

1 **SHARON NOONAN KRAMER, PRO PER**

2 2031 Arborwood Place
3 Escondido, CA 92029
4 (760) 746-8026
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6 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
7 **FOR THE COUNTY OF SAN DIEGO, NORTH DISTRICT**

8 **BRUCE J. KELMAN,**

9 **Plaintiff**

10 **v.**

11 **SHARON KRAMER,**

12 **Defendant.**

CASE NO. 37-2010-00061530-CU-DF-NC

DEPARTMENT 30
THE HONORABLE THOMAS
NUGENT PRESIDING

[PROPOSED] NO PRELIMINARY
INJUNCTION & Acknowledgment of
Plaintiff Submission Of Fake Judgment
Document To This Court

Hearing Date: April 1, 2011
Time: 1:30
Department: N-30

14 This matter came on regularly for hearing on April 1, 2011, in the Department N-30 of the above
15 Court, the Honorable Thomas P. Nugent, Judge presiding. Keith Scheuer, Esq. of Scheuer & Gillett
16 appeared on behalf of Plaintiff Bruce J. Kelman. Defendant Sharon Kramer appeared on her own
17 behalf. The court rendered an order stating that Kramer be enjoined from:

18 **“republishing the statement that has been determined at trial to be defamatory. That**
19 **statement is: ‘Dr. Kelman altered his under oath statements on the witness stand**
20 **while he testified as a witness in an Oregon lawsuit.” (Order issued April 5, 2011)**

21 Kramer Is Being Enjoined From Republishing A Sentence She Never Published

22 Kramer has never published the sentence, “Dr. Kelman altered his under oath statements on the
23 witness stand while he testified as a witness in an Oregon trial.” Plaintiff Counsel fabricated this
24 sentence in his Proposed Judgment (page 2) submitted to the courts in September of 2008, and re-
25 submitted to *this court* on November 4, 2010. (Fake Judgment Document, attached hereto)

26 As evidenced by the COMPLAINT of May 2005, Kramer was only sued for five words with the sole
27 claim of the case being that the five words only were a malicious allegation of perjury. The five words
28 are,

1 **“altered his under oath statements”** as used in the sentence, “Upon viewing documents
2 presented by the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr.
3 Kelman altered his under oath statements on the witness stand.”

4 Fraudulent Document Submitted to This Court of a Judgment Never Entered Is Cheating Kramer of
5 Money Due

6 The Appellate Opinion of 9/13/10 states as its first sentence:

7 **“In this defamation case, Sharon Kramer appeals from a judgment entered on a jury**
8 **verdict finding she libeled Bruce Kelman. The jury awarded Kelman nominal damages**
9 **of one dollar and the trial court awarded Kelman \$7,252.65 in costs.** [in a ruling of
10 12/12/08] **The jury found that Kramer did not libel GlobalTox and judgment against**
11 **GlobalTox was entered. The trial court awarded Kramer \$2,545.28 in costs against**
12 **GlobalTox.** [in a ruling of 04/03/09]”

13 Plaintiff Counsel submitted a fraudulent document to this court on 11/04/10, of a judgment never
14 entered or noticed after amended rulings of Oral Argument of 12/12/08. The fake judgment document
15 in Kelman & GlobalTox v. Kramer submitted as a valid judgment to *this court* by Plaintiff Council is not
16 found in the court records file after ruling modifications of 12/12/08. It was not noticed to the either
17 party as ever being entered as a judgment. Oddly there is a judgment noted as entered 12/18/08 in
18 the court computer system, but nowhere else. On 1/07/09, North San Diego County Presiding Judge
19 Pressman claimed to have lost of jurisdiction and be unable to hear Kramer's timely filed motion for
20 reconsideration, based on a purported entry of judgment dated 12/18/08.

21 The false document submitted to this court by Plaintiff Counsel with the notation of “mgarland
22 12/18/08” (third page) was mailed from the court to Kramer on 1/09/09. It was attached to a “yellow
23 post it notice of entry”. This mailing of a fraudulent document from the court to Kramer occurred after
24 Kramer questioned the clerk of the court, Michael Garland, on 1/8/09, as to why there was no
25 judgment in the court record file and she received no notice of any such judgment entered. What
26 triggered this question and caused Kramer to physically go to the Vista court was that on 1/07/09, she
27 had received a denial by the presiding judge to hear a motion for reconsideration based on a
28 purported entry of judgment on 12/18/08 causing him to lose jurisdiction.

1 Kramer is the only one who had this document marked "mgarland 12/18/08" as mailed to her on
2 1/09/09. There is no record of it in the court files. There no evidence of a Notice of Entry of the
3 document. As such, the document Plaintiff Counsel submitted to this court as a valid prior judgment
4 appears to have been copied from Kramer's Appellate Appendix.

5 Requested on 12/17/10 in *this litigation* for production of the document and its Notice of Entry;
6 Plaintiff Council was unable to produce any valid Notice of Entry for the fraudulent document, fake
7 judgment, that he submitted to this court on 11/04/10.

8 12/17/10 Defendant Request to Plaintiff for Production of Documents # 32, "**The purported
9 judgment entered on December 18, 2008 and accompanying Notice of Entry of
10 Judgment as mailed to you from the San Diego Superior Court in Kelman and
GlobalTox v. Kramer**".

11 -----
12 1/14/11 Plaintiff's Response to Defendant's First Request for Production of Documents #
13 32, "**Plaintiff objects to this Request on the grounds that it is vague, ambiguous and
14 incomprehensible, and that, to the extent it can be understood, seeks information to
15 the subject matter of this action and not calculated to lead to discovery of admissible
16 evidence.**"

17 To be clear, the 9/24/08 dated judgment awarding cost only to Kelman containing the false
18 statement for which Kramer was never sued, was submitted to *this court* on 11/04/10 by Plaintiff
19 Counsel as the final judgment in the litigation of Kelman & GlobalTox v. Kramer. Should this court
20 issue a temporary injunctive relief based on the fraudulent document, it will be ratifying a non-existent
21 judgment and will be awarding costs only to Kelman of \$7,252.65; while cheating Kramer out of the
22 \$2,545.28 she was awarded by a ruling of 4/03/09 as the prevailing party over GlobalTox, Inc.

23 There is no valid judgment that was ever entered from which this motion for injunctive relief may
24 even be legally made. Plaintiff is willfully misleading this court to cheat Kramer of money, to ratify a
25 fake judgment awarding costs only to him, and to trick this court to issue an Order enjoining Kramer of
26 republishing words she has never published in the first place, based on a fraudulent document he
27 submitted to this court on 11/04/10.
28

1 This Order is Relying on Prior Improvidently Entered Orders Founded On Plaintiff Perjury

2 Kelman provided this court with no evidence that Kramer has ever untruthfully republished the only
3 five words for which she was sued, “altered his under oath statements”; or not disclosed they are the
4 subject of a law suit which is a matter of public record. Kramer has a right under the First Amendment
5 of Constitution to truthfully discuss and evidence errors of the case that have financially crippled her
6 family and aided a fraud to continue in public health policy and the courts.

7 For six years, including in trial, there was no evidence ever presented of Kramer even once being
8 impeached as to her subjective belief that Kelman “altered is under oath statements” by trying to say
9 the political and sectarian US Chamber mold paper was not connected to purportedly unbiased
10 science of the workers comp physician association, ACOEM; while having to admit they were closely
11 tied after a prior testimony of his from another case in Arizona was permitted into the Oregon trial over
12 Kelman’s and the defense counsel’s objections.

13 i.e., Once forced to discuss, Kelman described their relationship **alternately as “lay
14 translation” to “two different activities” and flipping back to “translation”.**

15 This judge is the eleventh judiciary, not including Ca Supreme Court justices, to have overseen this
16 libel litigation and to have been provided with the irrefutable evidence that Kelman committed perjury
17 in the underlying libel litigation to establish needed reason for Kramer to purportedly harbor malice for
18 him, based on a testimony he is evidenced by uncontroverted evidence to have never even given in
19 Kramer’s mold litigation with her insurer, Mercury Casualty, of long ago,

20 i.e. Perjury in the libel litigation of Kelman & GlobalTox v. Kramer as reason for malice: “**I
21 testified the types and amounts of mold in the Kramer house could not have caused
22 the life threatening illnesses she claimed**”. [in Kramer’s litigation with her homeowner’s
23 insurer, Mercury Casualty, 2003]

24 This court is the seventh court not including the California Supreme Court_ to have been provided
25 with the uncontroverted evidence that Plaintiff Counsel willfully and repeatedly suborned Kelman’s
26 perjury for six years to establish false yet needed reason for malice,

27 i.e., Suborning of Perjury as reason for malice: “**Dr. Kelman testified in a deposition [in
28 Mercury v. Kramer, 2003] that the type and amount of mold in the Kramer house could
not have caused the life threatening illnesses that Kramer claimed Apparently furious**

1 **that the science conflicted with her dreams of a remodeled home, Kramer launched**
2 **into an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox”.**

3 All prior courts ignored Kramer’s irrefutable evidence of Kelman’s perjury and Plaintiff Counsel’s
4 suborning of Kelman’s perjury while piling onto the errors of prior errors of prior courts’ improvidently
5 entered orders that also relied on and rewarded the use of perjury and suborning of perjury -- to
6 establish needed reason for malice in a strategic litigation over a matter adversely impacting public
7 health and involving billions of dollars.

8 This has left Kramer the victim who has repeatedly been victimized again by each new court to
9 oversee this litigation relying on prior improvidently entered orders which is repeatedly rewarding the
10 malicious crimes of perjury and suborning of perjury. This has occurred over a writing in which Kramer
11 was the first to publicly expose the deceit behind the false claim that it had been scientifically proven
12 moldy buildings do not harm, involving Kelman, the US Chamber of Commerce, a workers comp
13 physician trade association, ACOEM, and many others.

14 While lower courts may have done this in error, the evidence is undeniable that the Fourth District
15 Division One Appellate Court Justices of McConnell, Huffman and Benke have been willing, active
16 participants in a malicious litigation carried out by criminal means; even going out of their way to put a
17 false “cyberstalking” slur of Kramer on their state funded web site 10/13/10 & adding the charge of a
18 false accusation of bribery into the unpublished opinion of 9/13/10 to character assassinate and CYA.

19 The accusation of bribery was never a claim even made by Kelman.

20 If this injunctive relief motion is granted, Kramer will be victimized again by one more court making
21 a ruling while relying on prior improvidently entered orders that rewarded criminal perjury and
22 suborning of criminal perjury as a foundation for the rulings and opinions. It has cost Kramer and her
23 husband everything they own to defend the truth of her words for the public good, while the Appellate
24 Court is clearly evidence to have been practicing politics, not law, favorable to the interests of the US
25 Chamber of Commerce.

26 The Granting Of An Injunction Order Aids To Conceal Politics In the Appellate Court

27 The granting of a temporary injunctive relief, based on false plaintiff statements and phoney
28 documents would further wrongfully disparage Kramer’s credibility and the validity of her truthful
words of a fraud in science adversely impacting US public health policy as she first wrote of in March

1 of 2005. It would further promote the false concept that Kramer accused Kelman of lying about being
2 paid to write a medical association paper, ACOEM's, as wrongfully and willfully promoted by the
3 unpublished opinions issued from Fourth District Division One Appellate Court in November of 2006
4 and September of 2010 while being fully aware of their "error".

5 The proof is in black and white in Kramer's writing of what the Appellate Court has willfully done.
6 Kramer's writing is 100% accurate that the exchange of think-tank money was for the US Chamber of
7 Commerce's paper. The Appellate Court willfully made it appear that Kramer's sentence, "He admitted
8 the Manhattan Institute paid GlobalTox \$40,000 to write a position paper of the health effects of 'toxic
9 mold", was a false accusation of money changing hands for the ACOEM medical association version.
10 As accurately stated in Kramer's writing, ACOEM's was a "version of the Manhattan Institute
11 commissioned piece".

12 It was no benign action that this above noted truthful sentence of how the US Chamber and a think-
13 tank got their fingers in the mold issue is the sentence Plaintiff attempted to have Kramer gagged from
14 ever writing again by this injunctive relief motion. Kramer's inability to write that sentence would aid to
15 conceal the deceit of the US Chamber et al, and what the Fourth District justices did to aid with a
16 malicious litigation carried out by criminal means in order to deem a whistle blower to be a "malicious
17 liar".

18 First Judge To Acknowledge Irrefutable Evidence Of Plaintiff Perjury To Establish Malice Stops Fraud 19 In Policy and the Courts

20 Many lives will be saved by the first judge, who acknowledges the irrefutable evidence that an
21 author of medico-legal policy for the US Chamber of Commerce, Kelman, used criminal perjury in a
22 libel litigation to establish needed reason for malice while strategically litigating to silence a whistle
23 blower, Kramer. And that he and his "legal" counsel are now attempting to benefit from prior
24 improvidently entered orders obtained by ill gotten means. This saving of lives will occur by the
25 exposing of the US Chamber author's criminality while litigating, which will also serve to rightfully
26 discredit the scientific fraud that is used in US courts to deny liability for causation of illness and
27 sometimes even death.

28 What will also occur is the restoring of integrity to the California judicial hierarchy by the
acknowledgment of the irrefutable evidence that Justice Judith McConnell, Chair of the California
Commission on Judicial Performance, and Justice Richard Huffman, ex-Chair of the Executive

1 Committee of the Judicial Council, have been willing participants in a malicious litigation carried out by
2 criminal means and have rewarded an author of policy for the US Chamber of Commerce, Kelman, for
3 his use of criminal perjury to establish needed reason for malice in their unpublished opinions issued
4 in November of 2006 and September of 2010, respectively. (The trial judge framed the scope of the
5 trial on the November 2006, anti-SLAPP opinion. "Won't upset them if I follow their guidance", she
6 stated on August 18, 2008.)

7 To grant an injunctive relief would aid to conceal this very serious breach of judicial ethics by two
8 of the most influential justices in the state of California, that are adverse to the public's best interest
9 and adverse to democracy itself.

10 One Honest, Diligent Judge

11 One judge acknowledging Kramer's undeniable evidence of prior improvidently entered orders
12 that ignored the undeniable evidence that Kelman's sentence "I testified the types and amounts of
13 mold in the Kramer house could not have caused the life threatening illnesses she claimed" is criminal
14 perjury used to establish false reason for malice while strategically litigating; will stop the fraud in
15 health policy, in the courts and in agencies that control the courts.

16 **ONE JUDGE issuing an order acknowledging the defendant's irrefutable**
17 **evidence presented to him of the plaintiff's criminal perjury used to establish**
18 **false reason for malice while strategically litigating and now trying to conceal**
19 **crimes by an injunctive relief motion in this judge's court, will forever change**
20 **the world and the California judicial system for the better..**

21 It is as simple as that to **instantly** save the lives of many and restore integrity to California's
22 judicial hierarchy that is out of control. To not acknowledge the irrefutable evidence of prior
23 improvidently entered orders, would be aiding with the continuance of billions of dollars of fraud,
24 advantageous to the affiliates of the US Chamber of Commerce and aiding with the demise of
25 Democracy in the California judicial system.

26 As such, no preliminary injunctive relief is granted. This court reserves jurisdiction to modify this
27 injunction as the ends of justice may require.

28 _____
Judge of the Superior Court

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DEFENDANT'S REQUEST THAT PLAINTIFF
PROVIDE NOTICE OF ENTRY OF DOC SUMMITTED
TO THIS COURT ON 11/4/10

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

27. Documentation of all "statements" claimed to be defaming to Kelman in Kelman and GlobalTox v. Kramer

28. The purported judgment entered on September 24, 2008 and accompanying Notice Of Entry of Judgment as mailed to you from the San Diego Superior Court in Kelman and GlobalTox v. Kramer.

29. Your Memorandum of Costs submitted to the courts on or around October 15, 2008, in Kelman and GlobalTox v. Kramer.

30. The billing for the video deposition of Sharon Kramer, January 4, 2008 in Kelman and GlobalTox v. Kramer.

31. The purported judgment entered on October 16,, 2008 and accompanying Notice Of Entry of Judgment as mailed to you from the San Diego Superior Court in Kelman and GlobalTox v. Kramer.

32. The purported judgment entered on December 18, 2008 and accompanying Notice Of Entry of Judgment as mailed to you from the San Diego Superior Court in Kelman and GlobalTox v. Kramer.

33. The ruling issued by Judge William S. Dato, April, 2009, in Kelman and GlobalTox v. Kramer.

34. Your deposition testimony in its entirety in Mercury.

PLAINTIFF PROVIDED NO NOTICE OF
ENTRY

1 irrelevant to the subject matter of this action and not
2 calculated to lead to the discovery of admissible evidence.

3 REQUEST NO. 30:

4 Plaintiff objects to this Request on the grounds that
5 it is vague, ambiguous and incomprehensible, and that, to
6 the extent it can be understood, seeks information that is
7 irrelevant to the subject matter of this action and not
8 calculated to lead to the discovery of admissible evidence.
9

10 REQUEST NO. 31:

11 Plaintiff objects to this Request on the grounds that
12 it is vague, ambiguous and incomprehensible, and that, to
13 the extent it can be understood, seeks information that is
14 irrelevant to the subject matter of this action and not
15 calculated to lead to the discovery of admissible evidence.
16

17 REQUEST NO. 32:

18 Plaintiff objects to this Request on the grounds that
19 it is vague, ambiguous and incomprehensible, and that, to
20 the extent it can be understood, seeks information that is
21 irrelevant to the subject matter of this action and not
22 calculated to lead to the discovery of admissible evidence.
23

24 //

25 //

Ms. Kramel -

9-24-2008 judgment
reflects costs of
\$9252.65 entered
as of 12-18-2008.
See page 3 of
highlighted doc.

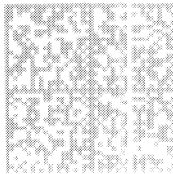
This is the information
you are seeking.

Lynn
D31

Superior Court. Sept. 21
325 South Melrose Avenue
Wake, CA 92081

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



Hasler

016426510377
\$00.351
01/09/2009
Mailed From 92101
US POSTAGE

Sharon Noorah Kramel
2031 Silverwood Place
Escondido, CA 92029

KEEPPA1 92029



FILED
Clerk of the Superior Court

SEP 24 2008

By: M. GARLAND, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO, NORTH DISTRICT

BRUCE J. KELMAN,	)	CASE NO. GIN044539
GLOBALTOX, INC.,	)	Assigned for All Purposes to:
	)	HON. LISA C. SCHALL
Plaintiffs,	)	DEPARTMENT 31
	)	UNLIMITED CIVIL CASE
v.	)	Case filed: May 16, 2005
)	
SHARON KRAMER, and DOES 1	)	^{mg.} [PROPOSED] JUDGMENT
through 20, inclusive,)	
	)	Trial Date: August 18, 2008
Defendants.	)	Department: N-31
)	

This action came on regularly for trial by jury on August 18, 2008, with Plaintiffs appearing in person and by Keith Scheuer, Esq. of Scheuer & Gillett, and Defendant appearing in person and by Lincoln Bandlow, Esq. of Spillane Shaeffer Aronoff Bandlow. A jury of 12 persons was duly impaneled and sworn, witnesses testified, and after being duly instructed by the Court, the jury deliberated and thereon duly returned the following special verdicts:

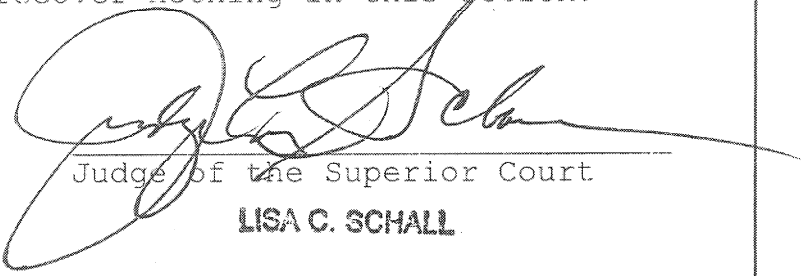
1 1. That Defendant Sharon Kramer acted wrongly by
2 making the following statement: "Dr. Kelman altered his under
3 oath statements on the witness stand" while he testified as a
4 witness in an Oregon lawsuit; that Kramer made the above
5 statement to persons other than Kelman; that the persons to
6 whom the statement was made reasonably understood that the
7 statement was about Bruce Kelman; that persons who read the
8 statement reasonably could have understood it to mean that
9 Kelman had committed the crime of perjury or testified
10 falsely while on the witness stand; that the statement was
11 false; that Kelman proved, by clear and convincing evidence,
12 that Kramer knew the statement was false, or had serious
13 doubts about the truth of the statement; and that Kelman be
14 awarded a monetary sum of nominal damages in the amount of
15 \$1.00 (one dollar and no cents).
16

17
18 2. That Kramer made the statement to persons other
19 than GlobalTox, Inc., and that the persons to whom the
20 statement was made did not reasonably understand that the
21 statement was about GlobalTox.
22

23 NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that
24 Plaintiff Bruce Kelman recover the sum of \$1.00 (one dollar
25 and no cents) as nominal damages from Defendant Sharon
26
27
28

1 Kramer, and costs in the amount of \$ 7,157.65 ^{mganand 12/19/08}, and that
2 Plaintiff GlobalTox, Inc. recover nothing in this action.
3

4 Dated: 9/24/08


Judge of the Superior Court

LISA C. SCHALL

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 4640 Admiralty Way, Suite 402, Marina Del Rey, California 90292. On August 28, 2008, I served the foregoing **[PROPOSED] JUDGMENT** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Lincoln D. Bandlow, Esq.
David Aronoff, Esq.
SPILLANE SHAEFFER ARONOFF BANDLOW
1880 Century Park East, Suite 1004
Los Angeles, California 90067-1623
Attorney for Defendant Sharon Kramer

F I L E D
Clerk of the Superior Court

SEP 24 2008

By: M. GARLAND, Deputy

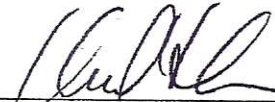
☒ BY MAIL – I caused each such envelope with postage thereon fully prepaid to be placed in the United States mail at Marina Del Rey, California. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice, it would be deposited in the U.S. Postal Service on that same day with postage thereon fully prepaid at Marina Del Rey, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ BY PERSONAL SERVICE – I delivered by hand such envelopes to the offices of the addressees.

☐ BY FACSIMILE—I sent such document from facsimile machine (310) 301-0035 on August 28, 2008. I certify that said transmission was completed and that all pages were received and that a report was generated by said facsimile machine that confirms the transmission and receipt. I thereafter mailed a copy to the interested party by placing a true copy thereof enclosed in a sealed envelope addressed to the party listed above.

EXECUTED on August 28, 2008 at Marina Del Rey, California.

☒ (STATE) – I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Keith Scheuer

By: M. GARLAND, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO
NORTH COUNTY BRANCH

BRUCE J. KELMAN &
GLOBALTOX, INC. an individual,
Plaintiffs,
v.
SHARON KRAMER, and DOES 1 through 20,
Inclusive,
Defendant.

Case No. GIN044539

ORDER ON MOTIONS FOR RECONSIDERATION

The Motions for Reconsideration filed by Defendant Sharon Kramer came before the Honorable Joel M. Pressman, Judge presiding in Department 21 of the above-entitled Court. The Court denies Defendant Kramer's Motions for Reconsideration on the grounds that this Court lacks jurisdiction to rule on the motions. The court loses jurisdiction to rule on a pending motion for reconsideration after entry of judgment. APRI Ins. Co. v. Sup.Ct. (1999) 76 CA4th 176, 181. The Amended Judgment was entered in this case on December 18, 2008.

IT IS SO ORDERED.

Date: 1/7/09

JOEL M. PRESSMAN
JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 FAMILY COURT, 1555 6TH AVE, SAN DIEGO, CA 92101-3294 MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105 KEARNY MESA BRANCH, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123-1187 NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643 EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649 JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792 JUVENILE COURT, 325 S. MELROSE DR., VISTA, CA 92083-6634	FOR COURT USE ONLY F I L E D Clerk of the Superior Court JAN 08 2009 By: M. GARLAND, Deputy
PLAINTIFF(S)/PETITIONER(S) Bruce J. Kelman & Globaltox, Inc.	
DEFENDANT(S)/RESPONDENT(S) Sharon Kramer	JUDGE: JOEL M. PRESSMAN DEPT: 21
CLERK'S CERTIFICATE OF SERVICE BY MAIL (CCP 1013a(4))	CASE NUMBER GIN044539

I certify that: I am not a party to the above-entitled case; that on the date shown below, I served the following document(s):
ORDER ON MOTIONS FOR RECONSIDERATION

On the parties shown below by placing a true copy in a separate envelope, addressed as shown below; each envelope was then sealed and, postage thereon fully prepaid, deposited in the United States Postal Service at: ☐ San Diego ☒ Vista ☐ El Cajon
☐ Chula Vista ☐ Ramona, California.

<u>NAME & ADDRESS</u>	<u>NAME & ADDRESS</u>
Sharon Noonan Kramer 2031 Arborwood Place Escondido, CA 92029	Keith Scheuer SCHEUER & GILLET 4640 Admiralty Way, Suite 402 Marina Del Rey, CA 90292

Date: January 8, 2009 by Michael Garland
 Michael Garland, Deputy Clerk of the Superior Court

Subj: **Don't bother 2 send check or try to enforce fraudulent judgment doc U submitted**
Date: 4/8/2011 3:12:10 P.M. Pacific Daylight Time
From: SNK1955@aol.com
To: Kscheuer@aol.com, SNK1955@aol.com

Dear Mr. Scheuer,

We have a hearing scheduled for September 16th for reconsideration of this Order that I couldn't follow even if I wanted to. It has gagged me from "republishing" a sentence that I have never published in the first place.

Also, we have a hearing on July 15th regarding your response to interrogatories and lack of production of documents. Can't wait to see the Notice of Entry of Judgment from the "12/18/08" judgement document you submitted to Judge Nugent. Does it look like my "yellow post it"?

1. It is physically impossible for Defendant, Sharon ("Kramer"), to adhere to the Temporary Injunctive Relief ("Order") issued by this court that was mailed to Kramer on April 6, 2011. (Attached HereTo As EXHIBIT 1 is the Order). In relevant part, the Order states:

"..the Court believes it is proper to enjoin the defendant from republishing the statement that has been determined at trial to be defamatory. That statement is: ***'Dr. Kelman altered his under oath statements on the witness stand while he testified as a witness in an Oregon lawsuit.'*** See Kelman Decl., Exhibit B [Judgment dated 9/24/08 in GIN044539]."

2. Kramer has never published the sentence, "***Dr. Kelman altered his under oath statements on the witness stand while he testified as a witness in an Oregon lawsuit.***" and therefore she could not "republish" it, nor was she ever sued for publishing any such sentence.

3. Plaintiff Bruce ("Kelman") never submitted a Declaration in 2008 or to

this court, as "Exhibit B", claiming "*Dr. Kelman altered his under oath statements on the witness stand while he testified as a witness in an Oregon lawsuit.*" was a sentence ever used by Kramer in her writing of March 2005, nor *is it* a sentence in the writing.

Sincerely,
Mrs. Kramer

SCHEUER & GILLETT
a law corporation
4640 Admiralty Way, Suite 402
Marina Del Rey, California 90292
Tel.: (310) 577-1170
Fax: (310) 301-0035
email: Kscheuer@aol.com

VIA EMAIL, FAX AND US MAIL

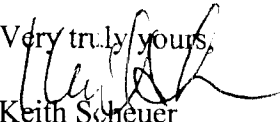
April 12, 2011

Sharon Kramer
2031 Arborwood Place
Escondido, CA 92029

Re: KELMAN v. KRAMER
San Diego Superior Court case no. 37-2010-00061530-CU-DF-NC

Dear Ms. Kramer:

Please take notice that on April 14, 2011 at 9:00 a.m. in Department N-30 of the San Diego Superior Court in Vista, Plaintiff will make an ex parte application to correct a clerical error in the Court's April 5, 2011 minute order. A copy of the Plaintiff's application is attached.

Very truly yours,

Keith Scheuer
KS/sel

1 SCHEUER & GILLETT, a professional corporation
2 Keith Scheuer, Esq. Cal. Bar No. 82797
3 4640 Admiralty Way, Suite 402
4 Marina Del Rey, CA 90292
5 (310) 577-1170
6 Attorney for Plaintiff
7 BRUCE J. KELMAN

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

BRUCE J. KELMAN,) **CASE NO.:**
) **37-2010-00061530-CU-DF-NC**
Plaintiff,)
) **Assigned for All Purposes to:**
v.) **HON. THOMAS P. NUGENT**
) **DEPARTMENT: N-30**
SHARON KRAMER, and DOES 1)
through 20, inclusive,) **UNLIMITED CIVIL CASE**
)
Defendants.) **EX PARTE APPLICATION TO CORRECT**
) **CLERICAL ERROR IN MINUTE ORDER;**
) **DECLARATION OF KEITH SCHEUER**

Hearing Date: April 14, 2011
Time: 9:00 a.m.
Department: N-30

Trial Date: None

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on April 14, 2011, at 9:00 a.m.
in Department N-30 of the above-entitled Court, Plaintiff
will apply ex parte for an order to correct a clerical error
that appears in this Court's amended minute order dated
April 5, 2011.

The clerical error consists of a misplaced quotation mark that results in misquoting the statement that was determined to be defamatory at the trial of the prior action (San Diego Superior Court case no. GIN 044539). Specifically, the relevant passage of the Judgment in that action reads:

1. That Defendant Sharon Kramer acted wrongly by making the following statement: "Dr. Kelman altered his under oath statements on the witness stand" while he testified as a witness in an Oregon lawsuit....

(This sentence commences at page 2, line 1 of the Judgment in the prior action, a copy of which is attached to the accompanying Scheuer declaration as Exhibit 1.)

The closing quotation mark is misplaced in the amended minute order. In the final paragraph on the first page of that minute order, the defamatory statement that Defencant is enjoined from republishing reads:

"Dr. Kelman altered his under oath statements on the witness stand while he testified as a witness in an Oregon lawsuit."

The erroneous placement of the final quotation mark incorrectly includes the phrase "while he testified as a witness in an Oregon lawsuit" as part of the statement that the jury found to be defamatory. To correct this clerical error and accurately reflect the Judgment, Plaintiff

1 requests that the closing quotation mark be moved so that
2 the enjoined statement reads:

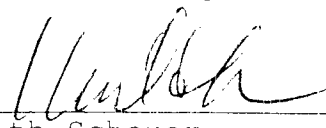
3 "Dr. Kelman altered his under oath statements on the
4 witness stand" while he testified as a witness in an
5 Oregon lawsuit.

6 A [Revised Proposed] Preliminary Injunction
7 incorporating this correction is attached hereto as Exhibit
8 2 and also submitted concurrently with this Application.

9 Defendant Sharon Kramer represents herself in this
10 action. Her address is 2031 Arborwood Place, Escondido,
11 California 92029. Her fax number is (760) 746-7540. On April
12 12, 2011, at approximately 11:00 a.m., Plaintiffs' counsel
13 served her with this ex parte application by email, fax and
14 U.S. Mail. A cover letter notifying her of this ex parte
15 application is attached hereto as Exhibit 3.

17 Dated: April 12, 2011

Respectfully submitted,
SCHEUER & GILLET
a professional corporation

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20 By 
21 Keith Scheuer
22 Attorney for Plaintiff
23 BRUCE J. KELMAN
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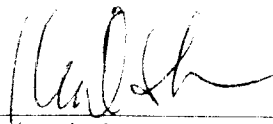
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1 I declare under penalty of perjury under the laws of
2 the State of California that the foregoing is true and
3 correct.

4 Executed on April 12, 2011 at Marina Del Rey,
5 California.



Keith Scheuer

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F I L E D
Clerk of the Superior Court

SEP 24 2008

By: M. GARLAND, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO, NORTH DISTRICT

BRUCE J. KELMAN,	)	CASE NO. GIN044539
GLOBALTOX, INC.,	)	Assigned for All Purposes to:
	)	HON. LISA C. SCHALL
Plaintiffs,	)	DEPARTMENT 31
	)	UNLIMITED CIVIL CASE
v.	)	Case filed: May 16, 2005
	)	<i>mg.</i>
SHARON KRAMER, and DOES 1	)	[PROPOSED] JUDGMENT
through 20, inclusive,)	
	)	Trial Date: August 18, 2008
Defendants.	)	Department: N-31
_____)	

This action came on regularly for trial by jury on August 18, 2008, with Plaintiffs appearing in person and by Keith Scheuer, Esq. of Scheuer & Gillett, and Defendant appearing in person and by Lincoln Bandlow, Esq. of Spillane Shaeffer Aronoff Bandlow. A jury of 12 persons was duly impaneled and sworn, witnesses testified, and after being duly instructed by the Court, the jury deliberated and thereon duly returned the following special verdicts:

1. That Defendant Sharon Kramer acted wrongly by making the following statement: "Dr. Kelman altered his under oath statements on the witness stand" while he testified as a witness in an Oregon lawsuit; that Kramer made the above statement to persons other than Kelman; that the persons to whom the statement was made reasonably understood that the statement was about Bruce Kelman; that persons who read the statement reasonably could have understood it to mean that Kelman had committed the crime of perjury or testified falsely while on the witness stand; that the statement was false; that Kelman proved, by clear and convincing evidence, that Kramer knew the statement was false, or had serious doubts about the truth of the statement; and that Kelman be awarded a monetary sum of nominal damages in the amount of \$1.00 (one dollar and no cents).

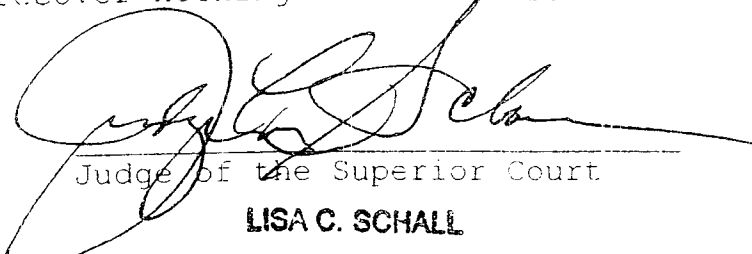
2. That Kramer made the statement to persons other than GlobalTox, Inc., and that the persons to whom the statement was made did not reasonably understand that the statement was about GlobalTox.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff Bruce Kelman recover the sum of \$1.00 (one dollar and no cents) as nominal damages from Defendant Sharon

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Kramer, and costs in the amount of \$ 7,252.65 ^{mganand 12/18/08.}, and that
Plaintiff GlobalTox, Inc. recover nothing in this action.

Dated: 9/24/08


Judge of the Superior Court
LISA C. SCHALL

1 SCHEUER & GILLETT, a professional corporation
2 Keith Scheuer, Esq. Cal. Bar No. 82797
3 4640 Admiralty Way, Suite 402
4 Marina Del Rey, CA 90292
5 (310) 577-1170
6 Attorney for Plaintiff
7 BRUCE J. KELMAN

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

BRUCE J. KELMAN,) **CASE NO.:**
) **37-2010-00061530-CU-DF-NC**
Plaintiff,)
) **Assigned for All Purposes to:**
v.) **HON. THOMAS P. NUGENT**
) **DEPARTMENT: N-30**
SHARON KRAMER, and DOES 1)
through 20, inclusive,) **UNLIMITED CIVIL CASE**
)
Defendants.) **[REVISED PROPOSED] PRELIMINARY**
) **INJUNCTION**

Hearing Date: April 1, 2011
Time: 1:30 p.m.
Department: N-30

18 This matter came on regularly for hearing on April 1,
19 2011, in Department N-30 of the above Court, the Honorable
20 Thomas P. Nugent, Judge presiding. Keith Scheuer, Esq. of
21 Scheuer & Gillett appeared on behalf of Plaintiff Bruce J.
22 Kelman. Defendant Sharon Kramer appeared on her own behalf.

24 The Court, having taken the matter under submission on
25 April 1, 2011 and having fully considered the arguments of

1 all parties, both written and oral, as well as the evidence
2 presented, rules as follows:

3 IT IS HEREBY ORDERED that Plaintiff Bruce J. Kelman's
4 motion for a preliminary injunction is granted. Issuance of
5 the preliminary injunction is conditioned upon Plaintiff's
6 posting of an undertaking in the amount of \$5,000. Defendant
7 is enjoined from republishing the statement that has been
8 determined at trial to be defamatory. That statement is:
9

10 "Dr. Kelman altered his under oath statements on the
11 witness stand" while he testified as a witness in an
12 Oregon lawsuit.

13 The under oath statements at issue in the prior case
14 included the allegation that the plaintiff admitted the
15 Manhattan Institute, a national political think-tank, paid
16 GlobalTox \$40,000 to write a position paper regarding the
17 potential health risks of toxic mold exposure.

18 Plaintiff has met his burden of persuading the Court
19 that a preliminary injunction should be issued in this case.

20 The Court must require an undertaking if the
21 preliminary injunction is granted. C.C.P. § 529. The Court
22 believes that an undertaking in the amount of \$5,000 is
23 reasonable in this case. The preliminary injunction shall
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1 issue on Plaintiff's filing of such written undertaking.
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4 Judge of the Superior Court
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SCHEUER & GILLETT
a law corporation
4640 Admiralty Way, Suite 402
Marina Del Rey, California 90292
Tel.: (310) 577-1170
Fax: (310) 301-0035
email: Kscheuer@aol.com

VIA EMAIL, FAX AND US MAIL

April 12, 2011

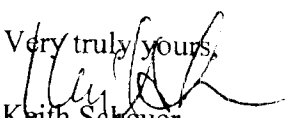
Sharon Kramer
2031 Arborwood Place
Escondido, CA 92029

Re: KELMAN v. KRAMER
San Diego Superior Court case no. 37-2010-00061530-CU-DF-NC

Dear Ms. Kramer:

Please take notice that on April 14, 2011 at 9:00 a.m. in Department N-30 of the San Diego Superior Court in Vista, Plaintiff will make an ex parte application to correct a clerical error in the Court's April 5, 2011 minute order. A copy of the Plaintiff's application is attached.

Very truly yours,


Keith Scheuer

KS/sel

Subj: Fwd: Kelman v. Kramer ex parte notice, Note to self: from Mr. Scheuer
Date: 4/12/2011 6:57:56 P.M. Pacific Daylight Time
From: SNK1955@aol.com
To: Kscheuer@aol.com, SNK1955@aol.com

Dear Mr. Scheuer,

I have received your notice of the ExParte hearing at 9:00 on April 14th and will attend.

Please bring with you,

1. The Notice of Entry of Judgment dated December 18, 2008 and the accompanying judgement that was mailed to you from the courts in the matter of Kelman & GlobalTox v. Kramer, GIN044539; as was requested of your client to produce in my **Defendant's Request of Plaintiff For Production of Documents #32.**

2. Evidence presented in Kelman & Globaltox v. Kramer corroborating your client, Bruce Kelman, *"testified the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed"* in the litigation of Mercury v. Kramer, as was requested of you to produce in my **Defendant's Request of Plaintiff For Production of Documents #37**

3. Evidence from Kelman & GlobalTox v Kramer that corroborates that I was unhappy with your client's involvement in the Mercury case as phrased in your briefs of: *"Dr. Kelman testified in a deposition [in the Mercury case] 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 home, Kramer launched into an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox"* as was requested of you to produce in my **Defendant's Request of Plaintiff For Production of Documents #38 & #39.**

4. Your client's declaration statements in Kelman and GlobalTox

v. Kramer regarding the testimony he claims to have given in the Mercury case as was requested in my **Defendant's Request of Plaintiff For Production of Documents #35.**

5. The Complaint from the case of Kelman & GlobalTox v. Kramer indicating what exact words of mine were claimed to have been libelous in the case as was requested in my **Defendant's Request of Plaintiff For Production of Documents #27.**

6. Any evidence in the case of Kelman & GlobalTox v. Kramer that shows I was ever impeached as to my subjective belief that your client's word of February 8, 2005 of "lay translation" to "different papers, two different activities", and flipping back to "translation" are considered by me to be "altered his under oath statements".as was requested in my **Defendant's Request of Plaintiff For Production of Documents #41.**

Please confirm that you received this email that confirms I am aware of the ExParte hearing and you are aware of the documents you are to bring with you for the hearing:

- i.) December 18, 2008, Notice of Entry of Judgment and
- ii.) judgment of same date as mailed to you from the courts
- iii.) the evidence that corroborates your client's claimed involvement in the Mercury case as sworn to under oath by your client
- iv.) evidence that this purported testimony caused me to "launch into an obsessive campaign to destroy" your client.
- v.) documentation of which EXACT words were claimed to have been libelous in Kelman & GlobalTox v. Kramer.
- vi.) the evidence that I was impeached as to the subjective belief in the validity of my words in the libel litigation of Kelman & GlobalTox v. Kramer

Thank you,
Mrs. Kramer

|

From: kscheuer@aol.com
To: SNK1955@aol.com
Sent: 4/12/2011 11:26:42 A.M. Pacific Daylight Time
Subj: Kelman v. Kramer ex parte notice

Ms. Kramer--

Attached is notice of Plaintiff's ex parte application to be heard April 14 at 9:00 a.m. in Department 30, and supporting papers.

Keith Scheuer
SCHEUER & GILLET, APC
4640 Admiralty Way, Suite 402
Marina Del Rey, CA 90292
Tel.: 310 577-1170
Fax: 310 301-0035