October 5, 2011

Mr. Stephen Kelly
Clerk of the Fourth District Division One Appellate Court

Dear Mr. Kelly,

Thank you for your phone call this morning and the polite but direct communication. You are exactly correct that if I file a lawsuit exposing the courts suppression of evidence of criminal perjury by an author of medico-legal policy for ACOEM and the US Chamber, I run the risk of the court deemeing me a vexatious litigant. That's exactly why I did not file an anti-SLAPP suit with this latest go round, even though I can evidence the courts colluding to defraud by being willing participants in a malicious, strategic litigation and trying to use the courts again to silence me of what they have done and continue to do. I am aware of Justice McConnell doing this in the past to a Pro Per litigant who brought her judicial indiscretions to light.

Regarding the Government Code 6200 violations aiding to conceal judicial suppression of evidence of criminal activity in a strategic litigation, and the courts inability to recall the Remittitur for falsifications in the court records, etc; you are incorrect that this cannot be done. According to Witkins,

"A recall may also be ordered on the ground of the court's inadvertence or misapprehension as to the true facts, or if the judgment was 'improvidently rendered without due consideration of the facts" McGee "A stay may be ordered only for 'good cause'. 'Good cause' for this purpose requires a showing of some extraordinary reason for retaining appellate court jurisdiction and further delaying lower court proceedings on the judgment (e.g., likely irreparable damage from immediate enforcement of the judgment) Reynolds v. E. Clemens Horst Co. supra, 36 CA at 530, 172 P at 624] Witkins 14:30

Pacific Legal Foundation v. California Costal Comm'n, *"The court can recall the remittitur if the appellate judgment resulted from a fraud or 'imposition' perpetrated upon the court. "*

To reiterate (some) of what the Justices in the San Diego Appellate Court have done that have been aided to be concealed by Clerk of the Court GC6200 violations:

A. FRAMED A DEFENDANT FOR LIBEL OVER A MATTER OF PUBLIC HEALTH

In their unpublished anti-SLAPP Opinion of November 2006, the Appellate Panel of McConnell, Aaron and McDonald, made it appear that I had accused Kelman of getting caught on the witness stand lying about being paid by by the Manhattan Institute think-tank to author a position statement for a medical trade association, ACOEM: To quote from the anti-SLAPP Appellate Opinion:

> ***"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. The fact that Kelman did not clarify that he received payment from the Manhattan Institute until after being confronted with the Kilian deposition testimony could be viewed by a reasonable jury as resulting from the poor phrasing of the question rather from an attempt to deny payment. In sum,* ***Kelman and GlobalTox presented sufficient evidence to satisfy a prima facie showing that the statement in the press release was false."***

I made no such accusation. My purportedly libelous writing of March 2005 speaks for itself and is a 100% accurate writing. It accurately states the exchange of money from the Manhattan Institute think-tank was for the US Chamber's mold statement, ACOEM's was a version of the "Manhattan Institute commissioned piece". From my purportedly libelous writing stating the think-tank money was for the Chamber paper:

> *"He [Kelman] 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.....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."***

B. VIOLATED THE PURPOSE OF CERTIFICATES OF INTERESTED PARTIES.

The Appellate Court was evidenced in 2006, that there was a sixth owner of GlobalTox and an undisclosed party to the litigation, Bryan Hardin, whose name was missing from the Certificate of Interested Parties –even on the supplemental certificate of July 10, 2006:

Certificate of Interested Parties are to assure that Appellate Justices have no conflicts of interest with the parties on appeal. This is evidence itself of conflicted of interest and self perception of being above the law. As the Appellate Panel of McConnell, Aaron and McDonald were evidenced by a June 2006 request to take judicial notice:

> "Appellate Case No.: D047758 Superior Court Case No.: GIN044539 APPLICATION AND REQUEST FOR AN ORDER THAT THE COURT OF APPEAL TAKE JUDICIAL NOTICE; DECLARATION OF WILLIAM J. BROWN III; MEMORANDUM OF POINTS AND AUTHORITIES; PROPOSED ORDER
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Trial transcript of Bryan Hardin (additional Veritox principal, shareholder and party to this litigation undisclosed to this court) dated August 11, 2005 from the Oregon case entitled O'Hara v David Blain Construction, Inc., County of Lane Case number 160417923 at pages 136 and 154.

Trial transcript of Bruce J. Kelman dated April 14, 2006 from the Arizona case entitled ABAD v. Creekside Place Holdings, case number C-2002 4299, P. 31-32, P. 67-68, describing **Kelman and five additional principals of Veritox**. DATED: June 29, 2006 William J. Brown III"

Stating a nonsense reason for refusal to acknowledge Hardin was improperly not disclosed on the Certificate of Interested Parties, in 2006, the Appellate Panel of Justices McConnell, Aaron and McDonald refused to take notice of the evidence because it was not presented in the lower court. Lower courts do not receive Certificates of Interested Parties. Appellate courts do. As stated in the Appellate anti-SLAPP Opinion of November 2006, as a footnote:

"3. 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."***

C. REWARDED A PLAINTIFF'S PERJURY TO ESTABLISH MALICE WHILE LITIGATING OVER A MATTER OF PUBLIC HEALTH

As the Appellate Court was evidenced in 2006 and again in 2010, undisclosed party, Hardin's business partner, Kelman, committed perjury to establish needed reason for malice while strategically litigating against public participation. Kelman claimed to have given a testimony when retained as an expert in my own mold litigation of long ago, that he never gave. Every single California judiciary to oversee this case along with the Commission on Judicial Performance and the State Bar have been provided the uncontroverted evidence the following is criminal perjury to establish libel law needed reason for malice:

PERJURY BY KELMAN TO ESTABLISH MALICE FALSELY STATING IN DECLARATIONS, TESTIMONY HE NEVER GAVE IN MY MOLD LITIGATION WITH MY HOMEOWNER INSURER IN WHICH I RECEIVED A HALF A MILLION DOLLAR SETTLEMENT:

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

SUBORNING OF PERJURY BY SCHEUER TO ESTABLISH FALSE REASON FOR MALICE:

"Dr. Kelman testified the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed. Apparently furious that the science conflicted with her dreams of a remodeled house, Kramer launched into an obsessive campaign to destroy the reputations of Dr. Kelman and GlobalTox."

A VIDEO OF THE DEPOSITION OF KELMAN's PERJURY, TRYINGTO COERCE ME TO ENDORSE THE FRAUD IN POLICY AND THE DAMAGE TO ME MAY BE VIEWED AT: http://blip.tv/conflictedsciencemold/3-minute-video-of-perjury-attempted-coercion-into-silence-by-bruce-kelman-2073775

Justice McConnell and many others have this video including the California Commission on Judicial Performance and the Chief Trial Intake Division of the California State Bar.. Judge Enright has been made aware of where to view it on the net in 2010. The Appellate Panel of Huffman, Irion and Benke have the transcript of the depositions specifically called out for them in Briefs and Appellate Appendix.

D. 2010 APPELLATE OPINION CONCEALED FRAUD IN 2006 anti-SLAPP OPINION

In September of 2010, the Appellate Panel of Richard Huffman, Patricia Benke and Joan Irion rendered an Appellate Opinion. Fully evidenced that in 2006, their peers framed a defendant for libel over a matter of public health; rewarded a plaintiff's use of perjury to establish needed reason for malice; and ignored the evidenced that a retired Deputy Director from NIOSH & author of "health policy" for the US Chamber/ACOEM was an undisclosed party to the litigation; the trio of justices had the audacity to write the following in their unpublished Appellate Opinion:

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

While the threat of being deemed a vexatious litigant is no doubt real, there are other options available to me to stop the fraud in policy from continuing to adversely impact public health. The courts are not immune from Federal laws for suppressing evidence while aiding with criminal activity over a matter of public health. The independent state agency of the Commission on Judicial Performance is not immune from audit by the Bureau of State Auditors, for deliberate indifference of failing to punish judges for suppression of evidence. CCMS is not immune from being audited for misuse to defraud the public. Clerks are not immune for GC 6200 violations, which are criminal in the first place and even more criminal when used to defraud the public.

Attached and according to Dr. David Michaels, Director of Federal OSHA, is evidence of who the courts have been protecting by being willing participants in six years worth of malicious, strategic litigation carried out by criminal means against me. Also attached is a letter from Dr. Michaels to me in February 2011 along with OSHA then citing my writing on a blog for scientific reference, April 2011. I have not yet evidenced for him or OSHA, the courts actions in aiding those who he has deemed to be "product defense" consultants not fit to write public policy.

I have had much time to think about how to untangle this mess. Bottom line, the only way for this to stop is for Justice McConnell to step up to the plate and fulfill her role as a leader in California's judicial system, admit error, and recall and reverse her 2006 anti-SLAPP opinion – as is her option and duty. Otherwise, she is just continuing to drag more people into the web of deceit that appears to be getting more criminal by the day.

Please let me know when the Presiding Justice of the Fourth District Division One Appellate Court, and Chair of the Committee that oversees ethics for all California judiciaries, Justice Judith McConnell, chooses to protect the loyal clerks and deputy clerks of the Appellate court and fellow judiciaries from being involved in criminal activity.

Or if you have a better idea of how to undo this mess, get me my $3M plus back, restore my good name so I may make a living, and stop the fraud on the courts over the mold issue, I am open.

Again, thank you for your direct, but polite, communication today. I look forward to your reply of how you intend to rectify those Clerk of the Court GC 6200 violations that have done tremendous harm to my husband and I, and to US public health policy.

Sharon Kramer