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

7 BRUCE J. KELMAN

8 Plaintiff,

9 v.

10 SHARON KRAMER,

11 Defendant.

Case No. 37-2010-00061530-CU-DF-NC

**DECLARATION OF SHARON KRAMER,  
Appearing by Affidavit for Unlawful  
Contempt of Court Hearing.**

**The Honorable Thomas Nugent Presiding  
Department 30**

**Hearing Date: January 6, 2012 1:30 PM**

12 **DECLARATION OF SHARON KRAMER**

13 1. I am not physically appearing before any judge with unbridled Contempt of Court and  
14 incarceration power, who is i.) suppressing the uncontroverted evidence in his case file that all prior  
15 courts suppressed the evidence the plaintiff committed perjury in a prior case to establish needed  
16 reason for malice, ii.) is suppressing the evidence that the plaintiff's attorney repeatedly suborned  
17 the perjury, and iii.) is suppressing the evidence that the prior courts in the prior case, KELMAN &  
18 GLOBALTOX v. KRAMER, framed me for libel over a writing impacting public health and safety.  
19 This court's Temporary Injunctive Relief Order (TIRO), is precluding me from writing and  
20 evidencing the corruption of prior courts by stopping me from writing the exact words for which I  
21 was framed for libel in the prior case, "*altered his under oath statements*".

22 2. The direct evidence in this court's case file is that the Fourth District Division One Appellate  
23 Court framed me for libel in their 2006 anti-SLAPP Appellate Opinion to make my writing appear  
24 false. Then in their 2010 Appellate Opinion suppressed the evidence of what they had done in  
25 2006. In their unpublished anti-SLAPP Opinion of November 2006, made it appear that I had  
26 accused Kelman of getting caught on the witness stand lying about being paid by the Manhattan  
27 Institute think-tank to make edits to a position statement for a medical trade association, the  
28 American College of Occupational and Environmental Medicine, ACOEM: To quote from the 2006  
anti-SLAPP Appellate Opinion.

1 This testimony supports a conclusion Kelman did not deny he had been paid by the  
2 Manhattan Institute to write a paper, but only denied being paid by the Manhattan Institute  
3 to make revisions in the paper issued by ACOEM. He admitted being paid by the  
4 Manhattan Institute to write a lay translation. The fact that Kelman did not clarify that he  
5 received payment from the Manhattan Institute until after being confronted with the Kilian  
6 deposition testimony could be viewed by a reasonable jury as resulting from the poor  
7 phrasing of the question rather from an attempt to deny payment. In sum, Kelman and  
8 GlobalTox presented sufficient evidence to satisfy a prima facie showing that the  
9 statement in the press release was false.”

10 From my writing of March 2005 accurately stating the Manhattan Institute think-tank money  
11 was for the US Chamber’s mold position statement – not ACOEM’s.

12 “Upon viewing documents presented by the Hayne’s attorney of Kelman’s prior testimony  
13 from a case in Arizona, Dr. Kelman altered his under oath statements on the witness  
14 stand. He admitted the Manhattan Institute, a national political think-tank, paid GlobalTox  
15 \$40,000 to write a position paper regarding the potential health risks of toxic mold  
16 exposure.....In 2003, with the involvement of the US Chamber of Commerce and ex-  
17 developer, US Congressman Gary Miller (R-CA), the GlobalTox paper was disseminated  
18 to the real estate, mortgage and building industries’ associations. A version of the  
19 Manhattan Institute commissioned piece may also be found as a position statement on the  
20 website of a United States medical policy-writing body, the American College of  
21 Occupational and Environmental Medicine.”

22 From the Appellate Opinion of September 2010, suppressing the evidence that they had framed  
23 me for libel in their 2006 Appellate Opinion.

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

3. Should the Honorable Thomas Nugent proceed with a Contempt of Court hearing on January  
6, 2012, with no proof of a lawful Temporary Injunctive Relief Order, no proven jurisdiction to  
hold a contempt hearing, no proof of a properly served OSC or affidavit; and while continuing to  
suppress my uncontroverted evidence in his case file that the Appellate Court framed me for libel  
and suppressed the evidence that Bruce Kelman committed perjury to establish malice in  
KELMAN & GLOBALTOX v. KRAMER, I am fearful for my physical safety that this court  
will unlawfully incarcerate me, indefinitely, for contempt of court. This, under the false  
pretense that I violated a lawful court order by republishing the words for which I am evidenced by  
uncontroverted evidence, public record and this court’s case file to have been framed for libel by  
the Appellate Court in KELMAN & GLOBALTOX v. KRAMER, “*altered his under oath*  
*statements*”.

1 4. The uncontroverted evidence in the case file of the Honorable Thomas Nugent, Kelman v.  
2 Kramer, is that I blew a whistle on an interstate fraud involving the plaintiff, Bruce Kelman. The  
3 ACOEM mold statement, the US Chamber mold statement he co-authored with Bryan Hardin (co-  
4 owner of Veritox, Inc & undisclosed party to the litigation for six years), and how the two papers  
5 they authored are connected in mass marketing scientific fraud for the purpose of misleading US  
6 courts to find favorably for industry in mold litigations. This was the subject of my March 2005  
7 writing for which the Appellate court crafted their opinions in 2006 & 2010 to frame me for libel  
with actual malice while suppressing the evidence Kelman committed perjury.

8 5. The threat is now to jail me for contempt of court, indefinitely, for refusing to follow an  
9 unlawful court order which precludes me from writing and evidencing how and why the courts  
10 framed me. This, while aiding the misapplication of the science of toxicology to continue to be  
11 used in US courts to deny and delay liability for causation of environmental illnesses, adverse to the  
12 public's best interest.

13 6. **What is is all about is that it is not science now, nor was it ever that toxicology models**  
14 **can be used by themselves to prove lack of causation of individual illnesses from**  
15 **environmental exposures. The courts involved in these cases have aided this fraud to**  
16 **continue in US courts by aiding with malicious litigation carried out by criminal means – on**  
17 **behalf of the affiliates of the US Chamber of Commerce, and plaintiff Bruce Kelman.**

18 7. I have not been arraigned or advised of my right by this court regarding the Contempt of  
19 Court hearing and the burden of proof. *“An adjudication for indirect contempt requires that the*  
20 *facts show the contemnor’s willful and contemptuous refusal to obey a valid order of the court’* In  
21 re Cassil (1995) 37 CA4th 1081, 1087–1088, 44 CR2d 267 (accused does not have burden of  
22 proving inability to comply with order). *The finding must be beyond a reasonable doubt if the*  
23 *proceeding results in punitive sanctions.* 37 CA4th at 1086. **The court must advise the accused of**  
24 **(1) the burden of proof..’** Morelli v Superior Court (1969) 1 C3d 328, 332, 82 CR 375; 850. *“A*  
25 *judgment of contempt cannot be based on a void order”.* Davidson v Superior Court (1999) 70  
CA4th 514, 529, 82 CR2d 739.” California Judge Bench guide 3, page 58, Contempt of Court.

26 8. I have been advised by the Chief Justice of the Supreme Court of California Tani Cantil-  
27 Sayauke and the Executive Director of the Administration of the Courts, Ron Overholt, to seek  
28 assistance of the Commission on Judicial Performance for “judicial indiscretions” of the courts  
framing me for libel while suppressing the evidence that Kelman committed perjury to establish

1 needed reason for malice while aiding a scientific fraud to continue in US courts. (Attached hereto  
2 as **Exhibit 1** is the letter from the Chief Justice of the California Supreme Court and Executive  
3 Director of the Administration of the Courts directing me to the Commission on Judicial  
4 Performance to stop this judicial harassment and corruption).

5 9. *“A judge is responsible for knowing or researching the proper contempt procedures. A*  
6 *judge’s ignorance or misuse of these procedures may constitute bad faith and justify disciplinary*  
7 *proceedings for willful and prejudicial misconduct.”* Kloepfer v Commission on Judicial  
8 Performance (1989) 49 C3d 826, 858, 264 CR 100 (*injudicious use of contempt power was willful*  
9 *and prejudicial misconduct*); Ryan v Commission on Judicial Performance (1988) 45 C3d 518,  
10 533, 247 CR 378 (*experienced judge should have known that contempt order was both*  
11 *substantively and procedurally invalid*); Cannon v Commission on Judicial Qualifications (1975)  
12 14 C3d 678, 694, 122 CR 778

13 10. I give Tracey Sang, Attorney at Law, authority to speak on my behalf regarding the lack of  
14 this court holding an arraignment hearing, prior to holding an unlawful Contempt of Court hearing.  
15 I have not been advised of my rights by this court, the Honorable Thomas Nugent.

16 11. I do not give Ms. Sang permission to speak on my behalf at a Contempt of Court hearing  
17 should this court choose to proceed.

18 I declare under penalty of perjury and the laws of California that the foregoing is true  
19 and correct and is more than evidenced as true and correct in this court’s case file.

20 January 6, 2012

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21 Sharon Kramer, Pro Per  
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