In November 2006, you wrote an unpublished Appellate Opinion with Cynthia Aaron and Alex McDonald concurring that **A.**) framed me for libel; **B.**) aided to conceal that a retired Deputy Director for CDC National Institute of Occupational Safety and Health ("NIOSH"), Bryan Hardin, was an undisclosed party to the litigation. You refused to take judicial notice of the evidence that Hardin's name was improperly missing from the Certificate of Interested Parties as the sixth owner of GlobalTox (now known as VeriTox); and **C.**) rewarded Kelman's use of perjury to establish libel law needed reason for malice."

A. FRAMED A DEFENDANT FOR LIBEL OVER A MATTER OF FRAUD IN 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In their unpublished anti-SLAPP Opinion of November 2006, the Appellate Panel of McConnell, Aaron and McDonald, made it appear that I had accused Kelman of getting caught on the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 position statement, ACOEM's was a version of the "Manhattan Institute commissioned piece".

As written by McConnell and accurately stated in my writing, Kelman admitted being paid by the think tank to author a paper for the US Chamber of Commerce, only after a prior testimony of his from another case in Arizona came into an Oregon trial proceeding. From there, he flip flopped back and forth and tried to say ACOEM's mold statement was not connected to the US Chamber's while having to admit they were – because his Arizona bench trial testimony proved they were.

From my purportedly libelous writing stating the think-tank money was for the US Chamber paper -- not ACOEM's. This is contrary to what McConnell **FRAMED ME** for in a double-speak Opinion, while interpreting Kelman's testimony in question exactly how I had written it:

> "Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the witness stand. He 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."

[Of worthy note, in both the 2006 and 2010 Appellate Opinions, the Appellate Justices deleted 14 key lines from the middle of the transcript of Kelman's testimony of which I was writing. These 14 Appellate Opinion omitted lines evidence that Kelman and the defense counsel tried to keep the Arizona testimony out of the Oregon trial and did not want to have to discuss how ACOEM's mold policy statement was connected to one bought and paid for with think-tank money (for the US Chamber of Commerce)]

READ LETTER TO JUSTICE MCCONNELL HERE....

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TO: Justice Richard Huffman, Chair of the Advisory Committee on Financial Accountability & Efficiency for the Judicial Council:

"A VIDEO OF THE DEPOSITION OF KELMAN's PERJURY, TRYING TO 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, you 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 was made aware of where to view it on the net in 2010. The Appellate Panel of you, Irion and Benke have the transcript of the depositions specifically called out for you in Briefs and Appellate Appendix.

In September of 2010, the Appellate Panel of you, Patricia Benke and Joan Irion rendered an Appellate Opinion. Fully evidenced that in 2006, your 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 the 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."

READ LETTER TO JUSTICE HUFFMAN HERE...

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TO: Judicial Council Member Judge Enright, Supervising Judge for the San Diego Superior Court & Clerk of the Court, Michael Roddy:

"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.