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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN DIEGO, NORTH DISTRICT

10 BRUCE J. KELMAN, ) CASE NO. :  
11 ) 37-2010-00061530-CU-DF-NC

12 I cannot retract the actions of others. I am unable to sign Mr. Kelman's February 10, 2012  
13 (Proposed) RETRACTION BY SHARON KRAMER for what Mr. Kelman's attorney, Mr.  
14 Scheuer, and the Courts did to make it appear Mr. Kelman was falsely accused of perjury in my  
15 March 2005 writing - without committing perjury myself. Nor can I remain silent of Mr.  
16 Scheuer's and the Courts' actions without harming the lives of thousands. They framed me for  
17 libel for the words, "altered his under oath statements" in the first public writing of how it  
18 became a fraud in US public health policy that it was scientifically proven moldy buildings do not  
19 harm - thereby casting doubt on all my truthful words of the fraud by unlawfully deeming me to  
20 be a "malicious liar". This was a SLAPP suit from the beginning. Seven years does not change  
21 that or the continued damage from the courts' actions.

22 March 4, 2012

23 Sharon Neenan Kramer

24 In May, 2005, Dr. Bruce J. Kelman and Globaltox, Inc.  
25 (now known as Veritox, Inc.) filed a defamation action  
26 against me relating to a statement that I made in a press  
27 release that Dr. Kelman had "altered his under oath  
28 statements" while testifying as an expert witness in a civil  
lawsuit in Oregon. It was not my intention in writing the  
press release to state or imply that Dr. Kelman had  
committed perjury. I do not believe that Dr. Kelman  
committed perjury. I apologize to Dr. Kelman and his  
colleagues at Veritox, Inc. for all statements that I have

1 made that stated or implied otherwise. I sincerely regret any harm or damage that I  
2 may have caused.

3 I declare under penalty of perjury under the laws of the State of California  
4 that the foregoing is true and correct.

5 Executed on February 10, 2012 at Vista, California.

6  
7 \_\_\_\_\_  
SHARON N. KRAMER

8 **INABILITY TO SIGN RETRACTION BY SHARON KRAMER WITHOUT**  
9 **COMMITTING PERJURY & DEFRAUDING THE PUBLIC**

10 All of the following information and corroborating evidence is within the case file of  
11 Kelman v. Kramer, Case No 37-2010-00061530-CU-DF-NC, San Diego North County  
12 Superior Court. Although not by Court Order or Judgment, this Court is directing Mrs.  
13 Kramer as of March 9, 2012, to sign this retraction that she did not mean to accuse Mr.  
14 Kelman of committing perjury when testifying as an expert defense witness in a mold trial  
15 in Oregon on February 18, 2005.

16 The threat is that she will be incarcerated for Civil Contempt of Court until she is  
17 coerced into committing perjury by retracting an allegation she never made and remain  
18 silent of judicial misconduct of crafting opinions to make the false finding of libel; thereby  
19 aiding to conceal judicial misconduct that has harmed the lives of thousands.

20 In Kelman & GlobalTox v. Kramer, Superior Court Case No. GIN044539, the courts  
21 framed a whistle blower of fraud in public health policy for libel over the first public  
22 writing to name the names of those involved and how they did it. Then in the second case,  
23 Kelman v. Kramer, she was gagged from writing the exact words for which she was framed  
24 for libel in the first case, "*altered his under oath statements*". This makes it impossible for  
25 her to write of the continued adverse impact on her and the public caused by judicial  
26 misconduct of crafting opinions to the false finding of libel, without violating a court order.  
27 This makes it impossible for her to seek help to stop the court harassment and its continued  
28 adverse impact on her and the public.

1 **THE COURT MADE MRS. KRAMER'S WRITING APPEAR TO MAKE A FALSE**  
2 **ALLEGATION THAT THE WRITING DID NOT MAKE**

3 The false finding of the courts is that Mrs. Kramer's writing of March 2005 accused Mr.  
4 Kelman of lying about being paid by the Manhattan Institute think-tank to make revisions to  
5 the American College of Occupational and Environmental Medicine "ACOEM" Mold  
6 Position Statement of 2002.

7 Mrs. Kramer's March 2005 writing speaks for itself. It accurately states that Mr.  
8 Kelman admitted he was paid by the Manhattan Institute think-tank to author the US  
9 Chamber's Mold Position Statement of 2003. It accurately states that. ACOEM's 2002  
10 Mold Position Statement was a "*version of the Manhattan Institute commissioned piece*"  
11 that Mr. Kelman authored for the US Chamber.

12 The transcript of the Oregon trial provides the evidence that Mr. Kelman was attempting  
13 to say the two medico-legal policy papers were not connected in setting policy and adding  
14 undue credibility to his opinion when serving as a professional toxic tort defense witness in  
15 mold litigation. At the same time, he had to admit their close connection. This altering and  
16 obfuscating testimony transpired after Mr. Kelman attempted to shut down the line of  
17 questioning by shouting "*ridiculous*" when ask about the involvement of think-tank money.

18 Mr. Kelman was forced to discuss the two medico-legal policy papers together only after  
19 a prior testimony of his from Arizona (2004) was permitted into the 2005 Oregon mold trial  
20 over the defense attorney's objection. All courts overseeing the libel case of Kelman &  
21 GlobalTox v. Kramer, suppressed Mrs. Kramer's unimpeached explanation that this is why  
22 she used the phrase, "*altered his under oath statements*" to describe Mr. Kelman's  
23 obfuscating testimony of February 18, 2005 when serving as an expert defense witness; as  
24 the courts crafted opinions to make the writing in question appear to have made an  
25 allegation of perjury that it did not make.

1 **IN 2006 & 2010, THE APPELLATE OPINIONS OMITTED FOURTEEN KEY**  
2 **LINES FROM THE MIDDLE OF MR. KELMAN'S TESTIMONY IN OREGON**

3 In both the 2006 anti-SLAPP Appellate Opinion and the "reviewing" 2010 Appellate  
4 Opinion, fourteen key lines were deleted from the middle of the Oregon case transcript.  
5 This completely changed the color of Mr. Kelman's testimony on February 18, 2005. It  
6 made it appear that Mr. Kelman willingly discussed the connection of the US Chamber  
7 Mold Statement to that of ACOEM's; aiding to make Mrs. Kramer's accurate description of  
8 "altered his under oath statements" appear false. From the actual transcript illustrating the  
9 14 key lines the Appellate Court omitted from the transcript in their opinions.

10 MR. VANCE: And, you participated in those revisions?

11 BRUCE J. KELMAN: Well, of course, as one of the authors.

12 MR. VANCE: All right. And, isn't it true that the Manhattan Institute paid GlobalTox  
13 \$40,000 to make revisions in that statement?"

14 KELMAN: That is one of the most ridiculous statements I have ever heard.

15 MR. VANCE: Well, you admitted it in the Killian deposition [*sic bench trial*], sir.

16 BRUCE J. KELMAN: No. I did not. (Typd.Opn.pp.4)

17 **(Omitted From the 2006 & 2010 Opinions):**

18 MR. VANCE: Your Honor, may I approach. Would you read into the record, please,  
19 the highlighted parts of pages 905 and 906 of the trial transcript in that case.

20 MR. KECLE: Your Honor, I would ask that Dr. Kelman be provided the rest of the  
21 transcript under the rule of completeness. He's only been given two pages.

22 JUDGE VANDYKE: Do you have a copy of the transcript?

23 MR. KECLE: I do not.

24 MR. VANCE: Your Honor, I learned about Dr. Kelman just a --

25 JUDGE VANDYKE: How many pages do you have?

26 MR. VANCE: I have the entire transcript from pages --

27 JUDGE VANDYKE: All right. Hand him the transcript.

28 MR. VANCE: I'd be happy to give it to him, Your Honor.

JUDGE VANDYKE: All right. (App.Opn.Brff.Erta,pp.26)

**(Back In The 2006 & 2010 Opinions)**

MR. VANCE: Would you read into the record the highlighted portions of that  
transcript, sir?

MR. KELMAN: "And, that new version that you did for the Manhattan Institute, your  
company, GlobalTox got paid \$40,000. Correct. Yes, the company was paid \$40,000  
for it."

1                   **ALL COURTS SUPPRESSED THE EVIDENCE OF MRS. KRAMER'S**  
2                   **UNIMPEACHED EXPLANATION FOR USING THE PHRASE,**  
3                   **"altered his under oath statements"**

4           All courts in the case of Kelman & GlobalTox v. Kramer, suppressed Mrs. Kramer's  
5           unimpeached explanation that what she was referring to by the use of the sentence, "*Upon*  
6           *viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a*  
7           *case in Arizona, Dr. Kelman altered his under oath statements on the witness stand.*" Was  
8           Mr. Kelman obfuscating to hide the true connection of ACOEM to the US Chamber in  
9           promoting false science in US public health policy. As evidenced by the transcript of Mr.  
10          Kelman's Oregon testimony, he then went on to try to say the two papers were not  
11          connected while having to admit they were.

12          (from Mrs. Kramer's Appellate Brief of 2009)

13          "Declaration of Kramer submitted to the courts, July 2005: He [Kelman] went on to  
14          say GlobalTox was paid for the 'lay translation' of the ACOEM Statement. He then  
15          altered to say 'They're two different papers, two different activities.' He then  
16          flipped back again by saying, 'We would have never been contacted to do a  
17          translation of a document that had already been prepared, if it hadn't already been  
18          prepared.' By this statement he verified they were not two different papers, merely  
19          two versions of the same paper. And that is what this lawsuit is really all about.

20          The rambling attempted explanation of the two papers' relationship coupled with  
21          the filing of this lawsuit intended to silence me, have merely spotlighted Kelman's  
22          strong desire to have the ACOEM Statement and the Manhattan Institute Version  
23          portrayed as two separate works by esteemed scientists.

24          In reality, they are authored by Kelman and Hardin, the principals of a corporation  
25          called GlobalTox, Inc. – a corporation that generates much income denouncing the  
26          illnesses of families, office workers, teachers and children with the purpose of  
27          limiting the financial liability of others. One paper is an edit of the other and both  
28          are used together to propagate biased thought based on a scant scientific  
29          foundation.

30          Together, these papers are the core of an elaborate sham that has been perpetrated  
31          on our courts, our medical community and the American public. Together, they are  
32          the vehicle used to give financial interests of some indecent precedence over the  
33          lives of others.'(Appellant Appendix Vol.1 Ex.8:157-158) (Response to Court's  
34          Query, pp.10-11)"

1                   **MRS. KRAMER'S WRITING ACCURATELY STATES THE THINK-TANK**  
2                   **MONEY WAS FOR THE US CHAMBER MOLD STATEMENT**

3                   Mrs. Kramer's March 2005 writing accurately states Mr. Kelman admitted being paid by  
4 the Manhattan Institute to author the US Chamber Mold Position Statement and that  
5 ACOEM's was "*a version of the Manhattan Institute commissioned piece*".

6                   "Upon viewing documents presented by the Hayne's attorney of Kelman's prior  
7 testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the  
8 witness stand. He admitted the Manhattan Institute, a national political think-tank, paid  
9 GlobalTox \$40,000 to write a position paper regarding the potential health risks of toxic  
10 mold exposure.....In 2003, with the involvement of the US Chamber of Commerce and  
11 ex-developer, US Congressman Gary Miller (R-CA), the GlobalTox paper was  
12 disseminated to the real estate, mortgage and building industries' associations. A  
13 version of the Manhattan Institute commissioned piece may also be found as a position  
14 statement on the website of a United States medical policy-writing body, the American  
15 College of Occupational and Environmental Medicine."

16                   **THE 2006 anti-SLAPP APPELLATE OPINION FALSELY MADE IT APPEAR**  
17 **MRS. KRAMER ACCUSED MR. KELMAN OF LYING ABOUT BEING PAID FOR**  
18 **THE ACOEM MOLD STATEMENT**

19                   While suppressing the evidence that Mrs. Kramer gave a logical and unimpeached  
20 explanation of why she used the phrase, "*altered his under oath statements*" and ignoring  
21 the writing accurately stated Mr. Kelman's company was paid to author the US Chamber's  
22 Mold Statement, not ACOEM's; in their anti-SLAPP appellate opinion of 2006 the court  
23 falsely made it appear Mrs. Kramer had accused Mr. Kelman of lying about being paid to  
24 author the ACOEM Mold Position Statement of 2002. From the 2006 Appellate anti-  
25 SLAPP Opinion:

26                   "This testimony supports a conclusion Kelman did not deny he had been paid  
27 by the Manhattan Institute to write a paper, but only denied being paid by the  
28 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."

1 **THE 2010 APPELLATE OPINION CONCEALED WHAT JUDICIAL PEERS HAD**  
2 **DONE IN 2006 TO FRAME MRS. KRAMER FOR LIBEL**

3 In 2010, again deleting the fourteen key lines of Mr. Kelman's testimony in the Oregon  
4 trial; again suppressing the evidence that Mrs. Kramer gave a logical and unimpeached  
5 explanation for the use of the phrase "*altered his under oath statements*"; and having been  
6 provided the evidence of error by their peers in 2006; the Appellate Court ignored the  
7 evidence Mrs. Kramer had been framed for libel in the 2006 anti-SLAPP Appellate  
8 Opinion. They wrote:

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

14 **MR. KELMAN'S ATTORNEY'S ROLE IN MAKING IT FALSELY APPEAR MRS.**  
15 **KRAMER ACCUSED MR. KELMAN OF LYING ABOUT BEING PAID TO**  
16 **AUTHOR THE ACOEM MOLD STATEMENT**

17 Mr. Kelman's attorney, Mr. Scheuer, deceptively encouraged the above court false  
18 finding of libel in his briefs. He did this by attributing the words of the plaintiff attorney in  
19 the Oregon case, Calvin Vance, to Mrs. Kramer's writing of the case. This is illustrated by  
20 Mr. Scheuer's Respondent Brief, submitted to the Appellate Court in September of 2009:

21 i.) (Respondent' Brief, Page 7) describing the actions of Mr. Vance:

22 *"During the Haynes trial, the Haynes's counsel, Calvin Kelly' Vance,*  
23 *insinuated that Dr. Kelman had accepted money from The Manhattan Institute*  
24 *and in return had skewed the content of the ACOEM scientific study."*

25 ii.) (Respondent' Brief, Page 6) attributed Mr.Vance's words to Mrs. Kramer's writing,  
26 while leaving out the rest of Mrs. Kramer's writing where she accurately stated the  
27 exchange of Manhattan Institute think-tank money was for the US Chamber's Mold  
28 Position Statement. Mr. Scheuer's Respondent brief willfully and falsely inferred that  
Mrs. Kramer's writing accused Mr. Kelman of lying about taking think-tank money for  
the ACOEM Mold Position Statement.

1           *"In her press release, Appellant stated: 'Upon viewing documents presented by*  
2           *the Haynes [sic] attorney of Kelman's prior testimony from a case in Arizona,*  
3           *Dr. Kelman altered his under oath statements on the witness stand. He admitted*  
4           *The Manhattan Institute, a national political think-tank, paid GlobalTox \$40,000*  
5           *to write a position paper regarding the potential health risks of toxic mold*  
6           *exposure." [sic, omitted, for the position statement of the US Chamber of*  
7           *Commerce]*

8           **THIS COURT IS AWARE THAT MR. KELMAN AND MR SCHEUER WANT**  
9           **MRS. KRAMER GAGGED FROM BEING ABLE TO WRITE OF HOW PRIOR**  
10           **COURTS AND MR. SCHEUER FRAMED HER FOR LIBEL OVE THE WORDS,**  
11           **"altered his under oath statements"**

12           In the original complaint of this case filed in November of 2010, Mr. Kelman wanted  
13           Mrs. Kramer gagged from writing the following as illustrated by the original proposed  
14           Temporary Injunctive Relief Order which states:

15           *"The libelous passage of the press release states: 'Dr. Bruce Kelman of GlobTox, Inc,*  
16           *a Washington based environmental risk management company, testified as an expert*  
17           *witness for the defense, as he does in mold cases through the country. Upon viewing*  
18           *documents presented by the Hayne's [sic] attorney of Kelman's prior testimony from a*  
19           *case in Arizona, Dr. Kelman altered his under oath statements on the witness stand. He*  
20           *admitted the Manhattan Institute, a national political think tank, paid GlobalTox*  
21           *\$40,000 to write a position paper regarding the potential health risks of toxic mold*  
22           *exposure."*

23           The Court is aware that they wanted Mrs. Kramer gagged from writing absolutely true  
24           statements of how it became a false concept in US public health policy that it was  
25           scientifically proven moldy buildings do not harm, with the prior courts framing her for  
26           libel for the truthful words. This is evidenced by the fact that this Court did not grant Mr.  
27           Kelman's request that Mrs. Kramer could be gagged by temporary injunctive relief order  
28           "TIRO" from writing all of the above.

          Instead, the Court granted a TIRO containing the five words for which Mrs. Kramer was  
sued and framed for libel, "*altered his under oath statements*" within a sentence that is not  
even in Mrs. Kramer's writing of March 2005. This Court order by TIRO that Mrs. Kramer'  
be enjoined from writing,



1           *"Dr. Kelman altered his under oath statements" when he testified in a mold trial*  
2           *in Oregon."*

3  
4           **THIS COURT KNOWS MR. KELMAN'S TESTIMONY AS AN EXPERT DEFENSE**  
5           **WITNESS IN MOLD LITIGATION IS NOT BASED ON ACCEPTED SCIENCE**

6           This court is aware that Mr. Kelman's expert opinion of testifying that he has proven  
7 individuals' illnesses "Could not be" caused by mold toxins found in water damaged  
8 buildings is based solely on one single toxicology model of his and his business partner,  
9 Bryan Hardin. This Court knows it is not accepted scientific testimony in the courtroom to  
10 claim proof of lack of causation of individual illness based solely on a toxicology model  
11 according to the Third Edition of the National Academy of Sciences Reference Manual on  
12 Scientific Evidence (2011) & the Institute of Medicines, Damp Indoor Spaces & Health  
13 Report (2004).

14           What allows this scientific fraud to continue in US courts to be used to sell doubt of  
15 causation, is the unlawful judicial misconduct of the judiciary and (some of) their clerks  
16 overseeing seven years of Strategic Litigation Against Public Participation in the ongoing  
17 saga of Kelman v. Kramer. By falsely deeming the wrong party to be the malicious liar and  
18 then gagging the party from being able to write of what the courts have unlawfully done and  
19 continue to do, the science fraud of Mr. Kelman, in all US courts, is aided to continue.

20           **MRS KRAMER IS UNABLE TO SIGN PROPOSED RETRACTION WITHOUT**  
21 **COMMITTING PERJURY, AIDING TO DEFRAUD THE PUBLIC & CONCEAL**  
22 **JUDICIAL MISCONDUCT**

23           Mrs. Kramer is unable to retract that she accused Mr. Kelman of perjury by her use of  
24 the phrase, *"altered his under oath statements"* because she did not. Mr. Kelman, Mr.  
25 Scheuer, and the Courts falsely made it appear that she had. If this fraudulent retraction is  
26 required by the Court to be signed by Mrs. Kramer to avoid coercive incarceration; that  
27 would be blocking movement by incarceration and coercion into perjury by a framed  
28 whistleblower - aiding to conceal judicial misconduct of crafting opinions to the false

1 finding of libel. Then gagging the framed whistle blower from being able to write of what  
2 the courts have done and its continued adverse impact on public health policy and US  
3 courts over the mold issue. Now, the Court is intending to incarcerate an honest US citizen  
4 who dared to speak of a fraud in US public health policy that benefits the affiliates of the  
5 US Chamber of Commerce; to conceal unlawful judicial misconduct until the citizen is  
6 coerced into silence.

7 **DECLARATION OF SHARON NOONAN KRAMER**

8 I am unable to sign Mr. Kelman's, Mr. Scheuer's and the Court's proposed  
9 RETRACTION BY SHARON KRAMER without committing perjury and aiding to defraud  
10 the public. Even under threat of indefinite coercive incarceration, I refuse to be a party to  
11 defrauding the public by aiding to conceal judicial misconduct that aids false science to  
12 continue in US courts over the mold issue and continues to harm the lives of thousands.

13 I declare under penalty of perjury under the laws of the State of California  
14 that the foregoing is true and correct.

15 Executed on March 6, 2012 at Escondido, California.

16   
17 SHARON N. KRAMER