VIA EMAIL AND US MAIL

May 6, 2011

KATYSEXPOSURE

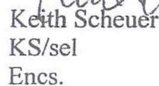
Katy, TX 77449-6577

Re: KELMAN v. KRAMER
San Diego Superior Court case no. 37-2010-00061530-CU-DF-NC

This firm represents Dr. Bruce Kelman in the above-referenced lawsuit. As I suspect you are aware, Dr. Kelman obtained a judgment for libel against Sharon Kramer after a trial in 2008, and recently obtained a preliminary injunction against her in the above referenced action. Copies of the judgment and preliminary injunction are attached for your reference.

Please be advised that if you republish the defamatory matter, we will pursue you personally to the fullest extent permitted by law.

Very truly yours,



Keith Scheuer
KS/sel
Encs.

In an unpublished 2006 anti-SLAPP OPINION written by the Chair of the California Commission on Judicial Performance, **Justice Judith McConnell, the court A.) framed KRAMER for libel, B) ignored the evidence that a six owner of GLOBALTOX, Bryan ("HARDIN") was an undisclosed party to the litigation. C.) ignored the evidence of his business partner, KELMAN's, perjury to establish needed reason for KRAMER's malice.** While KELMAN comes to the mold issue from Big Tobacco; HARDIN is a retired Deputy Director of the CDC National Institute of Occupational Safety and Health ("NIOSH"). He has been an undisclosed party to this litigation for six years.

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In their unpublished anti-SLAPP Opinion of November 2006, the Appellate Panel of McConnell, Aaron and McDonald, made it appear that KRAMER had accused KELMAN of getting caught on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*

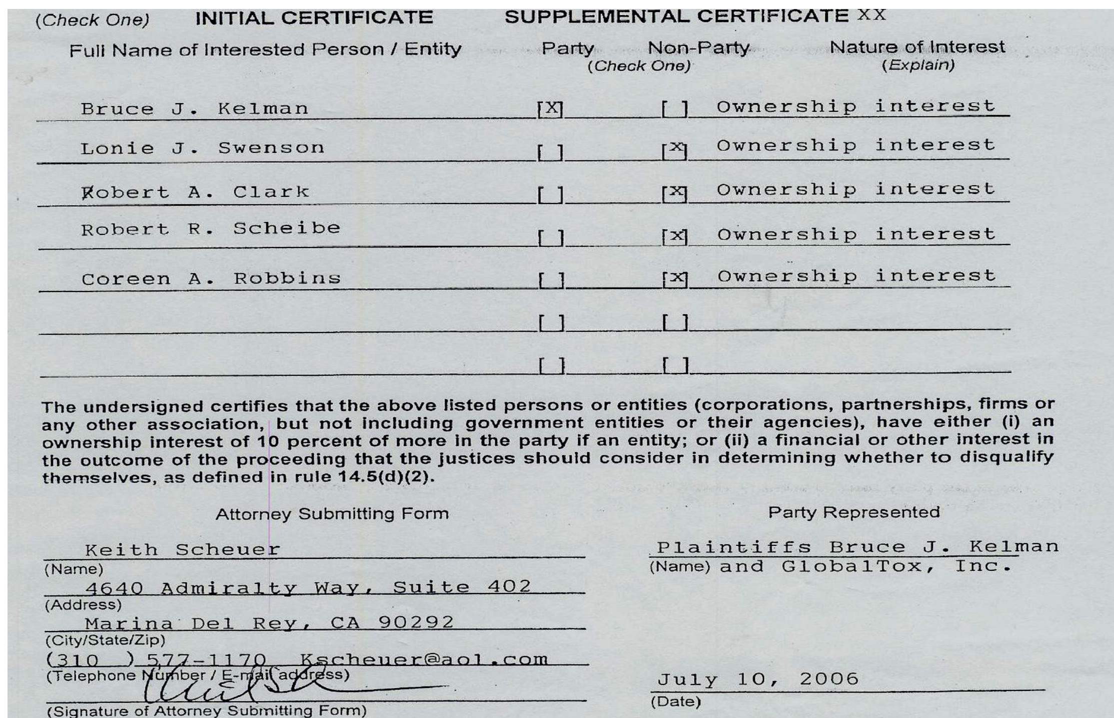
> *Institute until after being confronted with the Kilian deposition testimony could be viewed by a reasonable jury as resulting from the poor phrasing of the question rather from an attempt to deny payment. In sum,* ***Kelman and GlobalTox presented sufficient evidence to satisfy a prima facie showing that the statement in the press release was false."***

KRAMER made no such accusation. Her 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 the 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:



(Check One) INITIAL CERTIFICATE SUPPLEMENTAL CERTIFICATE XX

Full Name of Interested Person / Entity	Party (Check One)	Non-Party (Check One)	Nature of Interest (Explain)
Bruce J. Kelman	[X]	[ ]	Ownership interest
Lonie J. Swenson	[ ]	[X]	Ownership interest
Robert A. Clark	[ ]	[X]	Ownership interest
Robert R. Scheibe	[ ]	[X]	Ownership interest
Coreen A. Robbins	[ ]	[X]	Ownership interest
	[ ]	[ ]	
	[ ]	[ ]	

The undersigned certifies that the above listed persons or entities (corporations, partnerships, firms or any other association, but not including government entities or their agencies), have either (i) an ownership interest of 10 percent of more in the party if an entity; or (ii) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves, as defined in rule 14.5(d)(2).

Attorney Submitting Form

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Party Represented

Plaintiffs Bruce J. Kelman
(Name) and GlobalTox, Inc.

July 10, 2006
(Date)

Certificate of Interested Parties are to assure that Appellate Justices have no conflicts of interest with the parties on appeal. Unless there was ExParte communication of which I am not aware giving reason why Hardin was not disclosed, the justices simple chose to ignore the evidence . 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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> ********************
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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 STRATEGICALLY 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, USING THIS LITIGATION WHILE TRYING TO COERCE KRAMER TO ENDORSE THE FRAUD IN POLICY AND THE DAMAGE TO KRAMER MAY BE VIEWED AT: http://blip.tv/conflictedsciencemold/3-minute-video-of-perjury-attempted-coercion-into-silence-by-bruce-kelman-2073775

D. When rendering their 2010 APPELLATE OPINION, **Justices Richard Huffman, Patricia Benke and Joann Irion** concealed that in the 2006 anti-SLAPP APPELLATE OPINION, Justices McConnell, Aaron and McDonald i.) rewarded a plaintiff's criminal

perjury, ii.) framed a defendant for libel and iii.) ignored Hardin, retired NIOSH employee, was an undisclosed party to the strategic litigation over a matter of public health. .From the 2010 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."*