath statements when confronted with a prior testimony of his from Arizona, *Kilian.* From McConnell's 2006 anti-SLAPP Opinion:

> **"**The fact that Kelman did not clarify that he received payment from the Manhattan Institute until after being confronted with the Kilian deposition testimony [sic, bench trial in Arizona] could be viewed by a reasonable jury as resulting from the poor phrasing of the question rather from an attempt to deny payment." (See Doc 7 Pg. 10)

9 McConnell maliciously changed the color of Plaintiff Kelman's testimony in question to make it appear to be benignly clarifying, rather than obfuscating and forced. In the 2006 anti-SLAPP Opinion, she omitted 14 key lines from the middle of the transcript that showed Plaintiff Kelman and the defense attorney, Mr. Keckle, were trying to stop the line of questioning. Plaintiff Kelman shouted "riduculous" when first asked of the think-tank involvement and Mr. Keckle invoked the rule of completeness. Benke concealed the key omission and the relevance of it, in 2010. (See Doc 7, Pg. 4)(See Doc 10, Pg 192 that on 2010 Review, they knew the significance

of this) (See Doc 8, Pg 4, they did it again to change the color of the testimony to make it appear to be clarifying)

10 From the 2006 anti-SLAPP and 2010 Review Opinions with the 14 key lines noted as missing and added back in:

> MR. VANCE: Okay. Now, this revision of the [ACOEM paper] state --
> BRUCE J. KELMAN: What revision?
> MR. VANCE: The revision -- you said that you were instrumental in writing the statement, and then later on you said you and a couple other colleagues wrote a revision of that statement, isn't that true?
> BRUCE J. KELMAN: No, I didn't say that.
> MR. VANCE: Well --
> BRUCE J. KELMAN: To help you out I said there were revisions of the position statement that went on after we had turned in the first draft.
> MR. VANCE: And, you participated in those revisions?
> BRUCE J. KELMAN: Well, of course, as one of the authors.
> MR. VANCE: All right. And, isn't it true that the Manhattan Institute paid GlobalTox $40,000 to make revisions in that statement?
> BRUCE J. KELMAN: That is one of the most ridiculous statements I have ever heard.
> MR. VANCE: Well, you admitted it in the Killian [sic] deposition, sir.
> BRUCE J. KELMAN: No. I did not.

(Omitted from both the 2006 anti-SLAPP and 2010 Review Opinions):

> MR. VANCE: Your honor may I approach. Would you read into the record please the highlighted parts of pages 905 and 906 of the trial transcript in the case.
> MR. KECKLE: Your Honor I would ask that Dr. Kelman be provided the rest of the transcript under the rules of completeness. He's only been give two pages.
> JUDGE VANDYKE. Do you have a copy of the transcript?
> MR. KECKLE: I do not.
> MR. VANCE: Your Honor I learned about Dr. Kelman just a
> JUDGE VANDYKE: How many pages do you have?
> MR. VANCE: I have the entire transcript from pages..
> JUDGE VANDYKE: Alright hand him the transcript.
> MR. VANCE: I'd be happy to, your Honor.

(Back in both the 2006 anti-SLAPP and 2010 Review Opinions):

> MR. VANCE: Would you read into the record the highlighted portions of that transcript, sir?
> BRUCE J. KELMAN: "And, that new version that you did for the Manhattan Institute, your company, GlobalTox got paid $40,000. Correct. Yes, the company was paid $40,000 for it.

MR. VANCE: Thank you. So, you participated in writing the study, your company was paid very handsomely for it, and then you go out and you testify around a country legitimizing the study that you wrote. Isn't that a conflict of interest, sir?
BRUCE J. KELMAN: Sir, that is a complete lie.
MR. VANCE: Well, you['re] vouching for your own self [inaudible]. You write a study and you say, 'And, it's an accurate study."
BRUCE J. KELMAN: We were not paid for that. In fact, the sequence was in February of 2002, Dr. Brian Harden, and [inaudible] surgeon general that works with me, was asked by American College of Occupational and Environmental Medicine to draft a position statement for consideration by the college. He contacted Dr. Andrew Saxton, who is the head of immunology at UC -- clinical immunology at UCLA and myself, because he felt he couldn't do that by himself. The position statement was published on the web in October of 2002. In April of 2003 I was contacted by the Manhattan Institute and asked to write a lay version of what we had said in the ACOEM paper -- I'm sorry, the American College of Occupational and Environmental Medicine position statement. When I was initially contacted I said, 'No.' For the amount of effort it takes to write a paper I can do another scientific publication. They then came back a few weeks later and said, "If we compensate you for your time, will you write the paper?" And, at that point I said, 'Yes, as a group.' The published version, not the web version, but the published version of the ACOEM paper came out in the Journal of Environmental and Occupational Medicine in May. And, then sometime after that, I think it was in July, this lay translation came out. <u>They're two different papers, two different activities.</u> The -- we would have never been contacted to do a <u>translation of a document that had already been prepared</u>, if it hadn't already been prepared.
MR. VANCE: Well, your testimony just a second ago that you read into the records, you stated in that other case, you said, "Yes. GlobalTox was paid $40,000 by the Manhattan Institute to write a new version of the ACOEM paper." Isn't that true, sir?
BRUCE J. KELMAN: I just said, we were asked to do a lay translation, cuz the ACOEM paper is meant for physicians, and it was not accessible to the general public.
MR. VANCE: I have no further questions." (See Doc 9, Pg 190 of the *Haynes* Transcript)

11. After omitting the key portion of the transcript to falsely make it appear that Plaintiff Kelman willfully clarified rather than obfuscated, McConnell wrote:

> "A short while later, Kelman explained how the Manhattan Institute paper was an entirely separate project – a writing of a lay translation of the ACOEM paper – <u>and he readily admitted</u> he was paid by the Manhattan Institute to write the lay translation." (See Doc 7 Pg 6 -7) They stated there was evidence he was clarifying not altering.

12. Plaintiff Kelman obviously would have know that when Vance mentioned the Manhattan Institute money, Vance knew of Plaintiff Kelman's paid for hire edited second paper for commerce

– which discredits his ACOEM Mold Statement as being unbiased. He would have reason to want to stop the line of questioning which exposed conflicts of interest in the promotion of Plaintiff Kelman's pseudoscience.

13. In addition to omitting those 14 key lines, McConnell also suppressed the evidence that supported Petitioner's logically stated good cause for considering Plaintiff Kelman's testimony to be obfuscating and "altered his under oath statements" after the forced addressing of statements he made in *Kilian,* came into the *Haynes* trial.

14. From Petitioner's July 2005 Declaration and suppressed as unimpeached explanation for use of the phrase, "altered his under oath statements" for now eight years:

> In the above referenced exchange, the direct question was asked of Kelman if the Manhattan Institute had paid GlobalTox for revisions to the ACOEM Statement. Kelman replied with an indignant and false denial. If Kelman was confused as to whether Vance was asking about the ACOEM Statement or the Manhattan Institute Version, yet was intending to be forthright in his testimony, a more appropriate answer may have been "Yes, GlobalTox was paid $40,000 for a revision of the ACOEM Statement, but that was much later. Kelman chose not to clarify the payment from the Manhattan Institute at that time in his testimony. Only after the Kilian transcript was permitted into the court record, which allowed the line of questioning to continue, did he attempt to explain the relationship between the ACOEM Statement and the Manhattan Institute Version.
>
> Within the prior sentences, Kelman testified "We were not paid for that…", not clarifying which version he was discussing. There was no question asked of him at that time. He went on to say GlobalTox was paid for the "lay translation" of the ACOEM Statement. He then altered to say "They're two different papers, two different activities." He then flipped back again by saying, "We would have never been contacted to do a translation of a document that had already been prepared, if it hadn't already been prepared." By this statement he verified they were not two different papers, merely two versions of the same paper. And that is what this lawsuit is really all about. The rambling attempted explanation of the two papers' relationship coupled with the filing of this lawsuit intended to silence me, have merely spotlighted Kelman's strong desire to have the ACOEM Statement and the Manhattan Institute Version portrayed as two separate works by esteemed scientists. In reality, they are authored by Kelman and Hardin, the principals of a corporation called GlobalTox, Inc. – a corporation that generates much income denouncing the illnesses of families, office workers, teachers and children with the purpose of limiting the financial liability of others. One paper is an edit of the other and both are used together to propagate

biased thought based on a scant scientific foundation. Together, these papers are the core of an elaborate sham that has been perpetrated on our courts, our medical community and the American public. Together, they are the vehicle used to give financial interests of some indecent precedence over the lives of others.

15. McConnell then proceeded to make Petitioner's March 2005 Writing appear to have made a false allegation that the writing did not make.

By portraying Vance's questions to be Petitioner's writing and by portraying that Petitioner was writing of the ACOEM Mold Statement; McConnell falsely made it appear that Petitioner libelously accused Plaintiff Kelman of getting caught lying about being paid to make revisions in the ACOEM Mold Statement. McConnell wrote:

> "This testimony supports a conclusion Kelman did not deny he had been paid by the Manhattan Institute to write a paper, but only denied being paid by the Manhattan Institute to make revisions in the paper issued by ACOEM. The fact that Kelman did not clarify that he received payment from the Manhattan Institute until after being confronted with the *Kilian* deposition testimony [sic, bench trial in Arizona] could be viewed by a reasonable jury as resulting from the poor phrasing of the question rather from an attempt to deny payment. In sum, Kelman and GlobalTox presented sufficient evidence to satisfy a prima facie showing that the statement in the press release was false."

16. Petitioner's writing is 100% accurate of what occurred. Glaringly missing, to make Petitioner's March 2005 Writing appear maliciously false and to cover up what was in it that they did not want known; the 2006 anti-SLAPP Opinion concealed that the paper Petitioner was writing of was the US Chamber Mold Statement. Upon alleged review in 2010, three justices concealed that this is what their peers had done in 2006 to frame a US citizen for defamation.

B. The McConnell Concealment of Plaintiff Kelman's Perjury & Scheuer Subornation Of It To Establish False Light Reason For Petitioner's Alleged Malice.

1. McConnell was provided the direct evidence that Plaintiff Kelman submitted false and inflammatory statements made under penalty of perjury in his declarations with regard to his role in Petitioner's litigation with her home owners' insurer. It was the **sole alleged reason** that Petitioner would have malice – to deflect from the fact that she was writing of a fraud in policy. (See Doc 2, Pgs 115:20-25; 117:6-12 for the evidence of Plaintiff Kelman's perjury to establish false light reason for malice in the Predicate Case that McConnell refused to take notice of.)

Specifically Plaintiff Kelman falsely wrote in his declarations,

> "I first learned of Defendant Sharon Kramer in mid-2003, when I was retained as an expert in a lawsuit between her, her homeowner's insurer [Mercury Casualty] and other parties regarding alleged mold contamination in her house. She apparently felt that the remediation work had been inadequately done, and that she and her daughter had suffered life-threatening diseases as a result. I testified that the type and amount of mold in the Kramer house could not have caused the life-threatening illnesses that she claimed. I never met Ms. Kramer."

Specifically Scheuer falsely wrote,

> "Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not have caused the life threatening illnesses that Kramer claimed. Apparently furious 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."

2. See Document 10 pages 196 to 208 for just a minute sampling of the suppression of evidence in the 2010 Review Opinion that Plaintiff Kelman committed perjury to establish malice, Scheuer suborned it, and the impact it had on the Predicate Case, including the trial. Again, they stated in the 2010 Review Opinion,

> We recognize that with respect to malice "courts are required to independently examine the record to determine whether it provides clear and convincing proof thereof." (McCoy v. Hearst Corp. (1991) 227 Cal.App.3d 1657, 1664.) However, in Kelman v. Kramer I [anti-SLAPP Opinion] we expressly rejected Kramer's argument that such independent review entitled her to judgment. (See Doc 8 Pgs 174, 186)

C. McConnell and Five Judicial Officers of Respondent Know She Concealed Plaintiffs' Scientific Fraud upon US Courts in the 2006 anti-SLAPP Opinion

1. When McConnell wrote the 2006 anti-SLAPP Opinion while framing Petitioner for defamation over a writing impacting public health and mold litigation nationwide; while concealing Plaintiff Kelman's perjury; while concealing Scheuer's suborning of perjury; and while concealing ex-federal employee, Hardin, was an undisclosed party; while concealing Petitioner was writing of the US Chamber's, a think-tank's and a US Congressman's involvement she wrote,

> Initially, we note this lawsuit is not about conspiracy. This lawsuit was filed by Kelman and GlobalTox alleging one statement in a press release was libelous. Thus, conspiracy issues are not relevant.

2. McConnell refused to take Judicial Notice of Plaintiffs' scientific fraud being thrown out of court by a Kelly Frye ruling in Sacramento, April 2006. As McConnell was aware when she issued the 2006 anti-SLAPP Opinion and conspired while claiming there is no conspiracy, the judge had deemed Plaintiffs' science to be a "huge leap". (See Doc 2 Pg 114 -120, June 29, 2006, Petitioner's then attorney William Brown's request that McConnell take judicial notice of) This and the concealment of Harding being a party occurred after matters in the lower court. McConnell had no justifiable reason to conceal one party to a litigation and then conceal that his business partner committed perjury while Strategically Litigating Against Public Participation. (See Doc 7 Pg 160 for McConnell's explanation of why she would not take notice – because it was not presented in the lower court)

II
THE TRIAL COURT, MCCONNELL & RESPONDENT

1. In the 2010 Review Opinion, they concealed the material evidence that libel was never proven in trial. Not mentioned in their opinion, absurdly stated by Trial Judge Schall, on December 12, 2012; she said a source witness of Petitioners' who said the writing was correct was the clear and convincing evidence Petitioner's writing was incorrect. When Petitioner brought it to Schall's attention that this is not logical, Schall stated,

"You know what Miss. Kramer. Now you are just arguing with me."

(See Doc 10 Pg 209-210, note that this is from Petitioner's Appellate Brief, citing to the transcript of December 12, 2008 oral argument.)

2. Not mentioned in the 2010 Review Opinion, since Petitioner could not discuss Plaintiff Kelman's expert opinion in trial, she was stopped from discussing that he committed perjury to establish malice. In post trial motions, Petitioner provided Schall with voluminous evidence of the perjury and Scheuer's suborning of it; including declarations of attorneys and a scientist. On December 12, 2008, when Petitioner asked Schall to just ask Scheuer about the perjury, Schall replied,

"I'm not going to be drawn into that kind of petty behavior of asking Mr. Scheuer to explain himself on things."

(See Doc 10, Pg 211-212, note that this is from Petitioners Appellate Brief, citing to the transcript of December 12, 2008 oral argument)

IIII

PETITIONER WAS JAILED IN 2012 FOR REFUSING TO SIGN A FALSE CONFESSION AND STATE THAT SHE DOES NOT BELIEVE KELMAN COMMITTED PERJURY – THE SHERIFF DEPARTMENT RECORD WAS FALSIFIED TO CONCEAL THE REASON FOR THE JAILING

1. On January 6, 2012, Nugent held an unlawful contempt of court hearing which Petitioner did not attend. Again she stated in the declaration she submitted that he did not have jurisdiction and was concealing McConnell framed Petitioner in the anti-SLAPP Opinion. (See Doc 11 Pg 80-88. It is the letter Petitioner sent to McConnell seeking help that caused Petitioner to be held in contempt)

2. On January 19, 2012, Nugent issued a Civil Contempt of Court order that Petitioner must post a retraction (false confession) on two Interent sites for a sentence not even in her March 2005 Writing.

3. Knowing that Petitioner was becoming gravely concerned for her physical safety and that a bench warrant would be put out for her arrest if she did not comply with the unlawful order, the Internet site owners submitted Declarations to the Court on February 10, 2012. They stated that no retractions would be on their sites. Petitioner submitted them to the court in a NOTICE TO COURT, INABILITY TO COMPY WITH UNLAWFUL ORDER & JUDGMENT OF JANUARY 19, 2012; & DECLARATION OF SHARON KRAMER (See Doc 2, Pg 54-61)

4. Also on February 10, 2012, Scheuer submitted to the court a proposed “Retraction of Sharon Kramer”. (See Doc 2 Pg 51-53)

5. On March 9, 2012, Nugent ordered that Petitioner must sign the false confession and state under penalty of perjury “I do not believe Dr. Kelman committed perjury.”; and if she refused, either be taken to jail immediately or report to jail the following Monday for five days of incarceration. (See Doc 2 Pg 62)

6. Given only two options of being jailed regardless for refusal to commit perjury, Petitioner chose Monday, March 12, 2012. (See Doc 2 Pg 64-70)

7. While jailed, she was strip searched, made to clean the bathrooms of approximately 80 tweekers, prostitutes and heroine addicts. (She became ill from the stress of the experience and acquired painful shingles. On April 27, 2012 she requested that the court help pay for medical expenses. No response was received.)

8. On Wednesday, March 14, 2012, Petitioner was brought before Nugent in handcuffs, prison garb and no make-up. Scheuer was there as a courtesy extended to him by the courts.

9. Again, Nugent attempted to coerce Petitioner to sign the false confession. When petitioner refused, he stated it was merely a wish and released her from custody. (See Doc 2 Pg 64 -70)

10. McConnell also knows Petitioner's Sheriff Department Record was falsified to conceal the true reason for the jailing was to try to scare and coerce Petitioner to say McConnell did not frame her and did not conceal that Kelman committed perjury to establish malice in the 2006 anti-SLAPP Opinion. (See Doc 2, 16-19; 71-72)

April 5, 2012: Minute Order in which the Court libeled Appellant to falsely make it appear she was lawfully jailed for violating the January 19, 2012 Civil Contempt Order under C.C.P1218(a). This, to cover up that she was really jailed for refusing to be coerced into criminal perjury by signing the false confession, "Retraction of Sharon Kramer" – to conceal that six Appellate Justices: Judith McConnell, Cynthia Aaron, Alex McDonald, Patricia Benke, Richard Huffman and Joanne Irrion, framed a United States citizen, Appellant, for libel and concealed that Kelman committed perjury to establish malice, while concealing parties to the litigation and falsified court documents. The April 5, 2012 Minute Order was written when the Court was ordering Appellant's false criminal record she was given under Penal Code 166 while jailed, to be removed and be replaced with an equally libelously false civil contempt record under C.C.P.1218(a) -- to conceal the criminal conspiracy to defraud and relentless tormenting of Appellant by PJ, Benke, Respondents, Counsel, et.al.

IV.
ARGUMENT

This harassment of Petitioner and defrauding of the public has gone on long enough. Petitioner is on the verge of destitution for refusing silence of the corrupt acts of Ms. McConnell, her judicial peers, clerks and Plaintiff Counsel. Lives continue to be devastated daily from their unlawful and criminal acts aiding and abetting the scientific fraud of Plaintiffs to remain in some policy and some courts for the purpose of selling doubt of causation of illness -- and thus unduly limiting liability for causation of illness, disability and death.

McConnell had no legal authority to dismiss this appeal and thus the case, coram non judice, to conceal past judicial misconduct.

"Courts are constituted by authority, and they cannot [act] beyond the power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders

are regarded as nullities. They are not voidable, but simply void, and this even prior to reversal." *Elliott v. Lessee of Piersol, 26 U.S. (1 Pet.) 328, 340; Old Wayne Life Assn. v. McDonough, 204 U.S. 8, 27 S.Ct. 236*

McConnell is not immune for her tortious acts as a Presiding Justice to conceal past misconduct. She has no authority to just write "DENIED" to be disqualified without even giving explanation.

"A Judge is not immune for tortious acts committed in a purely administrative, non-judicial capacity." *Forrester v. White, 484 U.S. at 227-229, 108 S.Ct. at 544-545; Stump v. Sparkman, 435 U.S. at 380, 98 S.Ct. at 1106. Mireles v. Waco, 112 S.Ct. 286 at 288 (1991).* "The judge made prior erroneous legal rulings on various objections and motions. *Garcia v Estate of Norton (1986) 183 CA3d 413,423, 228 CR 108.* To contest the disqualification, the judge must file an answer within the ten-day period prescribed in CCP §170.3(c)(3) (i.e., within ten days of the filing or service of the statement), denying the allegations contained in the statement. *Urias v Harris Farms, Inc. (1991) 234 CA3d 415, 421, 285 CR 659.* Although the statute refers to an "answer" by the challenged judge, a judge's written declaration under penalty of perjury satisfies the statutory requirement. *People v Mayfield (1997) 14 C4th 668, 811, 60 CR2d 1.*

McConnell had no legal authority to dismiss the appeal without proving her court had subject matter jurisdiction to do so.

By law, "once a court's jurisdiction is challenged it must be proven to exist". *Stuck v. Medical Examiners, 94 Ca2d 751.211 P2s 389.* " No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence.*" Ableman v. Booth, 21 Howard 506 (1859).* "

In March of 2012, the Courts, Counsel and Plaintiffs attempted to coerce Petitioner into criminal perjury to conceal the collusive misconduct of McConnell, Benke, et.al., framing a United States citizen to be a malicious liar over a writing impacting public

health and scientific fraud upon US courts. **That is conspiracy McConnell is concealing by dismissing the appeal, coram non judice.**

That is a felony by McConnell, Benke, other officers of the court, Plaintiffs and Counsel. (See Penal Codes 126, 127, 134, 162(a)(1)(2)(3)(4)(5)) Penal Code 126 states, "Perjury is punishable by imprisonment pursuant to subdivision(h) of Section 1170 for two, three or four years. Penal Code 127 states "Every person who willfully procures another person to commit perjury is guilty of subornation of perjury, and is punishable in the same manner as he would be if personally guilty of the perjury so procured."

No person of sound mind could ever think that Petitioner would get a fair review from McConnell or judicial officers of Respondent. It is in their best interest to see Petitioner continue to be falsely deemed a malicious liar & her life ruined.

It is in McConnell's personal interest to see Petitioner continue to deemed to be a malicious liar and assume jurisdiction where none exists. C.C.P.170.1.(a) states "A judge shall be disqualified if any one or more of the following are true: (3)(A) The judge has a financial interest in the subject matter in a proceeding or in a party to the proceeding.(6)(A) For any reason:(iii) A person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial.(B)Bias or prejudice toward a lawyer in the proceeding may be grounds for disqualification.

V.
CONCLUSION

Were McConnell truly acting in the fair administration of justice, she would have proven her court's subject matter jurisdiction upon challenge. She would not have ignored the direct evidence that Respondent has none and then dismissed the appeal, coram non judice, and thus the case. At the very least, she would have recused herself. By law, she must now be MANDATED to be disqualified or MANDATED to show good cause why not.

McConnell has not be acting in vacuum. These types of things do not occur in a legal system solely by the acts of one person.

The only way for the California courts to undo the damage, stop the continued harassment of Petitioner and remove the scientific fraud of Plaintiffs from US courts for the good of the people; is to recall and rescind the 2006 anti-SLAPP Remittitur and

reverse McConnell's 2006 anti-SLAPP Opinion. "If the remittitur issues by inadvertence or mistake or as a result of fraud or imposition practiced on the appellate court, the court has inherent power to recall it and thereby reassert its jurisdiction over the case. This remedy, though described in procedural terms, is actually an exercise of an extraordinary substantive power.…its significant function is to permit the court to set aside an erroneous judgment on appeal obtained by improper means. In practical effect, therefore, the motion or petition to recall the remittitur may operate as a belated petition for rehearing on special grounds, without any time limitations." (*9 Witkin, Cal. Procedure (4th ed.1997) Appeal, § 733, pp. 762-763.)*

April 11, 2013

_____

Sharon Kramer, Petitioner Under Duress