

Mrs. Sharon Noonan Kramer
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Mailed To:

1. California Supreme Court Chief Justice Cantil-Sayauke, Chair of the Judicial Council
 2. Former California Supreme Court Chief Justice Ronald George
 3. Chairman of the Executive Committee of the Judicial Council, Justice Douglas Miller
 4. Presiding Justice Fourth District Division One Appellate Court, Judith McConnell
 5. Appellate Justice Richard Huffman, ex-Chair of Executive Comm of Judicial Council
 6. Appellate Justice Patricia Benke
 7. Appellate Justice Cynthia Aaron
 8. Appellate Justice Alex MacDonald
 9. Appellate Justice Joan Irion
 10. San Diego Superior Court Presiding Judge Robert Trentacosta
 11. Former Superior Court Presiding Judge Kevin Enright
 12. Superior Court Judge Michael Orfield (retired)
 13. Superior Court Judge Lisa Schall
 14. Superior Court Judge Joel Pressman
 15. Superior Court Judge William Dato
 16. Superior Court Judge Thomas Nugent
 17. Superior Court Judge Robert Dahlquist
 18. Superior Court Judge Earl Maas III
- Keith Scheuer, Esq. Attorney for Bruce J. Kelman and Veritox, Inc.
Superior Court Clerk, Michael Roddy
Appellate Court Clerk, Kevin Lane
Director of the Administrative Offices of the Courts, Stephen Jahr
Karen Clay, Counsel for the California Commission On Judicial Performance

RE: Something is terribly wrong when no judiciary is held accountable for suborning a U.S.D.OJ contractor's perjury as the judiciaries' clerks falsify court documents; with the other party jailed, coram non iudice, for refusing to be coerced to say they do not believe it happened; and while the health and safety of the U.S. public hangs in the balance. Notice of Intent to file federal lawsuit over the matter of *Bruce Kelman & GlobalTox v. Sharon Kramer*, California Superior Court Case No. GIN044539 and subsequent litigation.

California Judiciaries, Mr. Scheuer, Mr. Roddy, Mr. Lane, Mr. Jahr and Ms. Clay,

No later than June 20, 2013, please provide the direct evidence to me that the 2008 judgment from the case of *Kelman & GlobalTox v. Kramer*, sole foundational document to *Kelman v. Kramer*, is:

- a.) not a void judgment under California and federal law that is not to be used for any purpose; and provide one piece of direct evidence from the files that I had even uttered a harsh personal word of Bruce Kelman (any evidence of personal malice) before I wrote in March of 2005 of his obfuscating to hide the trail of the mass marketing of scientific fraud over the mold issue; or
- b.) reverse all fraud upon the court orders, rulings and judgments in this strategic litigation against public participation matter beginning in September of 2005, and in the second litigation based solely upon this matter, *Kelman v. Kramer* Case No. 37-2010-00061530-CU-DF-NC; or
- c.) prepare to be sued, personally, in federal court for collusively suborning the perjury of U.S. Department of Justice contractor, Bruce J. Kelman, to manufacture a reason for my alleged malice while strategically litigating against public participation – with no judicial immunity for the collusive acts. Among additional charges are framing me for libel with actual malice for the words, “altered his under oath statements” in a writing impacting public health; false imprisonment for my refusal to be coerced into perjury by signing a false confession of being guilty of libel with actual malice and containing the sentence, “I do not believe Dr. Kelman committed perjury”; bodily harm; emotional distress; financial ruination; character assassination; concealment that retired US assistant surgeon general and deputy director of CDC NIOSH, Bryan Hardin, is an undisclosed party; conspiring to defraud the United States public; Deliberate Indifference; and punitive damages for eight years of collusive harassment by officers of the courts -- along with U.S. Department of Justice contractors -- the six principals of Veritox (GlobalTox); their attorney Keith Scheuer; your clerks, California state agencies and Does 1-50.

In lawful accordance with California Code of Civil Procedure 1209(b) this Notice of Intent to file a federal lawsuit against eighteen California judiciaries, et al., may be read online at “ContemptOfCourtFor.ME”, short link <http://wp.me/p20mAH-p1> under the title, “Justice Judith McConnell et al. prove you have not been suborning perjury of US DOJ contractor, Bruce Kelman, to vex & harass environmental advocate, Sharon Kramer, coram non judge – or she will sue you in federal court for defrauding the public over the Mold Issue.”

The direct and uncontroverted evidence is that every single one of you knows the 2008 judgment from *Kelman & GlobalTox v. Kramer* is void; and that many of you concealed that it was void while using it as a foundational document to continue to harass me in your courts. Others of you suppressed the evidence of your judicial peers’ and subordinates’ criminal harassment, suborning of perjury and falsification of court documents while aiding and abetting the underlying defrauding of the public to continue

by U.S. DOJ contractors, Veritox, over the mold issue. (i.e. that Kelman and his business partner, Bryan Hardin, could apply extrapolations to data from a single rodent study and scientifically prove all individuals claiming illness from mold toxins were only doing so because of “trial lawyers, media and Junk Science”)

The undisputed evidence is that the court falsified 2008 judgment document was changed without dating by deputy clerk of Judge Schall’s court, Michael Garland, to record a fraudulent abstract of judgment/lien on my property; and then backdated by Garland at a later date for the lower court, Judge Pressman’s, to claim loss of jurisdiction.

It awards commingled costs incurred by Mr. Scheuer’s trial loser client, U.S. DOJ contractor, Veritox, to his U.S. DOJ contractor client, Bruce Kelman, on a date not possible to have occurred according to the sequential numbering of the Register of Action – and other evidence. The judgment as submitted as the sole foundation to the second case by Scheuer differs from the lien Scheuer placed on my property, based on the abstract of judgment which differs from the face of the judgment.

The fraudulent 2008 judgment is the sole foundational document to *Kelman v. Kramer*. This second case’s sole purpose has been to try to force, coerce and intimidate me into silence of the extrinsic fraud upon the court in the predicate case, *Kelman & GlobalTox v. Kramer* and the continued defrauding of the United State public over the mold issue via Veritox’s scientific fraud upon U.S. courts -- continuing directly because of the fraud upon the court and suborning of perjury by officers of the court in these cases.

One judge acknowledging that U.S. DOJ contractor, Kelman, committed perjury while strategically litigating to hide how his scientific fraud was mass marketed into policy and the scientific fraud immediately ceases to be able to be used in policy and courts.

Lying by omission, no judiciary or Veritox’s/Kelman’s attorney, Keith Scheuer, have provided evidence of the 2008 judgment’s validity or their subject matter jurisdiction, upon my numerous challenges. All have concealed the evidence that U.S. DOJ contractor, Bruce Kelman, committed perjury to manufacture a reason for malice and his attorney, Keith Scheuer, repeatedly suborned it while strategically litigating against public participation.

If direct evidence exists of the 2008 judgment document's legal validity in the face of the direct evidence of a court issued contradictory abstract of judgment; register of action; the awarding of commingled costs accruing interest from a date before they were even submitted by Mr. Scheuer; and no Notice of Entry of Judgment to me from the court in lawful accordance with C.C.P. 664.5(b); it should be no problem for Mr. Roddy and Mr. Scheuer to assist you in providing the direct evidence to me of the document's legal validity. If there is direct evidence that I wrote of a scientific fraud in U.S. public health policy because I had malice for Bruce Kelman; Mr. Roddy and Mr. Scheuer should easily be able to provide the direct evidence from the case files.

As Mr. Roddy and Mr. Scheuer know, they cannot provide any such evidence. No such evidence exists. Mr. Roddy conducted a forensic audit of the *Kelman & GlobalTox v. Kramer* case file in 2011. He could provide no verifying evidence of the validity of the 2008 judgment; or corroborate Kelman's under oath stated, manufactured reason, for my alleged malice, as repeatedly suborned by Mr. Scheuer and the courts; or evidence that I had even said a harsh personal word of Kelman before I wrote in 2005.

"Uncontradicted and unimpeached evidence is generally accepted as true." (*Garza v. Workmen's Comp. App. Bd.* (1970) 3 Cal.3rd 312 317-318 [90 Cal.Rptr. 355]; *Keulen v. Workers' Comp. Appeals Bd.*, *supra*, 66 Cal.App.4th at p. 1099.)

Relevant case law regarding lack of judicial immunity for concealing plaintiff/U.S. DOJ contractor perjury, sans proof of subject matter jurisdiction sans proof that the 2008 judgment is a valid legal document:

"Once challenged, jurisdiction cannot be assumed, it must be proved to exist." *Stuck v. Medical Examiners* 94 Ca 2d 751. 211 P2d 389.

"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but rather should dismiss the action." *Melo v. U.S.* 505 F 2d 1026

"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court", *OLD WAYNE MUT. L. ASSOC. v. McDONOUGH*, 204 U. S. 8, 27 S. Ct. 236 (1907).

"There is no discretion to ignore lack of jurisdiction." *Joyce v. U.S.* 474 2D 215.

"The burden shifts to the court to prove jurisdiction." *Rosemond v. Lambert*, 469 F 2d 416

"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." *Latana v. Hopper*, 102 F. 2d 188; *Chicago v. New York* 37 F Supp. 150

"A void judgment [or order] is, in legal effect, no judgment. By it no rights are divested. From it no rights can be obtained. Being worthless in itself, all proceedings founded upon it are equally worthless. It neither binds nor bars any one." [Citation.]" (*Bennett v. Wilson* (1898) 122 Cal. 509, 513-514 [55 P. 390].)

"[A] court may set aside a void order at any time. An appeal will not prevent the court from at any time lopping off what has been termed a dead limb on the judicial tree - - a void order." (*MacMillan Petroleum Corp. v. Griffin* (1950) 99 Cal. App. 2d 523, 533 [222 P.2d 69]; accord: *People v. West Coast Shows, Inc.* (1970) 10 Cal. App. 3d 462, 467 [89 Cal. Rptr. 290]; *Svistunoff v. Svistunoff* (1952) 108 Cal. App. 2d 638, 641-642 [239 P.2d 650]; and see: 6 *Witkin, Cal. Procedure* (2d ed. 1971) *Appeal*, § 7, pp. 4024-4025.)

"Obviously a judgment, though final and on the merits, has no binding force and is subject to collateral attack if it is wholly void for lack of jurisdiction of the subject matter or person, and perhaps for excess of jurisdiction, or where it is obtained by extrinsic fraud." (7 *Witkin, Cal. Procedure*, supra, *Judgment*, § 286, p. 828.). Section 437, subdivision (d), provides that a court, on noticed motion, may set aside void judgments and orders. Courts also have inherent power to set aside a void judgment. (*Reid v. Balter* (1993) 14 Cal.App.4th 1186, 1194.).

"It is well settled that a judgment or order which is void on its face, and which requires only an inspection of the judgment-roll or record to show its invalidity, may be set aside on motion, at any time after its entry, by the court which rendered the judgment or made the order." (Ibid; accord *Plotitsa v. Superior Court* (1983) 140 Cal.App.3d 755, 761)

"When a court that is divested of jurisdiction undertakes to pronounce a judgment in a cause which the court did not have jurisdiction to hear or try, such judgment is void ab initio." (*In re Wyatt*, 114 Cal.App. 557, 559 [300 P.132].)

"For example, courts have held that the 'document entitled 'Notice of Entry' mentioned in the rule must bear precisely that title, and the 'file stamped copy of the judgment' [citation] must truly be file stamped." (Id. At p. 903, quoting rule 8.104(a)(1).)" *Citizen for Civic Accountability v. Town of Danville* (2008) 167 Cal.App.4th 1162.)

"Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to 'embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform

in the usual manner its impartial task of adjudging cases that are presented for adjudication.” *Kennerv. C.I.R.*, 387 F.3d 689 (1968); 7 *Moore's Federal Practice*, 2d ed., p. 512, 60.23. The 7th Circuit further stated “a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final.”

“Courts are constituted by authority, and they cannot [act] beyond the power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but simply void, and this even prior to reversal.” *Elliott v. Lessee of Piersol*, 26 U.S. (1 Pet.) 328, 340; *Old Wayne Life Assn. v. McDonough*, 204 U.S. 8, 27 S.Ct. 236

The *District of Columbia Court of Appeals*, in *Austin v. Smith*, 312 F.2d 337, 343 (1962), in light of F.R.C.P. Rule 60(b)(5), held: “...if the underlying judgment is void, the judgment based upon it is also void.

“When a judge does not follow the law, i.e., they are a trespasser of the law, the judge loses subject-matter jurisdiction and the judges orders are void of no legal force or effect.” The U.S. Supreme Court, in *Scheuer v. Rhodes*, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that, "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States.

“Few more serious threats to individual liberty can be imagined than a corrupt judge. Clothed with the power of the state and authorized to pass judgment on the most basic aspects of everyday life, a judge can deprive citizens of liberty and property in complete disregard of the Constitution. The injuries inflicted may be severe and enduring.” (Judicial Immunity vs. Due Process, Robert Craig Waters, *Cato Journal*, Vol.7, No.2 (Fall 1987).)

Section 527.6 [...] The statute itself defines harassment as "a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the plaintiff." The statute defines "[c]ourse of conduct" as "a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose"; and it expressly states that "[c]onstitutionally protected activity is not included within the meaning of `course of conduct.'" (Code Civ. Proc., § 527.6, subd. (b).)" (*Schraer v. Berkeley Property Owners' Assn.*, *supra*, at 730).

“Rather, our cases make clear that the immunity is overcome in only two sets of circumstances. First, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity. *Forrester v. White*, 484 U.S., at 227 -

229; *Stump v. Sparkman*, 435 U.S., at 360. [502 U.S. 9, 12] Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction". Id., at 356-357; *Bradley v. Fisher*, 13 Wall., at 351. (emphasis added)

Either provide the direct evidence that a void judgment is not void or reverse all orders, judgments, rulings, liens and sanctions issued by the California courts since 2005 in malicious prosecution and strategic litigation against public participation carried out by criminal means, coram non judge; or I will, unfortunately, be forced to name each of you in a federal lawsuit. I am able to provide the direct evidence of stare decisis and deliberate indifference turning unconstitutional, criminal, deadly, harassing and conspiratory to defraud the United States public.

Thank you for your prompt attention to this matter.

Sincerely,

Mrs. Sharon Noonan Kramer

CC:

1. Governor Jerry Brown, Regent of the University of California
2. California Attorney General Kamala Harris
3. U.S. Attorney General Eric Holder
4. U.S. President Barrack Obama

Please see links at ContemptOfCourtFor.Me of what the above named people and several others already know of the California judiciaries' coram non judge suborning plaintiff/U.S. DOJ contractor Kelman's perjury that was used to manufacture a reason for malice, ; and the continuing adverse impact on U.S. public health and harassment of me to try to silence me of the collusive defrauding of the public.

Evidence of State Bar and Commission on Judicial Performance involvement forthcoming. (They both claim to have lost the complaint files with the State Bar simultaneously claiming they reviewed the lost file.)