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Commission on Judicial Performance
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Re: This complaint is against Justice Judith McConnell, Chair of the California Commission on Judicial Performance and Presiding Justice ("PJ") of the Fourth District Division One Court of Appeal, along with nine of her subordinate San Diego judges and justices. This complaint for aiding and abetting a multi-billion dollar interstate insurer fraud scheme to defraud the public on behalf of the affiliates of the US Chamber of Commerce. This has occurred by McConnell and nine of her subordinates willfully refusing to acknowledge the undisputed evidence of a plaintiff's criminal perjury while strategically litiging and used to establish false extenuating circumstances for a whistleblowing defendant's purported malice. The plaintiff is an author of "environmental" policy for the US Chamber of Commerce. The defendant is the first to publicly expose how a scientific deception within the US Chamber's policy has been used to set US policy, adverse to public health and favorable to the insurance industry. This complaint is for misusing the courts for political favor of US Chamber et al; and to silence and retaliate against a whistleblower of the Chamber's influence of a deception US health policy; of which the University of California has played an intricate role; and to retaliate for exposing Justice McConnell's role in aiding and abetting with reckless disregard for public health and safety.

Honorable California Commissioners on Judicial Performance,

The First California Legal Decision Maker Who Acknowledges The Irrefutable Evidence of A US Chamber Policy Author's Criminal Perjury On The Issue of Malice While Strategically Litigating, Will Stop A Deception In Policy On Behalf Of The Insurance Industry & US Chamber Of Commerce That Adverse To Public Health and Safety

Plainly stated, the first politician, judge or justice who acknowledges the irrefutable evidence that the following sentence is criminal perjury, used in a strategic libel litigation for five years in the San Diego courts by US Chamber policy author, Bruce ("Kelman"), to establish false extenuating circumstances for Sharon ("Kramer's") purported personal malice while strategically litigating:

> ***"I testified the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed";*** and

the first politician, judge or justice who acknowledges the irrefutable evidence that the following sentence is willful suborning of the US Chamber author's criminal perjury by Ca licensed attorney, Keith ("Scheuer") and used to establish false extenuating circumstances for personal malice in a strategic libel litigation base on a testimony of long ago that Kelman never even gave:

> ***"Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not have caused the life threatening illnesses that Kramer claimed. Apparently furious that the science conflicted with her dreams of a remodeled house, Kramer launched an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox."***and

the first politician, judge or justice who acknowledges the irrefutable evidence that Kelman has *provided no evidence* within over five years of strategically litigating, of Kramer even once being impeached as to the subjective belief in the truthfulness of her purportedly libelous words *"altered his under oath statements on the witness stand*" when writing of Kelman's February 2005 expert testimony in a trial in Oregon, March of 2005:

> *"Declaration of Kramer submitted to the courts, July 2005: '****Within the prior sentences, Kelman testified 'We were not paid for that…', not clarifying which version he was discussing. There was no question asked of him at that time. He went on to say GlobalTox was paid for the 'lay translation' of the ACOEM Statement. He then altered to say 'They're two different papers, two different activities.' He then flipped back again by saying, 'We would have never been contacted to do a translation of a document that had already been prepared, if it hadn't already been prepared.' By this statement he verified they were not two different papers, merely two versions of the same paper. And that is what this lawsuit is really all about.***
>
> ***The rambling attempted explanation of the two papers' relationship coupled with the filing of this lawsuit intended to silence me, have merely spotlighted Kelman's strong desire to have the ACOEM Statement and the Manhattan Institute Version [sic US Chamber Mold Statement] portrayed as two separate works by esteemed scientists. In reality, they are authored by Kelman and Hardin, the principals of a corporation called GlobalTox, Inc. – a corporation that generates much income denouncing the illnesses of families, office workers, teachers and children with the purpose of limiting the financial liability of others. One paper is an edit of the other and both are used together to propagate biased thought based on a scant scientific foundation.***

> ***Together, these papers are the core of an elaborate sham that has been perpetrated on our courts, our medical community and the American public. Together, they are the vehicle used to give financial interests of some indecent precedence over the lives of others.'(Appellant Appendix Vol.1 Ex.8:157-158) (Response to Court's Query, pp.10-11)" (Attached hereto as Exh 1, App.Erta.Pet.Rehearing 9/10, pp.8-14) [Pdf. Page 12 -18 http://freepdfhosting.com:*** and

the first politician, judge or justice who acknowledges the irrefutable evidence that Kramer's March 2005 writing was the first to publicly expose how it became false US public health policy involving the US Chamber of Commerce, that mold does not harm for the purpose of biasing the courts to deny financial liability for insurers while Kramer named the names of those involved in the scheme:

> Published March 9, 2005 by Sharon Kramer – "Jury Finds 'Toxic Mold' Harmed Oregon Family, Builder's Arbitration Clause Not Binding"
> *"Oregon City, OR -* ***The case is a first in the Northwest to award personal injury damages to a family exposed to toxic mold in a newly built home. This verdict is significant because it holds construction companies responsible when they negligently build sick buildings.....the Manhattan Institute, a national political think-tank, paid GlobalTox $40,000 to write a position paper regarding the potential health risks of toxic mold exposure. Although much medical research finds otherwise, the controversial piece claims that it is not plausible the types of illnesses experienced by the Haynes family and reported by thousands from across the US, could be caused by "toxic mold" exposure in homes, schools or office buildings. In 2003, with the involvement of the US Chamber of Commerce and ex-developer, US Congressman Gary Miller (R-CA), the GlobalTox paper was disseminated to the real estate, mortgage and building industries' associations. A version of the Manhattan Institute commissioned piece may also be found as a position statement on the website of a United States medical policy-writing body, the American College of Occupational and Environmental Medicine.***
> [http://www.moldwarriors.com/SK/PressReleaseComplaint.pdf], and

the first politician, judge or justice who acknowledges the irrefutable evidence that in McConnell's courts, a plaintiff, who is an author of policy papers for the US Chamber of Commerce in is above the law and can therefore use criminal perjury while strategically litigating to silence a whistleblower of a multibillion dollar fraud in the US policy by the US Chamber et al,....

Wins the Prize!!!! of being recognized as the first California legal decision maker who actually cares more about the health, safety and welfare of California and United States citizens; democracy; freedom of speech for the public good without fear of retribution; and integrity within our judicial system - than they do of the interests of the affiliates of US Chamber of Commerce and politics. This currently unknown entity will

be removing the scientific fraud that marketed its way into health policy by the US Chamber and affiliates that it has been scientifically proven claims of illness from mold and it toxins are only being made because of *"trial lawyers, media and Junk Science"* when they acknowledge the undeniable evidence of US Chamber author, Kelman's, perjury going ignored in the San Diego court system for five years. They will be stopping Justice Judith McConnell and her subordinate justices from covering up and retaliating against a whistleblower who has exposed the deceit of the US Chamber and Justice McConnell's abuse of elected and appointed office while aiding and abetting interstate insurer fraud on behalf of the affiliates of the US Chamber. This is because:

> "When this Reviewing Court acknowledges what legally cannot be denied: Kramer's overwhelming, uncontroverted and irrefutable evidence that seven judges and justices [sic, now ten] ignored Kramer's overwhelming, uncontroverted and irrefutable evidence of Kelman's perjury on the issue of malice and ignored Kramer's vast evidence of Scheuer's willful suborning of Kelman's criminal perjury; then seven years worth of scientific fraud perpetrated on US Courts over the mold issue by the US Chamber of Commerce et al, will immediately cease by the acknowledgment that their author of their scientific fraud has no qualms about lying under oath to the courts and strategically litigating; and while their other author (sic, Bryan "Hardin") does not disclose he is a party to the strategic litigation." (App.Reply.To.Court.Query, pp.43-45)." **(Appellant's Petition for Rehearing, p. 22) [http://freepdfhosting.com/ad67e0cb4f.pdf]**

Aiding and Abetting Insurers To Shift Cost Of Illness To Taxpayers

This complaint is for writing unpublished opinions that stealthily aid and abet insurers to shift the cost of illness from water damaged building ("WDB") exposures off of workers comp and property casualty insurers onto California and US taxpayers via social disability programs; while using the courts to retaliate and chill speech of a whistleblower.

To watch a ten minute video of how this scheme works and who has been involved in promoting it and profiting from it go to: Watchdog On Science: Corrupt Doctors, the Untold Mold Story

http://watchdogonscience.blogspot.com/2009/08/corrupt-doctors-untold-mold-story.html

To watch a video of how the US Chamber paper came to be and the fraud in science behind it, go to:

http://www.blip.tv/file/2756814/

To watch a video of Kelman using this litigation to attempt to coerce Kramer to endorse his science after McConnell ignored the evidence of Kelman's perjury when denying an anti-SLAPP motion, used to establish false reason for Kramer's purported malice within the same writing Kramer was the first to expose a deceit in science and health policy for the public good, go to:

http://www.blip.tv/file/2063366/

Judiciaries Involved & Parties To The Litigation

This matter involves the libel litigation that began in May 2005, of Kelman and GlobalTox v. Kramer, ("Kelman v Kramer") D047758 Fourth District Division One, November 16 ("2006 unpublished anti-SLAPP Opinion") written by Justice Judith ("McConnell") and affirmed by Justices Cynthia ("Aaron") and Alex ("MacDonald"); GIN044539 North San Diego County Superior Court overseen by Judges Michael P. ("Orfield"), Lisa C. ("Schall"), Joel ("Pressman") and William S. ("Dato") respectively from 2005 to 2009; and D054496 September 14 ("2010 unpublished Opinion") written by Justice Patricia ("Benke") and affirmed by Justices Richard ("Huffman") and Joan ("Irion"); along with a ("Defendant's Petition for Rehearing") denied October 13, 2010, by Benke. The sole claim of the libel action is that the defendant's use of the phrase in an Internet ("March 2005 writing") *"altered his under oath statements on the witness stand"* was a maliciously false accusation of perjury on the part of the plaintiff while giving an expert defense witness ("February 2005 testimony") in Oregon.

The lead plaintiff in the libel litigation is, Bruce Kelman. He is a co-the author of "A Scientific View of the Health Effects of Mold" for the US Chamber in 2003. (US Chamber Mold Statement") He is also a co-author of "Adverse Human Health Effects of Molds in the Indoor Environment" for the American College of Occupational and Environmental Medicine in 2002. ("ACOEM Mold Statement"). He and ex-CDC/NIOSH employee/undisclosed party to this litigation, Bryan ("Hardin"), are two of the six owners of the corporation, ("VeriTox" Inc) – formerly known as GlobalTox, Inc. Kelman and Hardin are Phd toxicologists and prolific expert witnesses for the defense in mold litigation with no research backgrounds in study of health effects of mold. Hardin co-authored the US Chamber's and ACOEM's Mold Statements along with Kelman.

The defendant in the litigation, Sharon Kramer was instrumental in causing a 2008 Federal Government Accountability Office (GAO) audit and report "Indoor Mold: Better Coordination of Research on Health Effects and More Consistent Guidance Would Improve Federal Efforts" (GAO Report). Although this GAO audit specifically deleted looking into who had conflicts of interest when establishing policy over the mold issue; this report negates the scientific validity of Kelman's and Hardin's writings on behalf of the US Chamber and ACOEM; (which promote the false concept that it is scientifically proven claims of severe illness from mold and toxin exposure are based on "junk science", media hype and unscrupulous trial lawyers). The GAO Report establishes

federal acknowledgment that science holds these serious illnesses are biologically plausible to be occurring from exposure to mold and toxins found in WDB. The report calls for more consistent message to improve research and public health advisories. To hear a 2008 interview Kramer gave for IAQ Radio in
which it is known within the issue Kramer is responsible for causing the GAO Report, [http://www.talkshoe.com/talkshoe/web/audioPop.jsp?episodeId=77328&cmd=ap op]

This 2008 Federal GAO Report, that was ordered by late Senator Edward Kennedy in 2006 at Kramer's urging, most likely never would have come to be had Kramer been intimidated or coerced into silence by this strategic litigation that began its journey through the San Diego court system in May of 2005. (App. Errata Petition For Rehearing pp.20 regarding Kelman's attempted coercion of Kramer to endorse his science before he would stop litigating after defeating the anti-SLAPP motion through the use of perjury – Kramer refused and suffered hundreds of thousands of dollars in litigation expense instead) (Attached hereto as Exh.1, App Errata Petition for Rehearing, pp.20) [Pdf. Page 24 http://freepdfhosting.com/772caeaa70.pdf]

The deceptive concept for the insurer friendly campaign by the US Chamber, ACOEM et al, - which the GAO Report negates - is founded on a solo and flawed modeling theory by Hardin and Kelman that was legitimized by ACOEM (which is not a college – it is a trade association of workers comp physicians) that was then mass marketed into US policy and the courts by ACOEM, the Manhattan Institute think-tank and the US Chamber of Commerce.

Kramer holds a BBA in marketing and is a real estate agent by profession. She is published in the Journal of Allergy and Clinical Immunology in 2006; and the International Journal of Occupational and Environmental Health in 2007. These publications that were not permitted to be discussed in the August 2008 trial are "Nondisclosure of Conflicts of Interest is Perilous to the Advancement of Science" and "ACOEM A Professional Organization in Service to Industry". They are regarding the conflicts of interest behind ACOEM and the US Chamber when mass marketing a deception of science into health policy used to sell doubt of workers comp and property casualty insurer liability for causation of illness from WDB. The conflict driven concept is used to lend false credence to expert witnesses for the defense in mold litigation, such as Kelman and Hardin, that these illnesses "Could not be" caused by WDB. As evidenced for the courts many times over and never impeached, Kramer is of the opinion Kelman "altered his under oath statements on the witness stand" in an effort to hide the true close ties of the political and sectarian US Chamber Mold Statement from that of the purportedly unbiased science of ACOEM.

Latest Unpublished Opinion Evidences That Aiding The Interests Of The US Chamber Has Been No Accident in McConnell's Court.

While there have been many odd errors in this litigation over the past five years; Kramer evidenced and stated many times over of how Kelman's perjury went ignored by all San Diego judges and justices. When the courts are provided detailed and uncontroverted evidence, yet still choose to ignore – there can be no question it was never the intention of the courts to follow the law that governs proof of libel with actual malice. Kramer filed a Petition for Review to the California Supreme Court on October 22, 2010, that denotes many of the US Chamber favorable errors of McConnell's courts. It is attached to this request that the California Commission on Judicial Performance investigate how it is even remotely possible that ten San Diego judges and justices are unable to grasp that a plaintiff cannot use criminal perjury to establish false reason of why a defendant would want to accuse them of criminal perjury. It, and many of the links to other documents from this case, may be read online at:

October 22, 2010 Petition For Review By California Supreme Court

http://freepdfhosting.com/ebcafd8a37.pdf

Relevant Canons of Judicial Ethics Violated in Kelman v. Kramer

The following Canons of Judicial Ethics have been violated in the litigation of *Kelman v. Kramer* by McConnell and nine of her subordinates, adverse to the public's interest and greatly harming to Kramer, who dared to write the truth of the US Chamber and ACOEM aiding to promote interstate insurer fraud in policy, claims handling practices and litigation with reckless disregard for public health and safety.

"Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. The integrity and independence of judges depend in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law* and the provisions of this Code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violations of this Code diminish public confidence in the judiciary and thereby do injury to the system of government under law."

California Commission on Judicial Performance

Canon 2 A. Promoting Public Confidence
A judge shall respect and comply with the law* and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 2 B. Use of the Prestige of Judicial Office
(1) A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment, nor shall a judge convey or permit others to convey the impression that any individual is in a special position to influence the judge.

Canon 3 B. Adjudicative Responsibilities
(2) A judge shall be faithful to the law* regardless of partisan interests, public clamor, or fear of criticism, and shall maintain professional competence in the law.

(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, including but not limited to bias or prejudice based upon...disability....[sic, bias against a class of people - those disabled by molds; bias of deeming one of their staunchest advocates a malicious liar for publicly stating they are disabled by mold and exposing that the US Chamber & ACOEM are stopping them from receiving treatment; bias against taxpayers aiding to shift the cost of mold disabled onto them and off of insurers; bias favorable to the financial interests of the affiliates of the US Chamber of Commerce]

(8) A judge shall dispose of all judicial matters fairly, promptly, and efficiently. A judge shall manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law.

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. [sic, prejudice that one person can make a difference. Automatically deeming Kramer a malicious liar for saying the US Chamber and ACOEM was harming people while ignoring the evidence corroborating they were. Once deemed a liar for speaking the truth for public good – deemed a liar for all else she said, wrote and evidence. Prejudice favorable to the financial interests of the affiliates of US Chamber of Commerce]

Canon 3 D. Disciplinary Responsibilities
(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.

> (2) Whenever a judge has personal knowledge that a lawyer has violated any provision of the Rules of Professional Conduct, [sic, a defendant's uncontroverted evidence of willful and repeated suborning of perjury by the plaintiff's attorney to create false extenuating circumstances, false theme of personal malice to inflame the courts for 5 years in the San Diego Court system] the judge shall take appropriate corrective action.

Instances Of Judiciaries Actions That Have Aided And Abetted Insurer Fraud On Behalf Of US Chamber Affiliates

In November 2006, McConnell issued the unpublished anti-SLAPP Opinion within days after she was re-elected as an appellate court justice and while ignoring Kramer's evidence of US Chamber author, Kelman's, perjury on the issue of malice; and ignoring Kramer's evidence that his business partner, Hardin, who is a retired NIOSH employee, was missing from the Certificate of Interested Parties. This was occurring approximately at the same time that US Federal Attorney, Carol Lam from San Diego, was improperly removed from office under the Bush Administration.

What was also occurring at this time, was that under former Attorney General Alberto Gonzales, the US Department of Justice was using Kelman and his company of VeriTox, Inc, to defeat claims of illness in sick military families – while McConnell was unable to grasp that Kelman, author policy for the US Chamber and ACOEM, cannot legally use criminal perjury while strategically litigating against one who speaks against a deception in science and US public health policy. To view a video of Kelman discussing being hired by the US DOJ as an expert defense witness in mold litigation involving military housing in 2006, go to:

http://www.blip.tv/file/1179698/

To date, six San Diego Appellate Court justices have written unpublished opinions in which they do not even mention Kramer's uncontroverted evidence of US Chamber/ACOEM author/VeriTox owner, Hardin, being improperly missing from the named parties to this litigation on Certificate of Interested Parties submitted to the Fourth District Divison One Appellate Court in 2006 and 2009; while simultaneously not mentioning Kramer's uncontroverted evidence of Hardin's business partner, Kelman, committing perjury in his declarations to establish false reason for Kramer's purported personal malice. McConnell, MacDonald and Aaron ignored this evidence in 2006. Upon review of the case, Benke, Huffman and Irion also ignored in 2010.

These matters were discussed in Oral Argument of June 17, 2010 before the Benke Panel with six witnesses in the room and with the audio transcript of Oral Argument available from the Fourth District, Division One and attached to this complaint. The six witnesses are: Judy O'Reilly, Michael Kramer, Helen Noonan, Debbie Funderburk, and William Brown, Esq., all from San Diego county; along with Connie Bailey from Atlanta, GA. The Panel was directed to the undisputed evidence of Kelman's perjury in

Kramer's Appendix, with Justice Irion taking notes and writing it down. Yet, not one of the three justices even asked Kelman's attorney, Scheuer, a single question regarding Kelman's perjury on the issue of malice. The Benke Panel violated Canons of Judicial Ethics, **2.A.,2.B.(1)(2)(5)(8),3.C.(1),3.D.(1)(8**

On September 17, 2010, McConnell in the capacity as PJ and under San Diego Rules of the Court 1.2.1 Policy Against Judicial Bias, was asked by Kramer to intercede to stop the bias in her court and the 2010 unpublished Opinion, that is rewarding perjury and strategic litigation by a US Chamber author and is adversely impacting public health; while aiding and abetting interstate insurer fraud in claims handling practices and litigation. No response was received by Kramer from PJ McConnell. This request detailing the bias in McConnell's appellate court adverse to public health and safety and favorable to the interests of the affiliates of the US Chamber may be read at: [http://freepdfhosting.com/5857e4b797.pdf] Failure to respond or take action, **McConnell has violated Canons of Judicial Ethics 2.A.,2.B.(1)(2)(5)(8),3.C.(1),3.D.(1)(8).**

Witnesses to this request are the San Diego District Attorney, Bonnie Dumanis, and Deputy DA insurance fraud division, James Koerber; who also received a copy of the request made to McConnell; along with requests from Ca Insurance Commissioner Candidate Dina Padillia to investigate how an ACOEM physician is aiding to shift the cost of workers comp insurers onto taxpayers in San Diego county – a fact of which McConnell is aware and has been noticed. The DA was asked to investigate workers comp insurer fraud at Toyota of Poway and involving the policy established by ACOEM along with an ACOEM physician who was hired by the Toyota of Poway workers comp insurer to evaluate mold injured workers. Witnesses to this are Tim Hack and three other mold injured workers from Toyota of Poway, along with Steve Zelter of California Coalition For Workers Memorial Day

Justice McConnell is currently running for re-election as the PJ of the Fourth District Division One Appellate Court, San Diego county under the platform of "Decide legal disputes according to the constitution, the law and legal precedent; ensure that cases are resolved in an expeditious and appropriate manner; work to improve the court system in California". She is the highest elected official overseeing integrity in the judicial process in the county. The DA office's charge is to oversee integrity of elected officials in San Diego county. Justice McConnell is fully aware of the risk to democracy when the US Chamber of Commerce interests are given precedence in the courts.

> "American democracy 'may well be at risk' as judicial campaigns turn into special-interest funded political contests in which candidates are pressured into taking political stances, Fourth District Court of Appeal Presiding Justice Judith McConnell told a community forum....'Judicial independence does not mean judges are unaccountable or allowed to follow their whims, it means they are independent of the other branches of government,' she explained..... 'Judges', she said, 'should not be accountable to politicians...or the clamor of the moment." MetNews, May

24, 2010, *"Judicial Campaigns May Put Democracy at Risk, CJP Chair Says"* [http://www.metnews.com/articles/2010/foru052410.htm]

In 2010, while using circular logic to justify ignoring evidence of perjury in a strategic litigation by a US Chamber author; the Benke Panel's 2010 unpublished Opinion is that if the McConnell Panel ignored Kramer's uncontroverted evidence of US Chamber/ACOEM author fraud in their 2006 unpublished opinion; and ignored Kramer's uncontroverted evidence that an ex-federal NIOSH employee's name was improperly missing from a Certificate of Interested Parties; and ignored the fact that there was *no evidence* of Kramer ever being impeached as to the subjective belief in the truth of her words; then as a reviewing court of the matter in 2010, the Benke Panel should again ignore Kramer's irrefutable evidence of Kelman's fraud adversely impacting public health, while deeming Kramer's "views" irrelevant as to why she wrote what she wrote. This, they argue, is to keep consistency in decision making of the San Diego Appellate Court. They self justify skirting what is required when courts are faced with irrefutable evidence of fraud by stating only "nominal damages" were awarded, ignoring the evidence of the hundreds of thousands of dollars in litigation it has cost Kramer to defend the truth of her words. And ignoring that this stance is aiding to discredit the validity of all of Kramer's words by falsely deeming her a malicious liar, while the public is harmed in the process by her chilled speech. Accurately stated in the 2010 unpublished Opinion, all lower courts *did* follow McConnell's lead. They too, each and every one, ignored Kramer's uncontroverted evidence of Kelman's perjury on the issue of malice used to strategically litigate to the advantage of affiliates of the US Chamber. The Benke Panel stated:

> "...any disagreement we might entertain with respect to our prior disposition would be no more than that: a disagreement. Given that circumstance and the fact that only nominal damages were awarded against Kramer, the value of promoting stability in decision making far outweighs the value of any reevaluation of the merits of our prior disposition. (See *People v. Shuey, supra* 13 Cal.3d at p. 846.) Accordingly, on appeal Kramer is bound by our prior determinations of law. Application of the law of the case doctrine disposes of Kramer's initial argument on appeal that the trial court erred in relying on our prior opinion in framing the issues tried on remand. The trial court was bound by our determinations of law and thus did not err in relying on those determinations in framing the issues for trial. (*People v. Shuey, supra,* 13 Cal.3d at p. 846.)" (2010 unpublished Opinion, pp. 12)

Well established fact of law, that a plaintiff cannot legally use perjury to establish a false reason for a defendant's malice and zero evidence of a defendant ever being impeached as to their belief of their words, govern what does not constitute clear and convincing proof of libel with actual malice, but do indicate there is something terribly amiss in McConnell's court. As the courts have been repeatedly evidenced since July of 2005, everyday this strategic litigation carried out by criminal means is allowed to

continue in the California court system aided by the Chair of the California Commission on Judicial Performance/Presiding Justice of Fourth District Division One; democracy itself is being threatened, lives are being ruined and costs of illness from WDB are being shifted off of the insurance industry and onto the good citizens of California and the United States.

TIMELINE & CANON VIOLATIONS OF THE MCCONNELL COURTS IGNORING THE LAW FAVORABLY TO THE INTERESTS OF THE US CHAMBER

Judicuary #1. Michael P. Orfield, October 2005 ignored Kelman's perjury when denying Kramer's anti-SLAPP motion.

Bias. Failure to stop a plaintiff's criminal activity to establish false extenuating circumstances for a defendant's purported personal malice in a strategic litigation, thereby aiding and abetting interstate insurer fraud on behalf of the affiliates of the US Chamber of Commerce. **Canon violations 2A,3B(2),3B(5)(8),3C(1).**

> Kelman declaration September 2005:*"I testified the types and amounts of molds found in the Kramer house could not have caused the life threatening illnesses she claimed".*
>
> Scheuer brief reciting the above false declaration statement of Kelman's while attributing the fraud as reason for Kramer to harbor personal malice for Kelman: *"Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not have caused the life threatening illnesses that Kramer claimed. Apparently furious that the science conflicted with her dreams of a remodeled house, Kramer launched an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox.".*

Along with overseeing the lower court when denying Kramer's anti-SLAPP motion in 2005; and motion for summary judgment in 2008; Judge Orfield also oversaw Kramer's litigation with her insurer in 2002/2003. He signed the three settlement agreements in which Kramer and her family received approximately one half of one million dollars. Kramer had no reason to be furious with Kelman or anyone that *"the science conflicted with her dreams of a remodeled home",* because it did not. Kelman had actually testified that the Kramer home posed an increased risk for the Kramer daughter, who is genetically disabled by Cystic Fibrosis and that a physician with detailed knowledge must be consulted regarding the safety of the Kramer home. These facts were brought to Orfield's attention in Kramer's declaration submitted to him in July and September of 2005, along with the following statement evidencing Kelman was committing perjury to establish the prior case Orfield oversaw was a reason for Kramer to harbor malice:

"Mr. Sheuer has attempted to paint me as a vengeful woman who has an obsession to get back at Kelman for testimony he gave in our case in December, 2003. Sheuer states that my daughter and I claimed we acquired life threatening illnesses as a result of mold when what I really wanted was for my insurance company to pay for my house to be remodeled. He also states I was furious when Kelman testified that the science did not support what I wanted.

I am surprised at Mr Sheuer's lack of verification of facts before making these false and malicious statements, which are oddly not backed up with any support documentation attached. We were not even in litigation in December of 2003. But given the obvious lack of fact checking, I am not surprised at this answer. This would be a boilerplate scenario for Kelman to step into. Many people have life threatening illnesses after excessive exposure to mold and mycotoxins. It is a complaint that is quite common. In regard to these illnesses, it would be also be a boilerplate response for Kelman to say the science does not support this, based on the ACOEM Statement."

However, the boilerplate family Sheuer and Kelman describe is not our family. I do not know how Kelman could have testified in our case in December of 2003. We settled in October of 2003. Although very sick, I never claimed I had a life threatening illness. My daughter has always had the life threatening illness of CF. We ultimately received a fairly sizable settlement from all three defendants in the case. If we had chosen to correct the cross contamination that occurred during the remediation process, we received enough money to do so.

Judicuaries # 2, 3, 4 Justices Judith McConnell, Cynthia Aaron & Alex MacDonald, November 16, 2006 when affirming the denial of Kramer's anti-SLAPP motion

Bias. Failure to stop a plaintiff's criminal activity in a strategic litigation thereby aiding and abetting interstate insurer fraud on behalf of the affiliates of the US Chamber of Commerce. Denying a defendant's anti-SLAPP motion while ignoring evidence of the plaintiff's criminal perjury and his attorney's suborning of it to establish false extenuating circumstances for the defendant's purported personal malice. Refusing to take judicial notice of the evidence that a retired high level Federal CDC/NIOSH employee was missing from the Certificate of Interested Parties. Without verifying the validity or lack there of, twisting Kramer's truthful and well evidenced speech for the public good describing flawed positions of several organizations into evidence of personal malice for Kelman - based solely on the fact that they did not like Kramer's tone...days after McConnell and Aaron being re-elected as Fourth District Division One Appellate Justices. **Canon violations 2A,2B,3B(2)(5)(8),3C(1),3D(1)(2)** From the McConnell Panel 2006 unpublished anti-SLAPP Opinion:

> 2006 Appellate Opinion: "Further, in determining whether there was a prima facie showing of malice, the trial court also relied on the general tone of Kramer's declarations. These declarations reflect a person, who motivated by personally having suffered by mold problems, is crusading

against toxic mold and against those individuals and organizations who, in her opinion, unjustifiably minimized the dangers of indoor mold. Although this case involves only the issue of whether the statement “Kelman altered his under oath statements on the witness stand” was false and made with malice, Kramer’s declarations are full of language deriding the positions of Kelman, GlobalTox, ACOEM and the Manhattan Institute. [sic, the Appellate Court neglected to mention the US Chamber of Commerce] For example, Kramer states that people “were physically damaged by the ACOEM Statement itself” and that the ACOEM Statement is a document of scant scientific foundation; authored by expert defense witnesses; legitimized by the inner circle of an influential medical association, whose members often times evaluate mold victims o[n] behalf of insurers and employers; and promoted by stakeholder industries for the purpose of financial gain at the expense of the lives of others.” (Appellant Appendix Vol.1 Ex.12:256, 257)”

2009 Kramer’s Opening Brief: “In addition, within Brown’s brief to the Appellate Court of April 7, 2005[6], Brown [Kramer’s attorney] wrote: “Kelman states in his declaration at page 5, paragraph 8, lines7-10 (Appendix 358) that Mrs. Kramer and her daughter were claiming life threatening illness from exposure to mold in the underlying litigation, when in fact, in Mrs. Kramer’s declaration in reply, she showed that she never claimed a life threatening illness in that suit, and that her daughter, a cystic fibrosis sufferer (a life threatening illness) had also be inflicted with ABPA (an invariably fatal illness to cystic fibrosis sufferers) since 1998, before the improper mold remediation occurred.” (Vol.I App.208) The claimed Mercury testimony given by Respondent was in reality, never given. But the false theme was off and running with the Appellate Court denial of November of 2006, that Appellant was a vindictive, know nothing, litigant out to get a great science expert stemming from Mercury. (Vol.I App.244-263)”

2006 Appellate Opinion: “While the Kramer family eventually settled and recovered damages from the insurance company, a reasonable jury could infer that Kramer harbored some animosity toward Kelman for providing expert services to the insurance company and not supporting her position.’ (Vol.I app.255)”

....

“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.’(Vol.I App.250)”

....

“Initially, we note this lawsuit is not about a conspiracy. This lawsuit was filed by Kelman and GlobalTox alleging one statement in a press release was libelous. Thus, conspiracy issues are not relevant.’(Vol.I App.262)”

This bias illustrated in detail by the McConnell Panel's 2006 unpublished anti-SLAPP opinion - that Kramer was deemed a liar for saying Kelman was making up reason for her malice – even in the face of irrefutable evidence that she was not; and deemed a malicious liar for stating that the US Chamber and ACOEM were aiding insurer fraud; has caused the San Diego Fourth District to also aid and abet interstate insurance fraud by its failure to stop a strategic litigation carried out by criminal means on behalf of the financial interest of the affiliates of the US Chamber of Commerce to silence a whistleblower.

Judicuary #1 again. Michael P. Orfield, June 2008 when denying Kramer's motion for summary judgment while ignoring the evidence of Kelman's perjury for a second time.

Bias. Evidenced again of Kelman's perjury on the issue of malice that was again submitted in his declaration, March 2008. Failure to stop a plaintiff's criminal activity in a strategic litigation thereby aiding and abetting interstate insurer fraud on behalf of the affiliates of the US Chamber. Denying a defendant's motion while ignoring the fact that in three years time since Orfield denied the anti-SLAPP there was zero evidence obtained through discovery of Kramer ever being impeached as to her subjective belief in the validity of her words, thereby aiding and abetting interstate insurer fraud on behalf of the affiliates of the US Chamber of Commerce. **Canon violations 2A,3B(2),3B(5)(8),3C(1)**

Kelman again submitted the perjury in his declarations. Orfield was again told and evidenced it was perjury. Orfield again ignored the evidence. After three years of litigation by this point in time, Orfield ignored that there was no evidence presented of Kramer ever being impeached as to her subjective belief in the validity of her word. A source witness who was in the court room submitted affidavits that Kramer's writing was accurate.

Judicuary # 5. Lisa C. Schall, August 2008 trial judge; December 2008 post trial motion judge.

Bias. As accurately stated in the 2010 unpublished Opinion, Schall framed the scope of the trial on the 2006 unpublished anti-SLAPP Opinion which caused Kramer not be able to provide expert and testimony of the deception of Kelman, Hardin, ACOEM and the US Chamber's fraudulent science. Kramer was not permitted to discuss the science of mold in her defense in trial. Failure to stop a plaintiff's criminal activity in a strategic litigation thereby aiding and abetting interstate insurance fraud on behalf of the affiliates of the US Chamber of Commerce. Ignoring that in trial, there was zero evidence of Kramer ever being impeached as to her subjective belief in the validity of her words, thereby aiding and abetting interstate insurer fraud on behalf of the affiliates of the US Chamber of Commerce. **Violation of Canons of Judicial Ethics 2.A, 3.B.(5)(8),3C(1),3.D(1)(2).**

When framing the scope of the trial, Schall could not believe that it was Kelman, not Kramer, who was asked to be put through a psychological examination**.** Kramer, who had

never been on a witness stand before, was apparently too close to the microphone. Judge Schall derogatorily stated in front of the jury "Only rock stars swallow microphones" inferring that Kramer had an inflated ego as she truthfully detailed the work she has done to help change public policy. Schall in oral argument, when asked by Kramer to ask Scheuer of the criminal perjury on the issue of malice stated:

> ***"I can't be drawn into that kind of petty behavior, demanding Mr. Scheuer to explain himself on things."*** Judge Lisa C. Schall, December 12, 2008

When Kramer brought it to Schall's attention that she was relying on a source who said Kramer's writing was correct as the evidence Kramer's writing was incorrect, Schall stated, *"You know what Mrs. Kramer, now you are just arguing with me."* She then proceeded to lecture Kramer not to go spreading rumors of what occurred in oral argument**;** while simultaneously refusing to hear Kramer's oral argument on the issue of malice. She awarded costs to Kelman that were incurred by VeriTox and issued a judgment that did not acknowledge Kramer prevailed over VeriTox in trial. Kramer had to make three additional motions just to be recognized as a prevailing party and still does not have a judgment to this effect to this very day.

Judicuary # 6 Joel Pressman, Presiding Judge North County, January 2009, denying Kramer's Motion for Reconsideration.

Bias. Failure to stop criminal activity in a strategic litigation. Based solely on a purported date of entry of judgment December 18, 2008, Pressman denied to review Kramer's motion for reconsideration of Schall's post trial rulings and evidence of Kelman's perjury on the issue of malice. There is no evidence of any such judgment entry in the court record on December 18, 2008; and no evidence of any mailing of this purported judgment. Refusal to hear a motion for reconsideration based on a date of entry of judgment not in the court record, aided and abetted interstate insurer fraud favorable to the interests of the affiliates of the US Chamber of Commerce to continue and forced Kramer to have to file Appellate motions sans attorney, since she can no longer afford one. **Canon Violations 2.A, 2.B(1),3.B(8),3.D.(1)(2).**

Judicuary # 7 William Dato, April 2009, Failure to enter a judgment reflective of his ruling awarding Pro Per Kramer's costs.

Evidenced of Kelman's perjury on the issue of malice and evidenced that Kelman had submitted and been awarded costs incurred by VeriTox, Judge Dato stated he could do nothing about criminal activity in the litigation or judgments entered in the court he took over in 2009 after Judge Schall was moved to family court, Department 31. Failure to stop a plaintiff's criminal activity in a strategic litigation, even when directly evidenced of such and evidenced of the extreme litigation costs incurred by Kramer from the situation; and evidenced that costs incurred by a party Kramer prevailed over in trial, VeriTox, were submitted and awarded to Kelman . Although Dato issued a ruling stating Kramer prevailed and awarded her costs in the ruling, no judgment was ever entered by the courts overseeing a prevailing Pro Per to reflect this; thereby aiding and abetting

interstate insurer fraud by failing to stop criminal perjury in a strategic litigation and assisting to financially punish a whistleblower of the deceit of the US Chamber of Commerce.

Violation of Canon of Judicial Ethics 2.A,3.B(2)(8),3.D.(1)(2)
Judicuaries # 8, 9, 10 Justices Benke, Huffman, Irion. Appellate denial while covering up for McConnell's errors of ignoring the evidence of USChamber author and plaintiff fraud in her 2006 anti-SLAPP Opinion.

Unpublished opinion and denial of petition for rehearing while ignoring evidence of Kelman's perjury on the issue of malice going unchecked by all courts they were to be reviewing. Stealthily aiding and abetting interstate insurer fraud favorable to the interests of the affiliates of the US Chamber and with reckless disregard for public health and safety. Attempting to cover up for the Chair of the CJP's errors of 2006, when ingoring a plaintiff's perjury; that also aided the US Chamber four years earlier. Abusing their judicial position to retaliate against a whistleblower of the fraud of the US Chamber and insurance industry friendly errors by the Chair of the CJP. **Violation of Canons of Judicial Ethics 2.A.,2.B(1),3.B(2)(5)(8),3.C(1), 3.D.(1)92).**

As merely one example of just how biased the 2010 unpublished Opinion is when determining Kramer libeled Kelman with actual malice and while relying on the 2006 unpublished anti-SLAPP Opinion by McConnell as a valid opinion not to be disturbed; not mentioned in their 2010 unpublished Opinion:

> "The irrefutable evidence is, Kramer's writing accurately states there were two papers and payment was for the Manhattan Institute version itself, not ACOEM's. Her March 2005 writing states, "He admitted the Manhattan Institute, a national political think-tank, paid GlobalTox $40,000 to write a position paper regarding the potential health risks of toxic mold exposure.....A version of the Manhattan Institute commissioned piece may also be found as a position statement on the website of a United States medical policy-writing body, the American College of Occupational and Environmental Medicine." (App.Opn.Brf.Erta,pp 32)
>
> The 2006 Opinion this Opinion is relying upon when deeming Kramer's writing false with reckless disregard for the truth, wrote the same thing Kramer did in its 2006 Opinion. This court found while determining Kramer's writing false: "This testimony supports a conclusion Kelman did not deny he had been paid by the Manhattan Institute to write a paper, but only denied being paid by the Manhattan Institute to make revisions in the paper issued by ACOEM. He admitted being paid by the Manhattan Institute to write a lay translation." (App.Opn.Brf.Erta, pp.32)"

The Benke Panel actually had the audacity to write in the 2010 unpublished Opinion that the views of a defendant in a libel litigation are not relevant to proving if the defendant believed the subjective truth of their words. After five years worth of litigation costing the Kramer family everything they own; in 2010, the Benke Panel cannot even state or cite evidence of what it is Kramer supposedly accused Kelman of perjuring himself of by the use of the word "altered"; just like the McConnell Panel could not in 2006. Yet the Fourth has found Kramer libeled Kelman with actual malice for the second time; thereby aiding and abetting interstate insurer fraud on behalf of the affiliates of the US Chamber of Commerce for the second time by aiding and abetting with strategic litigation to silence, punish and discredit a whistleblower in violation of laws that govern proof of libel with actual malice.

Judicuary # 8, Patricia Benke, October 13, 2010, using the courts to retaliate and discredit a whistleblower by putting known false information forever on the Fourth District Division One website in a modification to a already greatly flawed unpublished Opinion favorable to the interests of the US Chamber.

On October 13, 2010, Benke made the following modification to the 2010 unpublished Opinion. She wrote:

> "We also recognize that the trial court gave "Plaintiff's Special Jury Instructions – Proof of Actual Malice," which stated: "Actual malice may be proved by circumstantial evidence. Although personal ill will by itself is not sufficient to prove actual malice, a combination of Kramer's anger, hostility toward the Plaintiffs, failure to investigate or subsequent conduct may all constitute circumstantial evidence that actual malice existed. Evidence alone of Kramer's animosity, hatred, spite or ill will toward Kelman or GlobalTox does not establish actual malice."!(AA 1213)! Contrary to Kramer's argument on appeal, this instruction did not require that the jury find that she acted with malice. (Kramer's argument was that the jury was directed she failed to investigate – which means they were directed Kramer's writing was false)
>
> "Finally we reject Kramer's contention that reversible error occurred because exhibit 53, which *she* offered into evidence, included e-mails from a third party accusing her of cyberstalking and the jury had access to the e-mails. The record is clear that before the exhibits were admitted into evidence and provided to the jury, the parties and their counsel had met with respect to them and agreed that exhibit 53 would be admitted. The trial court was entitled to rely on the agreement of the parties with respect to the propriety of the exhibits."

Kramer did not even argue the exhibit 53 errors in her Appellate briefs because (if it were not a kangaroo court) she did not need to under laws that govern proof of libel by a standard of clear and convincing evidence. There was no evidence ever presented that Kramer was ever impeached as to her subjective belief in her words. She provided the

trial judge (and the Appellate court) with no less than 23 exhibits proving Kelman used perjury to establish malice.

What Benke failed to mention in her October 13, 2010 modification is that Kramer's attorney, Lincoln Bandlow, submitted an affidavit stating he *had not seen* the prejudicial emails that went to the jury in error in exhibit 53; and that juror No 5, Shelby Stuntz, submitted an affidavit saying this prejudicial and false hearsay accusing Kramer of being a cyberstalker for something she never even said; caused two jurors to change their vote giving Kelman the nine votes required. Not mentioned in the opinion or the modification, Jury foreman, Roy Lutzenberg, also submitted an affidavit that late in the afternoon on the second day of a two day deliberation, the jurors asked Schall that if they followed the Special Jury Instructions Proof of Malice which they were told the must; did they have to find libel with actual malice, to which Schall replied "yes".

This omission of facts in Benke's modification to the 2010 unpublished Opinion indicates that she is not concerned if libel with actual malice was ever proven by a standard of clear and convincing evidence when writing unpublished opinions that adversely impact the interests of the US public. Her argument in the modification, if clearly stated with all evidence considered regarding exhibit 53, would be an acknowledgement that the jury found libel with actual malice based on false hearsay that accidentally went to the jury. As the writing in question was the first to expose the connection of the US Chamber to ACOEM, and the courts have been more than evidenced how this relationship has adversely impacted public health policy; the modification by Benke while telling half the story, indicates she is more concerned with covering up the McConnell Panel errors in the 2006 unpublished anti-SLAPP Opinion – favorable to the interests of the US Chamber; than she is with fulfilling her charge as a reviewing justice to determine if libel with actual malice was ever proven by a standard of clear and convincing proof.

What is most relevant about this odd modification by Justice Benke, is its use as retaliation against Kramer not based on facts in evidence of the case. Forever on the Fourth District Division One's website, is the following known misrepresentation of fact and a direct slur against Kramer:

> ***"..included e-mails from a third party accusing her of cyberstalking and the jury had access to the e-mails. The record is clear that before the exhibits were admitted into evidence and provided to the jury, the parties and their counsel had met with respect to them and agreed that exhibit 53 would be admitted."***

By being in a modification to an unpublished Opinion, this false information inferring that Kramer's own attorney found her to be a "cyberstalker" went to the California Supreme Court, where Kramer now has a Petition to Review the work of both the Benke Panel in 2010 and the McConnell Panel in 2006. The most logical explaination for such an odd modification would be to bias the CA Supreme Court to thwart the exposure of six San Diego Appellate Court justices avoiding the evidence of criminal perjury by a

plaintiff and author of the the US Chamber of Commerce, used to establish false extenuating circumstances for a defendant and whistleblower's purported malice.

Violation of Canon of Judicial Ethics 2A,2B,3B(2)(5)(8),3C(1),3D(1)(2) – Covering up for McConnell's 2006 errors when denying an anti-SLAPP motion while ignoring the US Chamber author and plaintiff's perjury on the issue of malice, writing known false slurs of the defendant in unpublished modifications; thereby aiding and abetting interstate insurer fraud on behalf of the affiliates of the US Chamber of Commerce in claims handling practices, policy and litigation.

Lincoln Bandlow's declaration: http://freepdfhosting.com/74c3219448.pdf
Juror Shelby Stuntz' declaration: http://freepdfhosting.com/a039289512.pdf
Jury Foreman, Roy Lutzenberg's declaration: http://freepdfhosting.com/a2d3a44dfa.pdf
John Richard's declaration – attorney who took Kelman's purportedly malice causing deposition in Kramer's mold case stating no such testimony was ever given: http://freepdfhosting.com/f2f4cfdcb9.pdf

McConnell's Role As Chair of the California Commission On Judicial Performance

Via certified and notarized letters, April 28, 2010 and May 17, 2010; CJP Commissioners Katherine Feinstein and Anthony Capozzi, along with CJP Chair McConnell were provided the following evidence of the deceit in policy and the deceit in the strategic litigation; and the evidence that McConnell's errors in her 2006 unpublished anti-SLAPP Opinion have aided and abetted interstate insurer fraud. Judge Enright, presiding judge of the San Diego courts is a witness who also received the information via certified mail. At that point, Kramer asked the CJP not to intercede as she felt it would slow down the judicial process; and that *surely* the Fourth District Division One Appellate court understood the law that one cannot use criminal perjury to prove they were falsely accused of criminal perjury – even if one is an author of policy papers for the US Chamber of Commerce and medical policy writing body, ACOEM.

The following are links to direct communication with CJP Chair, Justice McConnell, from Kramer sent by certified mail with Kramer signing affidavits as to the validity of her well evidenced words.

April 28, 2010 [http://freepdfhosting.com/2ea637d61d.pdf]
May 17, 2010 [http://freepdfhosting.com/8755538621.pdf].

In addition, McConnell was mailed the following detailing her role, the University of California's role and the state of California's role in aiding and abetting insurer unfair advantage over those injured by contaminants in water damaged buildings; while the Regents of the UC profit from promoting the interests of the affiliates of the US Chamber of Commerce in their medical teaching facilities and in the courts; and while aiding to shift the costs of illness from WDB off of insurers, largely workers comp, onto California and US taxpayers. The links to many of the documents from the litigation of *Kelman v.*

Kramer evidencing the unbridled strategic litigation, how the US Chamber paper came to be, and how the Regents of the UC contribute and profit from the fraud of the US Chamber and ACOEM on the backs of the injured and taxpayers, may be found in the following:

Truth Out Sharon Kramer

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

Below is a link to a video of under oath statements of Kelman, that was provided to Justice McConnell of how the US Chamber paper came to be; and how Kelman has been using perjury on the issue of malice while he attempted to coerce Kramer to endorse his science before he would stop with the strategic litigation - after McConnell ignored the evidence of his criminal perjury when denying Kramer's anti-SLAPP motion in November 2006. [http://www.blip.tv/file/2878576/]. This was also provided to the California State Bar in 2009, who refused to take action to discipline one of their licensed attorneys for willful suborning of criminal perjury; and with a history of presenting improper documents to inflame the courts against another party to a litigation. *Roston v. Edwards* (1982) 127 Cal.App.3d 842 [179 Cal.Rptr. 830, The inflaming attorney in Roston was Keith Scheuer.

Conclusion

Although vast, the problem is very simple to solve. The first California judiciary or district attorney or politician that has the wherewithal and the integrity to put aside their politics and personal interests to stand up to the US Chamber of Commerce and acknowledge the irrefutable evidence ***"I testified the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed"*** is criminal perjury by the author of the US Chamber of Commerce's and ACOEM's Mold Statements while strategically litigating in CJP & PJ Justice Judith McConnell's courts for five years to silence a whistleblower of an interstate insurance fraud scheme – with ***ten*** San Diego judges and justices ignoring the uncontroverted evidence; will shut down the deceit that McConnell and nine of her subordinates have aided and abetted on behalf of the interests of the US Chamber and the insurance industry, with reckless disregard for public health and safety; and with reckless disregard for democracy and the taxpayers of California and the United States.

I declare under penalty of perjury the foregoing is true and correct and submitted by me to the California Commission on Judicial Performance, on this day, October 25, 2010.

____

Sharon Noonan Kramer

Attachments: Kramer's Petition To the California Supreme Court For Review
[http://freepdfhosting.com/ebcafd8a37.pdf]

Disc of Audio Transcript, Oral Argument June 17, 2010.

CC: San Diego District Attorney, Bonnie Dumanis