

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO  
NORTH COUNTY DIVISION

DEPARTMENT 29

HONORABLE ROBERT P. DAHLQUIST, JUDGE

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BRUCE J. KELMAN, )  
 )  
 )  
 ) PLAINTIFF, ) CASE NO. 37-2010-0061530-  
 ) CU-DF-NC  
v. )  
 )  
 )  
 )  
SHARON KRAMER, )  
 )  
 )  
 )  
 ) DEFENDANT. )  
----- )

REPORTER'S TRANSCRIPT

NOVEMBER 2, 2012

APPEARANCE:

FOR DEFENDANT:

IN PROPRIA PERSONA

LILY MOORS DAYTON, CSR 11481, RPR  
OFFICIAL COURT REPORTER  
(760) 201-8194

VISTA, CALIFORNIA, FRIDAY, NOVEMBER 2, 2012, P.M. SESSION

-oOo-

THE COURT: On the matter of Kelman versus Kramer.

SHARON KRAMER: Good afternoon, your Honor.

I am Sharon Kramer. I'm a natural born United States citizen. I'm a resident of San Diego county. I'm entitled to rights guaranteed to me under the constitution of the United States in the State of California. And one of those rights is that a Court must first establish it has subject matter jurisdiction before it makes any rulings or orders.

This Court has not yet established that and neither did the prior court that oversaw this case, Department 30, which is now a dark court, and there's reason for that.

And I need a drink of water, your Honor.

I wanted this -- the way it works, it's taken me a while to learn it, but the way it works is if I challenge that you don't have subject matter jurisdiction, which you do not, and I can prove it, you have to prove you do have it before you can continue with the case, is how I understand it, correct?

I need a drink of water, excuse me, your Honor.

I know you're new to this case. If you would like for me to explain how I know you don't have subject matter jurisdiction, I would be more than happy to do that for you.

1           THE COURT: I think you may be confused about what  
2 we're doing here today. I didn't schedule a hearing.

3                     Let me finish. Hang on.

4                     I didn't schedule a hearing. I'm not  
5 proposing to do anything on the case. You filed a notice  
6 and you set a hearing. I'm not making any orders today.  
7 I also know you filed a Notice of Appeal. There are some  
8 issues about the Court of Appeal having jurisdiction and  
9 perhaps my not having jurisdiction over some or all of  
10 this case. So from my perspective, there's no need for a  
11 hearing today. There is no reason for a hearing. I'm not  
12 proposing to make any orders, and so I've already issued a  
13 written ruling concerning your notice, which says that I'm  
14 not making any orders concerning jurisdiction or lack of  
15 jurisdiction. If you want me to make an order about  
16 jurisdiction or lack of jurisdiction, you need to file a  
17 proper motion, which the current notice is not a proper  
18 motion. So I think that covers all that we need to cover.

19           SHARON KRAMER: I don't believe so, your Honor. You  
20 don't have subject matter jurisdiction. You issued an ex  
21 parte ruling on an ex parte on October 31st without  
22 establishing that you have subject matter jurisdiction.

23                     As far as this hearing, this -- if you  
24 noticed, this was done in conjunction with Department 30,  
25 Thomas Nugent. It was before he left that Judge Nugent  
26 told me that I had to schedule a hearing before he would  
27 determine whether he had subject matter jurisdiction or  
28 not. That's not the law, as I understand it. I don't

1 have to prove that you don't have it. You have to prove  
2 you do before you make any rulings.

3 You issued a ruling today that you were  
4 going to not hear this hearing. You don't have  
5 jurisdiction to do that until you -- you can't do it until  
6 you have subject matter jurisdiction. The law is once  
7 jurisdiction is challenged, it must be proven to exist.  
8 It can't be assumed.

9 It would be very simple for you to prove if  
10 you do have subject matter jurisdiction, you would only  
11 have to provide two documents, which you will not be able  
12 to provide, and since you cannot provide them, you have to  
13 dismiss the case. You don't have subject matter  
14 jurisdiction.

15 As far as the appellate court and appeal, I  
16 had to do that because I've been getting the runaround of  
17 who has jurisdiction. There's a reason Department 30  
18 closed down suddenly.

19 I blew the whistle on a multiple billion  
20 dollar fraud in U.S. Public Health Policy seven years.  
21 The courts framed me for libel over the writing of  
22 "altered his under oath statements." They suppressed the  
23 evidence that the plaintiff committed perjury to establish  
24 malice. This aided the fraud to continue. And what it  
25 is -- I looked you up, and I know you have an  
26 understanding of the toxic torts.

27 Two Ph.D.'s, one from NIOSH, one from Big  
28 Tobacco applied mathematical extrapolations to a single



1 appellate court that issued in the prior case -- what  
2 happened was the courts framed me for libel in the first  
3 case, then they tried to shut me up about what they did  
4 that aided the fraud to continue in the second case, this  
5 case. The remittitur -- and the way they did it was they  
6 gagged me from writing the exact words for which I was  
7 framed for libel, "altered his under oath statements."  
8 Seven and a half years, those are the only words I've ever  
9 been sued for.

10                   The remittitur from the appellate court is  
11 fraudulent. It states, "Respondents awarded costs on  
12 appeal." What you need to show is that there were  
13 multiple respondents disclosed on this certificate of  
14 interested parties in the case, which they were not.  
15 There was only one respondent, Bruce Kelman, disclosed.  
16 So the remittitur is fraudulent under the seal of the  
17 State of California by the clerk of the San Diego  
18 Appellate Court.

19                   What they were trying to conceal was that  
20 Bryan Hardin, retired deputy director of NIOSH, and  
21 assistant U.S. Surgeon General was the sixth owner of the  
22 corporation of Globaltox. So you've got a remittitur that  
23 says "respondents," that is what's giving you jurisdiction  
24 to this case. You need to provide a certificate of  
25 interested parties that was submitted to the court that  
26 has more than one respondent.

27                   Secondly, the court let the appellate court  
28 know that the judgment document from the prior case was

1 fraudulent. They concealed it in the appellate opinion.  
2 They wrote in their appellate opinion, and I'm reading  
3 from the evidence that Mr. Schuer submitted to you for the  
4 ex parte hearing last week. This is not my document.  
5 This is what he submitted to you. It states on page 1 of  
6 the appellate opinion:

7                   "The jury awarded Kelman nominal  
8 damages of one dollar, and the trial court  
9 awarded Kelman \$7,252.65 in costs. The jury  
10 found that Kramer did not libel Globaltox and a  
11 judgment against Globaltox was entered. The  
12 Court awarded Kramer \$2,545.28 in costs against  
13 Globaltox."

14                   So you're going to have to show that the  
15 judgment document from that prior case, which is submitted  
16 as the sole foundation for this case, states that I was a  
17 prevailing party who was awarded costs; otherwise, the  
18 judgment document is fraudulent.

19                   You're also going to have to show a third  
20 document. You're going to have to show the Notice of  
21 Entry of Judgment from that case. That is consistent with  
22 California Code of Civil Procedure 664.5, which is when a  
23 prevailing party in trial is a pro per, the court must  
24 serve a notice of entry of judgment to all prevailing  
25 parties.

26                   So you need a certificate of interested  
27 parties showing multiple disclosure. Got that? You need  
28 a judgment document that was submitted at the beginning of

1 this case showing that I was a prevailing party who was  
2 awarded costs in the judgment, and you need to show a  
3 notice of entry of judgment as submitted from the court to  
4 me as a prevailing pro per under California Rules of the  
5 Court 664.5.

6 If you can't show those three documents  
7 which is what's giving alleged jurisdiction to this case,  
8 you need to dismiss the case, because you do not have  
9 subject matter jurisdiction. A void judgment is not valid  
10 for any purpose and does not, cannot be used to give you  
11 jurisdiction.

12 And I have a document that I'd like for you  
13 to take and, basically, it's a proposed dismissal of the  
14 case, and you either prove you have subject matter  
15 jurisdiction or dismiss the case. And that's my -- that's  
16 where I am. And I also want to tell you something else.

17 I am so sorry to have to speak to you so  
18 directly when you just took over this case. It's been  
19 seven and a half years. But there's been a tremendous  
20 amount of fraud on the court by officers of the court.  
21 And what happened, it's almost like when one judge makes  
22 an error, the other doesn't want to -- and it just snow  
23 balls and snow balls. And, unfortunately, you're in a  
24 position where you are conspiring to defraud with no  
25 subject matter jurisdiction, which is no judicial immunity  
26 by default. That's where you are right now. My apologies  
27 for having to speak so directly to you, but that's the way  
28 it is, your Honor.



1 THE COURT: All right. Thank you. We will be in  
2 recess at this time.

3 SHARON KRAMER: Is that it? I am going to leave  
4 with you my proposed --

5 THE COURT: Any document you want to submit, you  
6 file it in the business office and serve a copy on the  
7 other side.

8 SHARON KRAMER: Okay.

9 THE COURT: We're in recess today. Thank you for  
10 coming in, ma'am.

11 *(Proceedings concluded.)*

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COUNTY OF SAN DIEGO, )  
 )  
STATE OF CALIFORNIA. )

I, LILY MOORS DAYTON, DO HEREBY CERTIFY:

THAT I AM A CERTIFIED SHORTHAND REPORTER OF THE  
STATE OF CALIFORNIA, CERTIFICATE NO. 11481, AND AN  
OFFICIAL COURT REPORTER OF THE SUPERIOR COURT, NORTH  
COUNTY DIVISION, IN AND FOR THE COUNTY OF SAN DIEGO;  
STATE OF CALIFORNIA;

THAT AS SUCH OFFICIAL COURT REPORTER, I REPORTED  
IN SHORTHAND THE ORAL PROCEEDINGS IN THE WITHIN CAUSE  
ON THE DATE INDICATED HEREINBEFORE; AND

THAT THE FOREGOING "REPORTER'S TRANSCRIPT" IS A  
FULL, TRUE, AND CORRECT TRANSCRIPT, TO THE BEST OF  
MY ABILITY, OF THE ORAL PROCEEDINGS HAD ON SAID DATE.

DATED AT SAN DIEGO, CALIFORNIA THIS 19TH DAY  
OF NOVEMBER, 2012.



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LILY MOORS DAYTON, CSR NO. 11481  
OFFICIAL COURT REPORTER