State of California
Commission on Judicial Performance
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May 20, 2010

Sharon Noonan Kramer
2031 Arborwood Place
Escondido, CA 92029

Dear Ms. Kramer:

We have received your correspondence dated May 17, 2010 and as you have indicated you do not intend this to be a complaint about any of the judges named, it is not being treated as such, and the commission is taking no action.

Very truly yours,

Bernadette M. Torivio
Executive Secretary

BMT:hs/L0520kramer

CALIFORNIA JURAT WITH AFFIANT STATEMENT

☒ See Attached Document (Notary to cross out lines 1–6 below)
☐ See Statement Below (Lines 1–5 to be completed only by document signer[s], *not* Notary)

1 _____

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Signature of Document Signer No. 1 — Signature of Document Signer No. 2 (if any)

State of California

County of San Diego

Subscribed and sworn to (or affirmed) before me on this

17 (Date) day of MAY (Month), 2010 (Year), by

(1) Sharon Noonan Kramer (Name of Signer),

proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (,)

(and

(2) _____ (Name of Signer),

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature _____ (Signature of Notary Public)

D. SUNDQUIST
COMM. # 1668900
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
MY COMM. EXP. JUNE 19, 2010

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Title or Type of Document: LETTER TO CA COMM ON Judges

Document Date: 5/17/10 Number of Pages: 15

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1	RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here	Top of thumb here

Mrs. Sharon Noonan Kramer
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May 17, 2010

Justice Judith McConnell, Chair
Judge Katherine Feinstein, Vice Chair
Anthony Capozzi, Commissioner
Bernadette M. Torvino
California Commission on Judicial Performance
455 Golden Gate Avenue Suite 14400
San Francisco, California 94102-3660

Judge Kevin Enright
Presiding Judge,
San Diego Superior Court
P.O. Box 122724
San Diego, California 92112-2724

Re: Sharon Kramer letters sent to the Commissioners of Judicial Performance and San Diego Presiding Judge on April 28, 2010 and the replies received.

Honorable Commissioners, Judge Enright and Ms. Torvino,

Thank you for your prompt replies and your queries regarding my letters sent to the California Commissioners of Judicial Performance and Judge Enright (Judge So) on April 28th, 2010. My apologies extended. I must not have been clear that I was *not* filing a complaint or asking for anyone to intercede in my litigation at this time. (Case No. D054496, Fourth District, Division One, Court of Appeal, San Diego).

My letters were courtesy notices of what I am necessarily putting on the Internet about the case as I continue to speak out of a deception of dishonorable mass marketing that is adversely impacting US public health policy over the mold issue. Although I would certainly be well within my rights to complain of the bias in the San Diego courts to the Commission on Judicial Performance; the damage the bias has done to my family and to me personally; and the adverse impact it has had on US public health policy as a whole over the mold issue for the past five years; my letters were not complaints against any of the seven judiciaries to have overseen the now five year old libel litigation of Kelman and GlobalTox (VeriTox) vs Kramer.

Since you have asked, the sole claim of the case is that my use of the phrase "altered his under oath statements" in a March 2005 writing was a malicious and false accusation that the plaintiff, Bruce Kelman, would be one who commits criminal perjury. The irrefutable evidence of the libel case is that since September of 2005, I have been providing the San Diego courts with uncontroverted evidence

that Bruce Kelman has been committing criminal perjury to establish a made up reason of why I would harbor malice for him. The irrefutable evidence is that the seven judges and justices to have overseen this case have each and all been informed and evidenced of the criminal perjury throughout the case beginning in September of 2005. But each and all ignored the uncontroverted evidence; with each new ruling by each new court piling onto errors of the prior courts in too many violations of codes, case laws and judicial canons of ethics to cite in this reply letter.

On April 29, 2010, the day after I sent my letters to you on the 28th , notice was sent from the San Diego Appellate Court that oral arguments in the case are scheduled for June 17, 2010. I have faith that the reviewing justices will acknowledge the irrefutable evidence that seven San Diego judges and justices ignored the evidence of the plaintiff's criminal perjury to make up a reason of why he would be accused of criminal perjury. Uncontroverted evidence is generally accepted as true. Legally, they cannot deny the criminality of this five year old, strategic litigation. I feel certain the courts understand this.

My letters of April 28th and the attached exhibit letter to Dr. Andrew Saxon of UCLA of what is at stake (and has been for five years) and why Kelman would commit perjury in a libel litigation to establish a needed reason for malice – were meant as courtesy communications to the Commission on Judicial Performance, their Chair and the San Diego courts. I am forced to publicly write of the errors of the San Diego Courts in order to stop a scientific fraud on the courts that is adverse to the health and safety of the American public. Justice McConnell, who is Chair of the California Commission on Judicial Performance, wrote the anti-SLAPP opinion in November of 2006, that the Appellate reviewing panel is including in their review of the case; along with their review of the rulings of four lower court judges, who also oversaw the case at various times. In late December 2009, the Reviewing court asked two specific questions regarding the anti-SLAPP opinion:

> 1.) WAS KRAMER'S DESCRIPTION OF KELMAN'S TESTIMONY PRIVILEGED & 2.) DOES ANYTHING IN OUR PRIOR UNPUBLISHED OPINION IN THIS MATTER, KELMAN V. KRAMER (2006) DO47758, NOVEMBER 16, 2006, PREVENT US FROM REACHING THE QUESTION OF WHETHER APPELLANT'S STATEMENTS WERE PRIVILEGED?

Within the anti-SLAPP opinion that then became the theme of the case used by all lower courts to base subsequent rulings in violation of CCP 425.16 (3); Chairwoman McConnell, you ignored evidence of several facts in your unpublished opinion, with two key ones being: 1.) a high level retired federal employee, Bryan Hardin, was improperly missing from the Certificate of Interested Parties that was submitted to the courts in April of 2006; and 2.) undisclosed party Hardin's business partner, Bruce Kelman, was committing criminal perjury to establish a fictional reason for my personal malice while strategically litigating to silence me of a deception in US public health policy that is favorable to the insurance industry and

other affiliates of the US Chamber in mold litigations. From the anti-SLAPP ruling, footnote 3, page 7:

> "Kramer asked us to take judicial notice of additional documents, including the complaint and an excerpt from Kelman's deposition in her lawsuit against her insurance company. We decline to do so as it does not appear these items were presented to the trial court."

The "additional documents" the courts were provided were under oath statements of Bruce Kelman and Bryan Hardin in other litigations that proved retired federal CDC employee Hardin's name should have been on the Certificate of Interested Parties submitted to the Appellate Court as the sixth owner of VeriTox. As the courts were informed, only five of the six VeriTox owners were named on the Certificate as being interested parties to the litigation. It makes no sense to deny to consider this omission of a high level federal employee as an interested party to the litigation involving a US Chamber of Commerce publication, based on the statement that this evidence was not presented to the lower court. Lower courts do not receive Certificates of Interested Parties. As I understand it, disclosure of parties to a litigation are to assure that Appellate judiciaries have no conflicts of interest, political or otherwise, in the cases they are overseeing.

The transcript of "Kelman's deposition" in my lawsuit of long ago with my insurer was the undeniable evidence that undisclosed Hardin's business partner, Kelman, was committing criminal perjury in *this* libel litigation to make up a fictional theme of his purportedly major role in *that* litigation with my insurer to provide a false theme for me purportedly harboring malice for him, personally. Kelman declaration quote in this *libel* litigation, "I testified the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed". His attorney's quote, "Aparently furious that the science conflicted with her dreams of a remodeled home, Kramer launched into an obsessive campaign to destroy the reputations of Dr. Kelman and GlobalTox".

False. The transcript of "Kelman's deposition" of which the Appellate court declined to take notice, proved that no such purportedly malice causing testimony was ever given by Kelman in *that* case with my insurer. The never once corroborated declaration statement of Kelman's noted above is criminal perjury and seven judges and justices (now ten including the Appellate reviewing panel) have been informed and evidenced of this since September of 2005. Yet, amazingly, five years later in 2010, the case continues over the little word "altered".

I received a half a million dollar settlement in *that* litigation with my insurer, with Judge Michael Orfield signing all the settlement agreements. Judge Orfield issued the lower court anti-SLAPP and MSJ rulings in *this* libel litigation. As such, he should have known the never corroborated and false reason for me to harbor malice for Kelman in *this* litigation purportedly stemming from *that* litigation with my insurer of long, was fictitious, criminal perjury. Particularly since there was never one shred of evidence in *this* libel litigation of me even uttering a single word

of being remotely unhappy with Kelman's involvement in *that* case with my insurer. And also, particularly when he was directly informed it was criminal perjury in *this* litigation via my declaration of September 2005. Just like the anti-SLAPP Appellate court did in 2006, Judge Orfield oddly ignored the information and the attached substantiating evidence that it was perjury to establish a fictional theme for my purported malice over an issue of public health and involving the US Chamber of Commerce.

In reality, Kelman was a non-entity in *that* litigation with my insurer. My 2005 writing in question in *this* libel litigation was of a deceit in US health policy over the mold issue of which Kelman is only one of many involved – and how this deceit has been mass marketed by the US Chamber of Commerce et al, for the purpose of unduly influencing judicial decision makers. This was the underlying subject of my 2005 writing and how it impacts US litigations and US public health policy as told through the tale of one litigation in Oregon.

Hardin and Kelman are the authors of "A Scientific View of the Health Effects of Mold" on behalf of the US Chamber of Commerce (2003). This paper is sometimes referred to as the Manhattan Institute Report. It was the subject of the last two paragraphs of my purportedly libelous writing of 2005 in which I used the word "altered" to describe Kelman's attempt to distance "A Scientific View" from a medical association policy paper of questionable origin, questionable peer review and questionable scientific merit – "Adverse Human Health Effects Associated With Mold In The Indoor Environment", 2002, American College of Occupational and Environmental Medicine "ACOEM" - while simultaneously having to admit they were closely connected. Thus "altered".

Although this was explained in great detail via my declarations made early in the case, it was determined in the unpublished anti-SLAPP opinion that the statements of Kelman in the Oregon trial were clarifying in the opinion of the justices, not altering. This is not the point in libel law. Libel law is about what the author of the words have evidenced to the court of what they think their own words mean to them; which I did in my declarations while citing to Kelman's exact words written in black and white from the relevant transcript of Kelman's Oregon testimony in question in which he was altering. (Kelman, Hardin and others from VeriTox are prolific expert defense witnesses in mold litigation).

The unanimous unpublished Appellate opinion was issued on November 16, 2006. Justice McConnell, without verifying the merit or lack there of, of my declarations, you said my writing and declarations were evidence of personal malice because I was "crusading". Another term for "crusading" would more appropriately be "public participation to stop a deception in US public health policy and before US courts" that is speech to be protected from being chilled via retaliation, by anti-SLAPP laws. Because the unpublished Appellate anti-SLAPP opinion ignored the uncontroverted evidence that:

1.) the plaintiff and author of the US Chamber and ACOEM medico-legal publications was strategically litigating by criminal means to establish a false reason for malice; and that

2.) his business partner – who is a retired high level CDC employee and also a co-author of the two medico-legal mold publications, was missing from the named interested parties on the Certificate; and that

3.) the subject matter of which I have been "crusading" to stop is of grave importance to US health policy; and it is adverse to the financial interests of workers comp, property casualty insurers, and other affiliates of the US Chamber as the truth of my "crusading" words have come to greater public light; and that

4.) the courts chose to not only ignore my clearly spelled out reason of why I chose the word "altered" and what was at stake for the public – but deemed my detailed explanation as evidence of personal malice for Kelman because they did not like the tone of my "crusading" declarations as I detailed how there are many involved and what was at state for the public; and that

5.) the subsequent rulings of the San Diego courts over the little word "altered" parroted the flawed anti-SLAPP ruling by what could only be deemed as shoddy evaluation of the evidence before them and "group think" and violation of anti-SLAPP law CCP 425.16(3)

.....the San Diego courts could not give a worse appearance of impropriety in this litigation if they were trying to do so.

Both Justice McConnell and Justice Aaron were re-elected as justices seven working days prior to the greatly flawed anti-SLAPP opinion being signed, sealed and delivered in November of 2006. My first attorney missed the deadline to file a motion for reconsideration of the anti-SLAPP opinion, filed late and it was denied. From there, the false theme of the case that was founded in unchecked criminal perjury, of a vindictive ninny of a litigant out to get a purportedly esteemed scientific expert defense witness from a mold litigation of long ago, rolled on through.

Appropriately stated in the words of Judge Lisa Schall in 2008, (one of four lower court judges to make rulings and oversee this case) all lower courts followed the Appellate court "guidance" as established in the anti-SLAPP ruling and in violation of CCP 425.16(3). A Judge Schall quote on the record: "That's why I like reading their rulings. I know what I would do. Won't upset them if I follow their guidance."

Judge Schall felt a particular source witness of mine for the writing was the smoking gun proof that my writing was incorrect and written with actual malice.

When I brought it to her attention in oral arguments that this witness had put it in writing that he felt my phrase of "altered his under oath statements" was a correct assessment and therefore could not be the smoking gun proof that my writing was incorrect, let alone malicious; Judge Schall replied, "You know what, Mrs. Kramer? Now you are just arguing with me."

The presiding judge of the North County, Judge Pressman, then refused to review Judge Schall's trial work and post trial rulings based solely on a date of a judgment purportedly entered that is not even in the court records and that he said caused him to lose jurisdiction of the case, which caused me to have to file Appellate motions. This was all occurring at the same period of time of Judge Schall's public admonishment by the Commission in 2008. This case was her last ruling made on her last day as a Superior Court judge, December 12, 2008. (also known as 18 months ago of my family's lives and several thousands of dollars in litigation expenses ago.)

Judge Orfield, who made many errors of law and logic in his own right when addressing the anti-SLAPP and MSJ motions; had set the trial date in August of 2008 after overseeing this litigation from its inception; and then turned it over to Judge Schall days before the trial. I currently have a lien on my home for costs incurred by a party a prevailed over in the trial, the corporation that authored the US Chamber's "A Scientific View" – VeriTox; with a ruling showing I prevailed over them and that I am entitled to costs, but no judgment to that effect. I had to motion three times just to be acknowledged as a trial prevailing party. Yet the judgment was never amended to reflect this. The prior described information is indicative of approximately only one-third of the errors of the San Diego courts that I am able to evidence in the form of legal documents from the case.

In 2005, I had a net worth of approximately $3 million dollars and an annual six figure income as a Rancho Santa Fe real estate agent. Today, because of having to defend the truth of my words for the public good for five years while all courts ignored and failed to act on the UNCONTROVERTED EVIDENCE OF A PLAINTIFF'S CRIMINAL PERJURY used to make up a reason of why I would have malice; and my inability to make a living as a trustworthy real estate agent while being legally deemed a malicious liar; and the resultant depletion of my life savings with two children to put through college at the same time; I am broke and struggling to make my house payments. I am now Pro Per because I can no longer afford legal council and am before judiciaries 8, 9 and 10 – who came into this case with a bias and misperception that judiciaries 1-7 had made diligent proper rulings. I am not an attorney and I do not tpye wlel.

Regardless. I refuse to see a.) the First Amendment of the Constitution completed trashed; b.) strategic litigation by criminal means going unaddressed by the courts; and c.) a scientific fraud adverse to the health and safety of the American public be allowed to continue in the courts and in health policy because of San Diego court errors noted in a.) and b.).

I am whistleblower of a deceit in US public health policy regarding the mold issue in the face of much unbridled wrath of retribution. Math was applied to data from single rodent study in 2002 by a retired high level CDC employee, Hardin, and a fellow owner of the corporation VeriTox, Kelman. Kelman comes to the mold issue from Big Tobacco. Based solely on these calculations, it was mass marketed into US public health policy that it had been scientifically determined the toxic components of mold that are frequently found in water damaged buildings do not harm humans. This is not science today, nor was it ever to form such a conclusion based on such limited data. The only science that has been professionally carried out in this scenario is the science of marketing to unduly influence judicial rulings.

The courts have been informed of this since 2005. They (you, Justice McConnell) said my tone was bad as I explained this in my declarations and was therefore evidence I harbored malice personally for Kelman as I was "crusading". Conspiracy matters were not relevant according to your opinion, Justice McConnell. This litigation was only about the word "altered" you said. Never mind what other words were in my 2005 writing and supporting declarations that were quite damning to the US Chamber of Commerce and the business interests of many influential entities with a financial pony in the mold game; which, as I explained in detail, was why Kelman was "altering" in an attempt to hide the cozy relationship of white collars and white coats over the matter.

After defeating the anti-SLAPP motion while using perjury to establish a fictitious reason for my malice in which you said, Justice McConnell, that conspiracy theories were not relevant - the only way they would cease with the litigation was if I would sign a piece of paper and publicly state, "To my knowledge, their testimony and advice are based on their expertise and objective understanding of the underlying scientific data. I sincerely regret any harm or damage that my statements may have caused." I believe that is called attempted coercion into silence of a scientific fraud on the courts after defeating an anti-SLAPP motion by criminal means with the courts turning a blind eye to the evidence of Kelman's perjury on the issue of malice – and while deeming that conspiracy matter were not relevant to the litigation.

My choice was to save my own family the hundreds of thousands of dollars in litigation expense while selling out all those harmed; by being coerced into silence of VeriTox's "expertise" and scientific fraud on the courts caused by VeriTox's "underlying scientific data"; or withstand the abuse after being left bare by the courts from protection of retribution. With the support of my family and much to their personal harm, I chose not to be coerced into silence over a matter harming many US families.

Amazingly, no judiciary even bothered to read my 2005 writing in its entirety as they made rulings to see that it was 100% accurate about who paid whom for what and as they deemed my word "altered" to be maliciously synonymous with the word "perjury". In five years time, Kelman et al, have never even been able to state

how my phrase "altered his under oath statements" translates into an accusation of perjury – the sole claim of the case.

And all the while - and as the San Diego courts have been informed since July of 2005 by my declarations in the litigation - the State of California has been generating income off of Kelman's and Hardin's "science" via expert witness defense fees paid to the Regents of the UC when their employees testify on behalf of the insurance industry while professing ACOEM has proven the toxins of mold are not toxic. Add to this, in 2006 when the anti-SLAPP opinion was issued while ignoring Kelman's perjury to establish a needed reason for personal malice; the US Department of Justice was using VeriTox as expert defense witnesses to defeat claims of illness in military families living in moldy military housing.

One could not make up the facts, implications and judicial errors of this case over the little word "altered" if they were trying. No one would believe them.

But I have the evidence to corroborate all statements made above. So if I *was* inclined to file a complaint for inept judicial performances born from bias and flawed group think in the San Diego court system, I would certainly be well within my rights to do so on my own behalf, that of my family's and that of the American public. But that was not purpose of my April 28th letters.

In 2005, I was the first person to publicly write of how fraudulent health marketing involving the US Chamber of Commerce, a professional think-tank, a medical association and other influential entities purposely caused this situation of surreal judicial bias to occur. The matter was later written of on the front page of the Wall Street Journal. The whole point of the endeavor was to mislead the courts on the science to stave off financial liability for stakeholders of moldy buildings, by causing bias and hatred in judicuaries to believe that anyone who says mold can do serious harm to human health is automatically to be considered a "crusading" malicious liar and a nuisance to the US courts – none of their words are to be believed.

This is why I am *not* filing a complaint for the damage of having my feet held to the fire for five years over the word "altered", while repeatedly evidencing for all San Diego courts that Kelman was maliciously committing perjury to establish a fictional reason for my malice. I am of the opinion the courts are also victims in the scenario as the bias and hatred instilling marketing campaign was specifically written to be made "accessible to judges". Judges were and some still are (thanks to the errors of the San Diego courts) the target market for the intentionally instilled bias and hatred that continues in some litigations.

The San Diego courts, (and your anti-SLAPP opinion, Justice McConnell), serve as clear evidence of just how effective the bias instilling judicial marketing campaign has been. Tough crowd once that bias is deeply instilled in judiciaries. Law and logic go right out the window. What is so difficult for judges to comprehend that it is criminal for a plaintiff to use perjury to make up a reason of why someone would

accuse him of criminal perjury? Nothing is hard to comprehend about this. However, with extreme bias intentionally instilled by being pre-marketed to the courts; rulings become based on who they believe is the most bedazzlingly credentialed party to the litigation, even when staring uncontroverted evidence of criminal perjury in the face that should tell them their perceptions are incorrect.

I have a degree in marketing. I am professionally trained to understand how concepts are promoted to cause certain actions in decision makers. That is why I have been an effective "crusader" able to help reshape public policy over the mold issue and why they hate me so much. (My apologies for my tone in this part of my letter while I am "crusading" to get through to the courts of explaining why I had to write of their judicial errors, publicly. It is difficult to write in a respectful tone when addressing brick walls of intentionally instilled bias and resultant disrespect for a litigant; and directly state and evidence the ugly truths that would cause a judiciary to derogatorily deem public participation speech of a deception in US health policy written for the public good, to be frivolously and maliciously "crusading". By law, respect and tone between judiciaries and litigants is two way street.)

The case of Kelman vs. Kramer has an outward horrid appearance of intentional judicial impropriety and of intentionally aiding and abetting the US Chamber of Commerce et al, to be able to continue to perpetrate an interstate fraud on the courts to the financial benefit of insurers, the State of California and the UC; by assisting to silence, demean, discredit and financially cripple a Whistleblower of the deception in health marketing; while repeatedly ignoring US Chamber/ACOEM author, Kelman's, criminal perjury for five years. But, I do not believe that this has been the intent of any of the judiciaries to have overseen this litigation. (At least I hope not!)

Judges are human, too, and are subject to influences of intentionally instilled bias that then impacts their perceptions and rulings. Most likely, this is what has occurred in this litigation and no amount of uncontroverted evidence or logic could overcome it, with the bias growing deeper with each new judge and justice relying on the incorrectly perceived notion of diligent, unbiased professionalism of prior judges' and justices' rulings.

Regardless of errors in the San Diego courts and the shear Hell their biases have put my family through for five years, if laws are followed two things are soon to occur that will change the face of mold litigation and US public health policy once and for all; and will restore my undeserved, destroyed reputation that continues to cause me an inability to make a living as an honest real estate agent while a deception on the courts continues to flourish in some litigations.

1.) The University of California will force the US Chamber of Commerce to remove the UC imprimatur from "A Scientific View of the Health Effects of Mold". It is a violation of the California Constitution that the UC name be on the Chamber document of political and sectarian influence – particularly now that the Chamber publication is a legal document in an Arizona litigation being misused as a

purportedly scientific reason for the courts to consider of why they should deny insurer liability for the deaths of two newborn infants. (See prior attached letter to Andrew Saxon MD, UCLA with linked evidence on the Internet)

2.) The reviewing San Diego Appellate Court will acknowledge the undeniable evidence of the author of the Chamber's "Scientific View", Kelman's, unbridled criminal perjury and his attorney's willful suborning of it while strategically litigating for five years in the San Diego courts in the case of Kelman vs. Kramer.

Once it is acknowledged by the courts that the author of the Chamber's medico-legal publication, Kelman, has no qualms about lying under oath while strategically litigating by criminal means to silence a whistleblower - and it is acknowledged that the UC imprimatur is improperly applied on the political and sectarian US Chamber's "Scientific View" and must come off of the publication; any ounce of credibility of the Chamber publication and her ACOEM sister (both co-authored by Kelman and Hardin of Veritox) will be gone from the courts and from US public health policy. The absurd concept in health policy that Kelman and Hardin could apply math to data from a single rodent study and profess this scientifically proves that the toxins of mold are not toxic (in order to stave off liability for stakeholders of moldy buildings) will no longer carry any weight in the eyes of any courts or in any public health policy.

<u>If at anytime in the past five years, even **ONE** San Diego judge or justice had acknowledged the uncontroverted and irrefutable evidence of Kelman's criminal perjury to create a fictional theme for my purported malice while strategically litigating to silence me, this deception on US courts and in US public health policy would have come to a screeching halt. The same hold true to this very day and I feel certain the Appellate reviewing panel understands this.</u>

In order to help cause the above 1.) to happen, I had to write of errors of the above 2.); as my credibility has been ruined in circles where I am unknown, by errors of the San Diego courts legally deeming me to be malicious liar while ignoring the irrefutable evidence of Kelman's criminal perjury on the issue of malice for FIVE YEARS. I am forced to explain how this has occurred by errors of the courts when I write of the deceit in health marketing to decision makers in order to restore credibility to the validity of my words and my evidence of the deception in health marketing adversely impacting US public policy.

The Internet is the most cost effective way to communicate with many while providing the evidence in attached links rather than mountains of paper to be printed and mailed. My choice was to let the California Commission on Judicial Performance (mainly you, Chairwoman McConnell) and the Presiding Judge of the San Diego Courts here of the matter from someone else of what I am truthfully stating and evidencing on the Internet – or inform them directly. I chose to inform

directly. This was the purpose of my April 28th letters. A courtesy heads up if you will.

I do not know how to state this any other way than directly. The errors of that 2006 anti-SLAPP opinion with all lower courts following "their guidance" reflect quite poorly on the California judicial system as a whole given the anti-SLAPP opinion writer's position and stature as the Chair of the California Commission on Judicial Performance. I *have* to write about these errors - now - in order to restore my credibility, as policies are currently being cemented in the name of health care reform. Some of them are not good policies when it comes to determining who gets federally funded to decide what is "evidence based medicine" as it pertains to environmental illnesses in our nation's children.

As was stated in my letters of April 28th, the entire matter made be read and is evidenced at "TRUTH OUT Sharon Kramer Letter To Andrew Saxon MOLD ISSUE" [http://katysexposure.wordpress.com/2010/04/30/truth-out-sharon-kramer-letter-to-andrew-saxon-mold-issue/] In relevant parts regarding the San Diego courts and what is on the Internet with linked evidence:

> "Section 2, 4) It is this **US Chamber of Commerce's paper,** *not* Dr. Craner's, that is the one I have recently informed the San Diego courts in the Kelman Case is the one that cites false physician authorship and is a "nonscientific piece", (according to you). This US Chamber paper is the one that has been interjected into a legal proceeding purportedly as a credible scientific piece that you call a "nonscientific piece", of which I have recently informed the courts in the Kelman Case.
>
> Section 6, 31) So you know, Brian, retired high level CDC/NIOSH employee, was **never disclosed to be an owner** of VeriTox or a party to the Kelman Case on the **Certificate of Interested Parties** submitted to the Appellate Court in 2006. When denying the anti-SLAPP motion, the current Chair of the California **Commission on Judicial Performance**, Justice Judith McConnell, wrote the **anti-SLAPP opinion** being **informed and evidenced**, yet **ignoring this fact**. The courts were also informed via irrefutable evidence, that undisclosed party, Brian's, business partner, Bruce, **committed perjury to establish a fictional reason** for my malice for him, personally – in a libel litigation where the sole claim of the case is that I maliciously accused Bruce of committing perjury by my use of the phrase "altered his under oath statements" that just happened to be in the same writing that was the first to publicly write of the deceit of the US Chamber paper.
>
> 32) It was a **unanimous, unpublished Appellate opinion** issued on November 16, 2006 with Justices Cynthia Aaron and Alex McDonald concurring – and no one addressing the evidence that Brian's name was oddly missing from the Certificate of Interested Parties or that his US Chamber co-author and business partner, Bruce, was committing perjury to establish a needed reason for personal malice.
>
> 33) I sure hope the Appellate panel **grasps the law** this time around, Ie,that legally, one cannot use criminal perjury to prove they were falsely accused of criminal perjury – because four San Diego lower court **judges failed to**

understand this – just like the anti-SLAPP Appellate panel did in 2006. I have provided uncontroverted and irrefutable evidence of **Bruce's perjury to establish a** needed libel **law reason** for me to harbor malice for him personally, no less than fifteen times for the San Diego courts since September of 2005.

34) I do I do not even know Bruce personally, and I am pretty sure that citizens of the United States and of California are suppose to be able to speak out of a deceit in health marketing adversely impacting US public health policy (of which Bruce just happens to be one of many involved) without fear of retribution – no matter whose ox is getting properly gored, including the US Chamber of Commerce, the American College of Occupational & Environmental Medicine and the University of California. The only time I met him prior to researching conflicts of interest in health marketing was when **he testified in my own mold case** that my **home was an increased risk** for my daughter with Cystic Fibrosis after a botched remediation because the mold spore count was higher. As such, he helped my family receive approximate a half a million dollar settlement. Russ Hiles of the Abad Case can confirm this for you. **Stone & Hiles** was the law firm that hired Bruce as an expert witness in my family's mold litigation of long ago.

35) It has cost me literally millions to defend the **truth of my words** written in **March of 2005**, in the name of public health of the **scientific fraud of the US Chamber** medico-legal paper – with the UC imprimatur on it. It has been five years worth of unbridled strategic litigation. I have been called every name in the book by people like **Ron Gots** and political yellow journalists with the ability to publish nationally, Daniel Heimpel and Jill Stewart of **Village Voice Media published a false** a false light political hit piece three weeks **before the 2008 trial**. Heimpel was awarded political investigate reporter of the year by the **LA Press Club 2008**. However, LA Press Club board member and editor of Daniel Heimpel's work, **Jill Stewart, did not submit his yellow journalism** over the mold issue in the body of work to be considered for this prestigious award in journalism.; My husband and **children were even attacked** and held out in false light to try to intimidate and discredit me. Although this has caused an extreme hardship on my own family, **I will not be silenced** about a deeply seeded scientific fraud in health marketing by the US Chamber of Commerce et, al, that continues to adversely impact US policy and the health and safety of the American public to the financial benefit of US Chamber and affiliates.

36) **Keith** – who is also licensed to **practice law in the State of California** just like the Abad Case attorney Russ of **Stone & Hiles** is – can also verify for you that I have never submitted any document to the courts that states I "wrote the paper" that was authored solely by Dr. James Craner to the best of my knowledge for the IJOEH in 2008." _____

If I *was* going to complain to the California Commission on Judicial Performance, it would be a whopper of a complaint and complete with supporting evidence. It would be for violations of Judicial Canons of Ethics of bias against a class of people, those injured by the contaminants found in water damaged buildings; along with bias against an individual, one of the injureds' most staunch, vocal and effective "crusading" advocates, me.

It would be for repeated failure to stop criminal activity of perjury and suborning of perjury in a libel litigation that has been strategically litigated and is causing a scientific fraud to continue, interstate, in some courts involving the US Chamber of Commerce and other influential entities, ie, That it is scientifically proven the toxins of mold are not toxic to humans by math added to data from one rodent study. All claims of illness and death are only being made because of "trial lawyers, media and Junk Science"...and of, course "crusaders".

It would be for court bias aiding to demean, denigrate, financially cripple and retaliate against a whistleblower of a fraud in US health policy to the benefit of the US Chamber, Department of Justice, et al., while the state of California generates income from the continued fraud in health marketing via their share of UC employee expert defense witness fees on behalf of insurers.

Canon 3 B. Adjudicative Responsibilities
(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as (1) bias or prejudice...

Canon 3 C. Administrative Responsibilities
(1) A judge shall diligently discharge the judge's administrative responsibilities impartially, on the basis of merit, without bias or prejudice, free of conflict of interest, and in a manner that promotes public confidence in the integrity of the judiciary.

Canon 3 D. Disciplinary Responsibilities
(2) Whenever a judge has personal knowledge that a lawyer has violated any provision of the Rules of Professional Conduct, [sic, uncontroverted evidence of willful and repeated suborning of perjury to create a needed theme of personal malice for 5 years in the San Diego Court system] the judge shall take appropriate corrective action.

(1) Whenever a judge has reliable information that another judge has violated any provision of the Code of Judicial Ethics, the judge shall take or initiate appropriate corrective action, which may include reporting the violation to the appropriate authority.

_____

But I am *not* filing a complaint. I have faith that the reviewing Appellate Court will acknowledge what they must by law, I,e, the uncontroverted evidence of criminal perjury used to make up a reason why one would be accused of criminal perjury – with all courts turning a blind eye to the uncontroverted and irrefutable evidence of the criminal perjury as they piled on to errors of prior courts. I have faith that all rulings that were won by this unbridled fraud on the courts will be reversed in the litigation.

Sadly though, in order to acknowledge the uncontroverted and irrefutable evidence of Kelman's unbridled criminal perjury, his attorney's willful suborning of it and to take the appropriate corrective judicial actions; the Appellate reviewing panel is also going to have to acknowledge the errors of their San Diego justice peers in the 2006 anti-SLAPP opinion that was issued while ignoring the uncontroverted evidence of Kelman's fraud to establish a needed reason for personal malice. They are going to have to acknowledge the errors of their superior, the Chair of the California Commission on Judicial Performance, in order to undo the damages of the unbridled criminality of this litigation since 2005.

My letters of April 28th were simply meant as a courtesy to the California Commission on Judicial Performance, their Chairwoman and the San Diego courts - so no one is blindsided by the matter being clearly stated and evidenced on the Internet. Although I have been put through shear Hell for speaking out of the deceit and the courts have failed to protect me from retaliation; I honestly do not believe anyone meant to aid and abet the US Chamber of Commerce et al, to perpetrate an interstate fraud on US courts for five additional years or so the state of California could continue generate income from the scientific fraud via expert defense witness fees of UC employees.

The evidence indicates to me that the courts have been blinded by the bias that was intentionally instilled in them- which was the purpose of the scientific fraud being mass marketed – which was the subject of my 2005 writing – which caused the need for the strategic litigation to silence me – which caused the need for the perjury to give a fictional theme of my harboring personal malice – which the instilled bias caused the courts to repeatedly ignore in the face of uncontroverted and irrefutable evidence – which has allowed the bias instilling fraud to continue in some courts.

Contrary to what you all have apparently perceived was the purpose of my April 28th letters, I respectfully request that the Commission on Judicial Performance *does not* intercede into this libel litigation at this time, as it could delay the upcoming Appellate court ruling. Oral arguments have already been delayed once. They were originally scheduled for January 2010. But with the court asking the above noted questions about the issue of privilege and the anti-SLAPP Appellate opinion of 2006, the oral arguments were cancelled by the courts. They have just now been rescheduled six months later, which indicates to me that the Appellate court is doing a thorough review. For this, I am extremely grateful.

Because of this case and having to defend the truth of my words for the public good with no protection from retribution offered by the San Diego courts; I am barely able to make my house payments at this time. I cannot afford any further delays of the courts acknowledging the irrefutable evidence that they have deemed the wrong party in the litigation to be the malicious liar while ignoring the irrefutable evidence of the plaintiffs' and their legal counsel's criminality when strategic litigating for five years.

I have faith that this Appellate Reviewing Panel will make the appropriate ruling all on their own without the help or input of the Commission on Judicial Performance, based on the facts of the case that are before them. As such, *please do not intercede* as it could cause further delays in the case where I have been reporting and evidencing criminal perjury to the courts for five years. I can no longer afford any further delays of the courts acknowledging this, without the risk of possibly losing my house. My letters of April 28th were a courtesy of informing of what I am necessarily having to publicly state about the case of Kelman vs. Kramer. As much as I and my family have been harmed by the bias in the courts, I think the courts have also been harmed by being duped into extreme bias, courtesy of the US Chamber of Commerce and their think-tank & "White Coat" friends.

For your perusal, attached is a letter of May 7, 2010 from the Regents of the University of California in response to my letter to them of which you all were copied; and my reply back to them in appreciation for their investigation into the matter. As those who oversee the rulings of all judges and justices in the State of California who oversee the vast number of mold cases (workers comp, property casualty, child protective services, contract disputes, errors and omission, etc), this is the matter I have been "crusading" to get the truth out of, and the California Commission on Judicial Performance should really understand it. Again, you may read of the matter on the Internet at: [http://katysexposure.wordpress.com/2010/04/30/truth-out-sharon-kramer-letter-to-andrew-saxon-mold-issue/] It is spelled out in detail.

Thank you again for your prompt responses to my letters. My apologies if I was unclear that they were not complaints filed against any of the seven judges and justices to have overseen the litigation of Kelman and GlobalTox (Veritox) v Kramer for the past five years and not requests for anyone to intercede in the case at this time. Quite the contrary. *Please do not*. I have faith that the California Fourth District Division One Court of Appeal reviewing justices will acknowledge the uncontroverted evidence that cannot be denied: Legally, one cannot maliciously use criminal perjury to make up a reason of why someone would maliciously accuse them of criminal perjury. I feel certain they will be able to grasp this simple fact of law and will take appropriate corrective action as dictated under the Canons of Judicial Ethics, codes and case laws; without the need for any of the California Commissioners on Judicial Performance to intercede.

Thank you,

Mrs. Sharon Noonan Kramer

Enclosure: 2

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

DIANE M. GRIFFITHS
Secretary and Chief of Staff

ANNE L. SHAW
Associate Secretary

OFFICE OF THE SECRETARY AND CHIEF OF STAFF
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
(510) 987-9220
FAX: (510) 987-9224

May 7, 2010

Sharon Noonan Kramer
2031 Arborwood Place
Escondido, CA 92029

Dear Mrs. Kramer:

On behalf of Regents Gould and Lansing, thank you for your correspondence dated April 22 regarding UC's imprimatur on a U.S. Chamber of Commerce publication. President Yudof has also received this correspondence, and has assigned the issue to the UC Office of the President Academic Affairs division and the Office of General Counsel for review and response.

We appreciate your taking the time to write.

Sincerely,

Diane M. Griffiths
Secretary and Chief of Staff to The Regents

Mrs. Sharon Noonan Kramer
2031 Arborwood Place
Escondido, California 92029
Tele:(760)746-8025 Fax:(760)746-7540 Email:SNK1955@aol.com

May 13, 2010

Diane M Griffiths
Secretary and Chief of Staff
Regents of the University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

RE: My April letter pertaining to the UC name on a US Chamber publication and response received from Regents of UC.

Dear Ms. Griffiths,

Thank you for your prompt reply regarding my concerns of the UC name being on a US Chamber medico-legal mold publication; and how the UC imprimatur on the publication is being misapplied in the Arizona courts as a reason to deny insurer liability for the deaths of two new born infants, i,e, inferred that the University of California is in support of the concept that it has been scientifically proven all claims of illness and death from the toxins of mold are only a result of "trial lawyers, media and Junk Science".

Thank you for promptly relaying my information to the Office of the President of Scientific Affairs and the Office of the General Counsel. Today, I reply to your much appreciated response because I want to make certain that it is understood by those reviewing this matter that this information may be read on the Internet at:

http://katysexposure.wordpress.com/2010/04/30/truth-out-sharon-kramer-letter-to-andrew-saxon-mold-issue/.

The reason this is important is two fold: 1. Supporting evidence for statements made in my letter are there in click on links. It helps to clarify the complex matter when one can concurrently view the evidence for the statements. 2. I sent this letter to many, including those of whom I wrote of for their involvement in the matter. They were asked if they had any corrections that I should denote if necessary in the Internet version. The only one who did, was Marion Joe Fedoruk, MD, of UC Irvine /AOEC

/PEHSU/ Exponent, Inc.

Contrary to the implication of a testimony of Dr. Fedoruk's, when serving as an expert defense witness in a mold case in February of 2005, he wanted me to make it known that he did not actually peer review the ACOEM Mold Statement – nor did he participate in the actual mock mold trial – of the UC Irvine/UCLA physician education mold seminar of 2008.

This correction is evidenced in red on the Internet along with the 2005 Expert testimony of Dr. Fedoruk's that I relied upon in my letter; and other related documents pertaining to the peer review process of the ACOEM mold statement – sister to the US Chamber's. I am attaching the correction to this letter as one will find it on the Internet along with the supporting link.

Personally, I think the correction Dr. Fedoruk had me make was more damning to his actual involvement in the matter, the validity of what is being taught and practiced in the UC Irvine occ-med clinic as purportedly peer reviewed, evidence based medicine over the mold issue; and how this is used in litigation to deny insurer liability -while the Regents of the UC are generating income from this.

If you could be so kind to reiterate to those who are reviewing the matter that there is supporting evidence found in links on the Internet and of a pertinent corrections regarding and made at the request of Dr. Fedoruk, it would be greatly appreciated.

I recognize that the document I sent is massive and tells many true related tales of erroneous health policy over the mold issue, all rolled into one complex web that is adversely impacting US health policy and mold litigation. As such, to simplify for the UC reviewers of the matter; the following is the short version as it relates specifically to the University of California now and in the future; and why it is of the utmost importance that the matter be quickly addressed and corrected by the Regents.

1) In 2003, the U.S. Chamber of Commerce Institute for Legal Reform ("US Chamber ILR"), along with the Manhattan Institute Center for Legal Policy ("Manhattan Institute CLP"), published a medico-legal document titled "A Scientific View of the Health Effects of Mold". It is claimed by one of the listed co-authors of the paper, Bruce Kelman, that this document was co-authored by a University of California physician, Dr.

Andrew Saxon of UCLA; and that Dr. Saxon gave his permission to be named as co-author, which caused the UC name to be on the document in implied endorsement of the science. However, Dr. Saxon claims under oath he had no knowledge he was named as a co-author, thus the UC name should not be on the Chamber paper.

2) The Chamber's "Scientific View", which implies endorsement of the University of California via Dr. Saxon, forms the conclusion that it has been scientifically established that all claims of illness and death from the toxic components of mold are only being made because of "trial lawyers, media and Junk Science". To quote the conclusion of the U.S. Chamber, verbatim:

> **"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."**

3) In 2009, the Chamber's "Scientific View" was submitted as a scientific reference for an Arizona Appellate court to consider as a purportedly scientific reason to deny an apartment complex insurer's liability for causation of death of two newborn infants in an apartment complex documented as harboring an atypical amount of mold. The method of how this Chamber publication became a legal document in Arizona--while carrying the endorsement of the University of California--was via an Amicus Curiae Brief submitted by the National Apartment Association ("NAA") on August 31, 2009[1].

4) The litigation in which the NAA Amicus was interjected on behalf of the property management company and its insurer is Mason et al, v. Wasatch Property Mgmt Inc, et al. CA-CV 2008-0162, Ca-Cv No. 2008-0165 Court of Appeals, Arizona, Division One. It is commonly referred to as the "Abad Case".

5) With regard to the Chamber's publication, that carries the University of California name in implied scientific endorsement as a reason for the courts to deny insurer liability for the claim of causation of infant

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[1] (2009) NAA Amicus citing U.S. Chamber ILR "A Scientific View" co-author Andrew Saxon UCLA *Please see page 9 http://katysexposure.files.wordpress.com/2009/10/naa1.pdf

mortality from mold exposure in an apartment complex, the NAA Amicus Curiae Brief states on page nine:

> **"In a report entitled, 'A Scientific View of the Health Effects of Mold', a panel of scientists, including toxicologists and industrial hygienists stated that years of intense study have failed to produce any causal connection between exposure to indoor mold and adverse health effects.' U.S. Chamber of Commerce, A Scientific View of the Health Effects of Mold (2003)"** [listed co-author on the U.S. Chamber of Commerce publication itself, but not acknowledged as such on his Curriculum Vitae: Andrew Saxon MD, UCLA]

6) NAA is a large political action committee (PAC) located in the Washington D.C. area. They lobby for legislation on national, state and local levels that is favorable to owners and property managers of large multi-tenant housing complexes throughout the United States. A UCLA physician is being presented by the NAA PAC to the Arizona Appellate court as being an author of the Chamber publication and thus the University of California is being presented to the Arizona Appellate Court within a legal document as in support of the U.S. Chamber medico-legal paper.

7) It is a violation of the California Constitution, Article IX, Section 9 (f) for the University of California endorsement to be misapplied in validation of political and sectarian influences on a court. Article IX, Section 9 (f) states:

> **"The university shall be entirely independent of all political or sectarian influence."**

8) Additionally concerning, the US Chamber's "Scientific View" was paid for by the Manhattan Institute think-tank on behalf of the U.S. Chamber of Commerce ILR with specific direction given to its authors that it be a publication written to be made accessible to judiciaries[2]. A paper of this nature and used for this purpose could not reasonably be deemed as non-

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[2] (2008) Testimony of B. Kelman, co-author of the US Chamber ILR "A Scientific View," *Please see videos at http://www.blip.tv/file/2877610/ and http://www.blip.tv/file/1179464/

political or as void of sectarian influences by any measure of law or logic.

9) The Abad Case is soon to be decided by the Arizona Appellate Court with oral arguments scheduled for June 3rd. The implications of this case are colossal as it pertains to U.S. public policy as a whole when political action committees interject medico-legal documents of political and sectarian origin into legal proceedings involving infant deaths--and while heralding the mark of approval of the University of California as a reason to deny causation for infant mortality.

As such, I respectfully request that the Regents of the University of California take swift corrective action to inform: 1) the U.S. Chamber ILR; 2) the Manhattan Institute CLP; and 3) the National Apartment Association; that neither the University of California medical teaching facilities nor its Regents condone what is being presented to the Arizona courts via the NAA Amicus Brief as the purportedly scientific consensus opinion of the University of California, i.e., that all claims of illness or death from mold exposure have been scientifically established as only being made because of "trial lawyers, media and Junk Science."

The contact information for these entities is provided as follows:

US Chamber ILR	**Manhattan Institute CLP**	**National Apartment Assoc.**
Lisa Rickard, Pres.	Lawrence Mone, President	Kevin H. Brown, President
1615 H Street NW	52 Vanderbilt Avenue	4300 Wilson Blvd., Suite 400
Washington, DC 20062	New York, New York 10017	Arlington, Virginia 22203

Please take the following specific steps of necessary corrective measures:

1. **Please inform** the above entities that the Regents of the University of California do not permit their well-respected and influential university name to be misused on publications of political and sectarian influence in legal proceedings or at any other time, as it is a violation of Article IX Section 9(f) of the Constitution of California.

2. **Please request** of the above named entities that the Abad Case NAA Amicus Curiae Brief be quickly amended to exclude the U.C. name or be withdrawn from the court records before it may unduly influence the outcome of the court's opinion – while making the University of California appear complicit if not corrected in a timely matter.

3. **Please direct** the U.S. Chamber of Commerce ILR to remove the University of California endorsement from "A Scientific View of the Health Effects of Mold." Issue a public statement that the University of California is removing their name from this document. Request that the U.S. Chamber make a public statement that it has been removed so the misuse of the esteemed University of California name is not wrongfully applied in the future to unduly influence other U.S. judiciaries or U.S. health policy decision makers.

Time is of the essence for the soon-to-be decided Abad case. As noted in my letter, there are several others impacted by this, too. On behalf of the American public, I sincerely appreciate your and the University of California's prompt attention to this matter that has adversely impacted toxic tort litigations and U.S. public health policy and will continue to do so in the future if not addressed by the Regents of the University of California.

If I may be of assistance to the Regents in regard to this matter, please do not hesitate to ask. I have a degree in marketing and have been researching and writing for six years of how the concept that mold does not harm became US health policy by means of deceptions in health marketing.

Sincerely,

Mrs Sharon Kramer

Mrs. Sharon Noonan Kramer

cc: Cheryl Vacca, Vice President Ethics & Compliance, Regents of the University of California

Charles Robinson, Vice President General Counsel, Regents of the University of California

Enclosure: 2

CORRECTION TO MY LETTER RE: MARION JOE FEDORUK, MD, AS VIEWED ON THE INTERNET:

2) Yet, when you and others affiliated with the UC system serve as expert witnesses for the defense in mold litigation, such as Phillip Harber of UCLA and Marion (Joe) Fedoruk of UC Irvine, while denying causation of mold induced illnesses based on the teachings of ACOEM, AAAAI and the US Chamber of Commerce – (which all have the imprimatur of UCLA on them following your name as co-authoring) – the Regents of the UC generate income by promoting the medico-legal policy of the US Chamber of Commerce, et al.

3) This is because the money for **expert witnessing fees goes to the Regents** of the UC when their physician employees testify in court. As I understand it, the Regents of the UC keep approximately 50% of the monies generated by promoting the concept of the US Chamber et al, in the courts that all claims of illness from the toxins of mold are a result of "trial lawyers, media and Junk Science". As I understand it, the going hourly rate of which the Regents of the UC keep 50% for expert witness fees is between $500 and $900 per hour.

4) Phillip Harber of UCLA and Joe Fedoruk of UC Irvine are both members of ACOEM. They were listed as those who provided **peer review for the 2002 ACOEM** medico-legal policy paper. Phillip Harber's main peer review input from what I am able to ascertain of his emails to board members of ACOEM in 2002, was to request that ACOEM make certain that the peer reviewers were not left **open to being personally sued** for their part in deeming your writing (with UCLA's imprimatur on it) to be the purported scientific consensus opinion of the thousands of occupational physician members of ACOEM.

Correction: Dr. Fedoruk would like it to be known that he **did not actually peer review** the ACOEM Mold Statement. Based on his following testimony of February 23, 2005, I incorrectly interpreted his statements to mean he was a board certified medical toxicologist who peer reviewed the ACOEM mold statement. What he actually said was that he was a board certified toxicologist who was given the opportunity to review; and that it included medical toxicologists as part (but not him). My apologies to Dr. Fedoruk:

Dee vs. PCS, Los Angeles, February 23, 2005:

"Q: Okay. Do you agree with this position of Dr. Ordog's statement as to the ACOEM study: "that the study was not performed by medical toxicologists who are experts in the medical treatment of patients with mold and mycotoxin exposure"?

Dr. Fedoruk: Was not performed by medical toxicologists. It included medical toxicologists as part of that because I was sent a copy of it to review. I am a board -certified toxicologist. So before it was published, I know ACOEM sent that document out to a number of people for comment, for review."

(2010) Response from Dr. Fedoruk to my query of if edits were needed.
(2005) Testimony Fedoruk, re: Peer review of ACOEM Mold Statement
(2003)Veritox communication with ACOEM re: Peer review
(2005) Testimony of Veritox owner stating peer reviewed by 100

In a message dated 5/1/2010 5:31:06 P.M. Pacific Daylight Time, jfedoruk@exponent.com writes:

Dear Ms. Kramer

We have never spoken before, nor have you ever bothered to contact me to check the accuracy of your claims about my professional activities. Still, you have felt it proper to send a letter to numerous parties making false claims about my professional activities.

As a starting point the following represent false claims.

1. That I peer reviewed an ACOEM mold position document. The link for this claim as provided in your letter is cited below. **If you read this document it actually states that 101 ACOEM council/committee members were "asked" to review the ACOEM mold document i.e. not that they actually reviewed the document. I did not provide peer review on this document.**

2. You state that I was involved with "mock mold trials" at a UCLA mold conference and provide a link to a program description of the conference. Indeed, you claim that there are "disciples of Dr. Harber's and Dr. Fedoruk's AOEC/PEHSU mock mold trial." I have never participated in mock mold trail at UCLA. The program brochure does not identify me as participating in any mock trial. There are more false claims which I simply cannot respond to on such short notice. However, I plan to fully respond. If you actually check the references in the links cited in your letter, you will see that they do not document these two claims about me. In the interim, as an initial step, I am requesting that you remove your false information concerning my professional activities from your web site immediately.

Respectfully,
M J Fedoruk

http://freepdfhosting.com/06b310e607.pdf

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Superior Court of the State of California
For The Country of Los Angeles
Department 19 Hon. Warren L. Ettinger, Judge
Reporter's Daily Transcript of Proceedings
Testimony of Marion (Joe) Fedoruk of Exponent & UC Irvine AOEC/PEHSU
Darcy Dee vs. PCS Property Management, Inc
Case No. LC059943
2005

Pg: 166: 2-16
Q: Now you were asked earlier this afternoon about the ACOEM paper. Do you remember that?
Dr. Marion (Joe) Fedoruk: Yes.

Q: American College of – what was it?
A: Occupational and Environmental Medicine

Q: And you were asked and you said that you relied on that for a determination about the amount of spores that would be required to have health effects on humans; is that correct?
A: Toxic effect, yes.

Q: What does the paper say about that briefly?
A: Well, it's basically millions of spores. I think actually over a million was the estimate.

Q: Was there any evidence of millions of spores within unit 307 at the subject property while plaintiff Dee lived there?
A: No.

371: 26-28; 372:1-7
Q: Which part of the study (sic ACOEM Mold Statement) did you rely on, Doctor, in coming to your opinions and conclusions in the matter?
A: Number one, toxicity section.

Q: Okay. Which specific part of the toxicity section:
A: Well, I have read the entire part, the whole part of the toxicity section, and then also the conclusions that were reached by the ACOEM in their – with respect to toxicity.

392: 9-21
Q: Okay. Do you agree with this position of Dr. Ordog's statement as to the ACOEM study: "that the study was not performed by medical toxicologists who are experts in the medical treatment of patients with mold and mycotoxin exposure"?
A: Was not performed by medical toxicologists. It included medical toxicologists as part of that because I was sent a copy of it to review. I am a board -certified toxicologist. So before it was published, I know ACOEM sent that document out to a number of people for comment, for review. "

Emails between VeriTox and ACOEM, April 2003

Jennifer Hobden, Veritox employee to VeriTox owner, Bryan Hardin, April 22, 2003

Bryan,

Do you know who was on the ACOEM Council of Scientific Affairs and ACOEM Board of Directors with the position statement was reviewed and accepted? If not, do you know where I could find this out?

Reply to Jennifer from Bryan Hardin:

...I can ask Jonathan Borak for a list of his Council on Scientific Affairs membership – why do you want to know? Something needed for a deposition, I assume?

Jennifer Hobden's response:
Hi Bryan,

We need this info for a declaration of Bruce's. I did find the Board of Directors info moments after sendinging that request...however the Council on Scientific Affairs membership would be very helpful.
Thanks!
Jen

April 22, 2003, Bryan Hardin To Jonathan Borak, Overseer of the ACOEM Peer Review Process

Jonathan – as you can see below, Bruce Kelman is needing to know, for purposes of a declaration in litigation, details of the peer review process for the ACOEM statement. Are you comfortable providing us the membership roster for yoru Council on Scientific Affairs or other committee that was the peer review body?

Borak reply to Bryan Hardin:

I do not know how many because I do not know how many reviewed the MS and agreed, but did not respond. Also, I have not maintained any of the files or emails. **It was certainly more than a dozen**: there are more than that on the Board alone.
Jonathan.

Testimony, Bruce Kelman in the Haynes Case in Oregon, February 18, 2005

Page 51: 11-22

Q: All right. So, it doesn't surprise you to lean that he's (sic Dr. Eckardt Johanning) called it in a speech in Boston, "Undemocratic and not objective"?

Bruce Kelman: Well, I guess I would have trouble with the characterization of Dr. Johanning of "unobjective". **I'd say critical review by 100 critical, very critical, physicians is quite objective**, and I would also have to say that normally when one picks a learned body, you don't do it democratically. You pic the people that have the best scientific credentials and best knowledge in the area.