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September 11, 2011

The Honorable Kevin Enright
Presiding Judge, San Diego Superior Court
Member, Executive Committee of the Judicial Council
220 W. Broadway, Third Floor
San Diego, CA 92101

Re: Kelman & GlobalTox v. Kramer Case No GIN044539 San Diego Superior Court.

Honorable Judge Enright,

I am writing to request your assistance, again. After delving into the Register of Action (“ROA”) and understanding there is a CCMS Case History that only court personnel may see; it has come to my attention there are “stealth” entries in the Case History of judgments supposedly entered in the case that were not entered.

There are false entries made in the ROA stating a date of judgment that is not supported by the Case File. There is an ROA entry after the Remittitur issued, falsely stating who were the Prevailing Parties. There are documents of judgment of which I was noticed that are not in the Case File. There are documents of judgments of which I was not properly noticed under CCP 664.5(b) that are in the Case File.

There is an Abstract of Judgment in the Case File, based on a not valid and not properly noticed entry of judgment. There is a judgment lien on my home based on this void Abstract of Judgment.

As you are aware, this has been a very ugly case over a matter of public health, that has cost me everything I own to defend the truth of my words for the public good. It just keeps getting uglier. Attached is a rather lengthy and direct letter to the Clerk of the Appellate Court, Stephen Kelly and the Clerk of the Superior Court, Michael Roddy. As the Presiding Judge of the San Diego Superior Court, please take measure to remove the Government Code 6200 Clerk of the Court violations from the San Diego Superior Court Case Record, CCMS ROA & Case History, and Case File. Please evidence for me when these corrections are made in accordance with Government Code 62150(d)..

I am also requesting of you and Clerk of the Court, Michael Roddy, that I be provided access and a copy of the complete CCMS Case History – not just those items that print when I request a copy of the ROA. This is not a sealed case. I am aware that there are incorrect entries in the Case History that do not print on the ROA. The Case History is the CCMS Court Record that is shared among the judiciaries and court personnel.

It is a violation of my First Amendment Rights and prejudicial to me as a litigant, that judges are seeing inaccurate information of which I am not even permitted to see – or know what all they are seeing in the CCMS.

California recognizes a public right to access court records under both the state and federal constitutions. *NBC Subsidiary (KNBC-TV) v. Superior Court*, 20 Cal. 4th 1178 (1999); *In re Marriage of Burkle*, 135 Cal. App. 4th 1045 (2006). The basic rule is that the public must be permitted to review court records unless the court makes specific findings of fact that establish the following:

- (1) There exists an overriding interest that overcomes the right of public access to the record;
- (2) The overriding interest supports sealing the record;
- (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- (4) The proposed sealing is narrowly tailored; and
- (5) No less restrictive means exist to achieve the overriding interest.

If a superior court keeps a computerized Case History, then that would seem to be a court record that would be presumptively subject to public access. California law defines "judicial record" as "the record or official entry of the proceedings in a court of justice, or of the official act of a judicial officer, in an action or special proceeding." Code Civ Proc § 1904. A CCMS Case History would seem to fall within this definition and therefore qualify as a judicial record to which a public and party to the litigation right of access attaches.

Please let me know when and how I may receive a copy of the complete CCMS Judicial Record of this case with all data entries made. Please let me know when and how, as the Supervising Judge of the San Diego Superior Court, you will be addressing the Government Code 6200 violations by (Deputy) Clerks of the Courts.

Should you require further information from me, please do not hesitate to ask. Thank you in advance for your assistance.

Sincerely,

Mrs. Sharon Kramer

CC: Mr. Michael Roddy, Clerk of the Court, San Diego Superior Court; Mr. Stephen Kelly, Clerk of the Court, Fourth District Division One Appellate Court; & Justice Judith McConnell, Presiding Judge of the Fourth District Division One Appellate Court; Justice Richard Huffman; Justice Douglas Miller; Chief Justice Tani Cantil-Sayauke

Enclosed: Letter to Mr. Kelly & Mr. Roddy