

1 SHARON NOONAN KRAMER
2 Appellant Under Duress
3 2031 Arborwood Place
4 Escondido, CA 92029
5 (760) 746-8026

6 **FOURTH DISTRICT COURT OF APPEALS FOR THE STATE OF CALIFORNIA**
7 **DIVISION ONE**

8 SHARON NOONAN KRAMER,
9 Appellant Under Duress
10 v.
11 BRUCE J. KELMAN, BRYAN D. HARDIN
12 & VERITOX, INC.
13 Respondents

14 APPELLATE COURT CASE NO. DO62764
15 SUPERIOR COURT CASE NO. 37-2010-00061530-CU-
16 DF-NC
17 MOTION TO DISQUALIFY JUSTICE JUDITH
18 MCCONNELL, SELF-KNOWN TO BE MALICIOUSLY
19 PRESIDING CORAM NON JUDICE; MEMORANDUM OF
20 POINTS & AUTHORITIES; DECLARATION UNDER
21 DURESS OF SHARON NOONAN KRAMER
22 CIVIL CASE UNDER \$25,000.00
23 FILED: NOVEMBER 4, 2010

24 **MOTION TO DISQUALIFY JUSTICE JUDITH MCCONNELL SELF-KNOWN TO BE**
25 **MALICIOUSLY PRESIDING CORAM NON JUDICE**

26 For good cause and for the sake of public health; Sharon Kramer, (“Appellant”) Under Duress,
27 and the laws of California require Presiding Justice Judith McConnell (“PJ”) be disqualified from this
28 case; including ordering appeal dismissal in concealment of PJ’s bias and prior judicial misconduct to
defraud the US public.^{1 2} This felony act is expected because Appellant refuses to file an opening brief

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1 The predicate defamation case to this case was filed in May of 2005, Superior Court Case No. GIN044539 *Kelman & GlobalTox v. Kramer*. In November 2006, Case No. D047758, PJ, two justices & Respondents’ Counsel collusively framed Appellant for defamation in the anti-SLAPP Opinion. In September 2010 Case No. D054496, Benke & two more justices concealed it upon alleged review and concealed the 2008 case judgment is falsified, ante-dated & void to be used for any purpose. This 2nd harassing case is founded on that Void Judgment. In March 2012 Appellant was jailed for refusal of coercion into a false confession. In April 2012 the court ordered the Sheriff Dept record falsified to cover up why Appellant was jailed & what PJ, Benke, et.al., have done to Appellant to aid Respondents to defraud the public via scientific fraud upon US courts abetted by collusively criminal acts in this matters. Respondents are toxic tort defense witnesses.

2 Penal Code 134 states, “Every person guilty of preparing any false or ante-dated book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced for any fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding, or inquiry whatever, authorized by law, is guilty of felony.

1 by the date PJ' court ordered under Rule 8.220(a)(1) on March 6, 2013 -- which was March 21st. PJ &
2 Justice Patricia ("Benke") are concealing that their court has no subject matter jurisdiction.

3 By law, PJ is required to be disqualified from issuing any judicial rulings or administrative
4 assignments in this matter. She has repeatedly refused to prove her court's subject matter jurisdiction
5 upon Appellant's repeated challenges, which provide the direct evidence that PJ's court has none. PJ
6 cannot truthfully claim she is unbiased or has no financial interest in this case in which all orders,
7 judgments, liens and sanctions need to be vacated. It is in PJ's personal interest not to vacate these
8 and to criminally dismiss the appeal, coram non judge.

9 Founded solely upon the 2008 Void Judgment from the predicate case; the entire purpose of
10 this case is an attempt to conceal from public light how PJ, Benke, judge and justice peers, clerks,
11 Plaintiff/Respondent ("Counsel") Keith Scheuer, and Plaintiffs/("Respondents") of Bruce ("Kelman"),
12 Bryan ("Hardin") and the four additional owners of the corporation, ("Veritox"), Inc., collusively framed a
13 United States citizen, Appellant, for libel in the predicate case. This, while aiding and abetting the
14 continuance of intrastate and interstate scientific fraud by expert defense witnesses, Respondents,
15 upon California and U.S. courts over the mold issue. The criminal act of dismissal of appeal under Rule
16 of the Court 8.220(a)(1) by a court without subject matter jurisdiction would cause Appellant years of
17 further hardship of having to sue PJ et.al., in Federal court. It would aid and abet Respondent's
18 scientific fraud to continue to harm people all across the United States

19 Dismissing this appeal under Court Rule 8.220(a)(1), while feigning subject matter jurisdiction to
20 do so; PJ would be concealing eight years of intrinsic fraud upon the court in this and the predicate
21 case, including her own. Extreme financial and conflicted interests, PJ's & Benke's careers are on the
22 line for what they have done and continue to do to victimize Appellant and the public via this matter.³

23 _____
24 ³ C.C.P.170.1.(a) states "A judge shall be disqualified if any one or more of the following are true: (3)(A)
25 The judge has a financial interest in the subject matter in a proceeding or in a party to the proceeding.(6)(A)
26 For any reason:(iii) A person aware of the facts might reasonably entertain a doubt that the judge would be
27 able to be impartial.(B)Bias or prejudice toward a lawyer in the proceeding may be grounds for
28 disqualification."

C.C.P. 410.10 states, "410.10. A court of this state may exercise jurisdiction on any basis not inconsistent
with the Constitution of this state or of the United States."

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2 **Continued adverse impact on public by officers of the courts, including PJ & Benke, framing**
3 **Appellant for defamation & concealing falsified court documents, Then jailing Appellant, coram non**
4 **judice, for refusal of coercion to sign a false confession. Then falsifying the Sheriff Dept record to**
5 **cover up the true reason for the jailing is PJ, Benke, et.al. conspiring to defraud the public:**

6 Bruce Kelman and undisclosed/ concealed party to these litigations, Bryan Hardin, are two of the six
7 owners of Veritox, formerly known as GlobalTox, Inc. They are toxicologists holding PhDs. They are prolific
8 interstate expert defense witnesses in toxic torts, particularly the mold issue.

9 In 2002, the two toxicologists applied extrapolations to data taken from a single, sudden blast, high dose,
10 mold exposure rat study. Based solely on these extrapolations and hypothetical calculations added, the two
11 professed they had proven no individual could plausibly ever inhale enough mycotoxins in a water
12 damaged building (WDB) to cause illness or death. A medical trade association made up primarily of
13 workers comp physicians, ACOEM, made it appear to be legitimate science by making it their position
14 statement portrayed to be the scientific understanding of thousands of physicians. A trick right out of the
15 Big Tobacco playbook, position statements are extremely valuable when lending undue credibility to the
16 selling doubt of causation in court. This one was deemed a "litigation defense argument" & "garbage
17 science" by the overseer of the ACOEM process, Dr. Jonathan Borak. His September 2002 email stating
18 so: <http://freepdfhosting.com/bb400631a3.pdf> ACOEM put their imprimatur on it never the less.

19 In 2003, the Manhattan Institute think-tank paid Kelman & Hardin to spin it further for the US Chamber.
20 The duo claimed that their calculations now proved all people claiming illness from "toxic mold" were only
21 doing so because of "trial lawyers" "media" and "Junk Science". A nonsequitor of science, they professed
22 their calculations alone proved all mold toxins in WDB via any route of exposure or all simultaneously,
23 could never reach a level to harm any individual.

24 In 2008, Kelman stated under oath in the predicate case that they were paid to write the US Chamber
25 paper, "A Scientific View of the Health Effects of Mold" for the purpose it be shared with judges. A political
26 & sectarian paper to mislead judges by scientific fraud, it cites false University of California physician
27 authorship to give an air of university credibility. In reality, it was written only by the two PhDs from Veritox,
28 Kelman & Hardin. The contract, billing hours and cancelled checks prove the duo were the only two paid to
write this paper that was for the purpose to mislead judges with scientific fraud by the US Chamber. Listed
author Dr. Andrew Saxon of UCLA stated under oath in 2006 that he did not author the US Chamber paper.

In March 2005, Appellant, who has a BA in marketing, wrote of how and why the false science was being
mass marketed via Kelman, Veritox, the think-tank and the US Chamber. She named names of those
involved, including a US Congressman from California, Gary Miller. She stated how the US Chamber Mold
Position Statement was connected to the ACOEM Mold Position Statement via Kelman & Veritox.

In May 2005, Kelman and the five additional owners of Veritox, including undisclosed/concealed party,
Hardin, sued Appellant for defamation for five words in the expose', "altered his under oath statements".
Hardin is a retired US Asst Surgeon General & NIOSH Deputy Director. Expert witnessing is his 2nd career.

Since July of 2005, the courts in these cases have been suppressing the direct evidence that the concept it
is proven illness from mold toxins in WDB "Could not be", based on Kelman's & Hardin's extrapolations
alone, is scientific fraud upon US courts. They are concealing that those involved in mass marketing the
false concept for the purpose of misleading courts, was the subject of Appellant's March 2005 writing.

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2 In their November 2006 anti-SLAPP Opinion, PJ and two justice and Veritox Counsel, Keith Scheuer,
3 collusively framed Appellant for defamation for the words, "altered his under oath statements" to cast doubt
4 on the validity of Appellant's entire writing. They made Appellant's writing appear to have made a false
5 accusation that the writing did not make. They suppressed the evidence that Kelman committed perjury and
6 Scheuer suborned it to establish false theme for malice; and that Hardin was an undisclosed party. They
7 willfully aided the scientific fraud of Kelman & Hardin to continue, by criminal means, in US courts.

8 In October 2005, Governor Schwarzenegger endorsed the ACOEM paper the two had penned into CA
9 workman's comp policy to be used against sick workers under the guise of "Workers Comp Reform". This
10 occurred one month after the first court, Michael Orfield (retired), denied Appellant's anti-SLAPP motion in
11 September of 2005 while suppressing the evidence that Kelman committed perjury to establish false theme
12 for Appellant's alleged malice and suppressed the evidence that Appellant gave a logical and unimpeached
13 explanation for her use of her phrase, "altered his under oath statements".

14 It is a multi-billion dollar, discriminatory cost shifting scheme off of insurers and onto the taxpayer for the
15 burden of causation and care of environmental disability from exposure to biocontaminants in WDB. It
16 continues by PJ et.al. committing and concealing crimes in these cases to silence Appellant of their
17 defrauding of the public. Kelman & Hardin have both committed scientific fraud upon the court by stating
18 under oath that their calculations alone prove illness from mycotoxins in WDB "Could not be". There is
19 ZERO scientific foundation to that defense witness opinion. PJ is well aware of the duo's "huge leap" of
20 science and was when she concealed it while issuing her maliciously framing 2006 anti-SLAPP opinion.

21 In September of 2010, Benke and two more justices concealed what their peers had done in the anti-
22 SLAPP opinion and the continued adverse impact on the public because of it. They concealed that there
23 was no evidence presented in the August 2008 trial that Appellant does not believe the truth of her words.
24 They concealed that the trial judge stated in post trial oral argument that a source witness who said
25 Appellant's writing was correct was the proof the writing was incorrect. They concealed that the special jury
26 instructions directed jurors that Appellant's writing was incorrect; and that jurors balked at having to follow
27 these instructions. Jurors submitted affidavits on Appellant's behalf, including the jury foreman. They
28 concealed that the judgment from the case was ante-dated, fraudulent and void. (Appellant prevailed over
Veritox, Kelman over Appellant. The void judgment as submitted as the foundation of this case appears as
only Kelman prevailed and was awarded costs.) They concealed the direct evidence that Kelman
committed perjury to establish false theme for malice and that their peers suppressed the evidence in the
anti-SLAPP opinion. They stated they did not independently review for clear and convincing proof of malice
while concealing 28 pieces of Appellant's evidence that Kelman committed perjury to establish malice.

In December 2010 a Remittitur was issued awarding costs to undisclosed "Respondents". Kelman was the
only disclosed "Respondent" on the 2009 Certificate of Interested Persons. This was the second time that
Hardin, retired US Assistant Surgeon General and Deputy Director of CDC NIOSH, was concealed to be a
party to the litigation. PJ concealed the evidence of his involvement in the 2006 anti-SLAPP Opinion.

In November of 2010, this second case was filed to permanently enjoin Appellant from republishing the
words for which she was allegedly found guilty of libel and many more. This was for the sole purpose of
silencing Appellant of what PJ, Benke, et.al. had criminally done in the predicate case and the continued
adverse impact on the public because of it. If Appellant cannot write the words for which she was framed,
she also cannot write how they did it and the continued adverse impact on her and the public because of it.

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2 In September 2011, Appellant "violated" the unlawful temporary injunction, sent letters to PJ and other
3 California judicial branch leaders asking they help stop this harassment. Appellant put the direct evidence
4 of the letters and how PJ, Benke, et.al., framed her, falsified court documents, etc. on the internet.

5 In October 2011, Scheuer filed a Civil Contempt of Court complaint for this, under the pretense Appellant
6 had used the words for which she was found guilty of libel (framed) to describe what PJ et.al. have done.

7 In January 2012, the Court held a contempt hearing which Appellant did not attend. The judge repeatedly
8 refused to prove court jurisdiction and knew he was aiding and abetting to conceal the criminality of PJ,
9 Benke, et.al. The Court stated Appellant needed to be given a criminal record so she could be taken to the
10 "psychiatric unit downtown" under PC1368. A public defender would then be her silenced voice. The court
11 ordered that the letters Appellant sent to PJ et.al. must be stated as retracted on the Internet or Appellant
12 would be jailed. (She was in March of 2012 where she was given a false criminal record under P.C.166)

13 In February 2012, website owners submitted declarations stating no retractions would be made on their
14 websites. At that point, under C.C.P.1219(a) Appellant could not have complied with the unlawful contempt
15 order, even if she wanted to, to avoid the unlawful jailing. Appellant has a right to publicly seek help to stop
16 PJ, Benke, et.al.'s criminality and the continued adverse impact on Appellant and the public because of it.

17 **In March of 2012, the court incarcerated Appellant for refusing to be coerced to sign a false**
18 **confession of libel under penalty of perjury, "Retraction of Sharon Kramer"**. It was crafted by
19 Scheuer, and submitted to the court in February 2012. It also contained the sentence, "I do not believe Dr.
20 Kelman committed perjury". The jailing was terrorizing bullying of Appellant in an attempt to give her a
21 "prophylactic experience" to silence her that PJ, Benke and other judiciaries have acted as corrupt
22 politicians, not impartial overseers of law. Appellant was strip searched, caused emotional distress and
23 made ill from the unlawful incarceration. Now virtually destitute from the years of costly harassment, she
24 asked the court on April 27, 2012 to pay for her needed medical attention. No response was received.

25 On March 14th, the judge falsely stated that Appellant was to be returned to the jail for release. The day
26 before, he had ordered her clothes to be sent to the courthouse. She was released from there. The judge
27 had a public defender in the court, an indication they were intending to take Appellant somewhere else,
28 most likely the "psychiatric unit downtown" under PC1368, while she had a false criminal record, PC166.

29 **In April of 2012, the Court ordered falsification of the Sheriff Department record to make it appear**
30 **Appellant was lawfully jailed under CCP1218(a) for violating the January 2012 Civil Contempt Order**
31 **- to cover up that she was really jailed for refusing silence of PJ, Benke, et.al. framing her for libel in**
32 **the predicate case and Appellant's refusal to sign a false confession under penalty of perjury.** This
33 falsification of the Sheriff Department record occurred when the Court ordered the removal of the false
34 criminal record under PC166 and replacement of it with a false civil contempt record under CCP1218(a).
35 The libelous falsification of Appellant's Sheriff Department record is a criminal act in itself, to conceal
36 unlawful and criminal acts involving PJ & Benke.

37 In July 2012, the Court issued a Judgment, 2nd Contempt Order & Permanent Injunction that Appellant is
38 never to write of these cases again by precluding her from "republishing" a sentence not even in her March
39 2005 writing. Appellant was ordered to publish a false confession on the Internet for the sentence she
40 never wrote or return to jail. Appellant now has over \$40K in fraudulent liens, sanctions and cost awards
41 against her. She is near destitution from the cost of eight years of the malicious and criminal acts of PJ.

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2 In September 2012 Appellant was forced to file an intent to appeal because all courts have concealed the
3 evidence that the sole foundational document to this case, the judgment from the predicate case, is
4 fraudulent, ante-dated and void to be used for any purpose. For now two and a half years this case has
5 continued based on court concealment of the void judgment and refusal to vacate when proven it is void.

6 In October 2012, the judge who jailed Appellant lost his courtroom with no public explanation given. A new
7 judge was brought in to feign ignorance of the law in post trial matters. He has repeatedly refused to
8 dismiss the case even when presented the direct evidence his court, just like PJ's, has no jurisdiction.

9 In January 2013, Kelman & Scheuer attempted to have Appellant deemed a Vexatious Litigant for filing
10 motions to vacate the void judgment and stop harassing her. The new judge will not rule while the evidence
11 is undeniable that Appellant is not vexatious and the judgment is void on its face. She has not even sued
12 for the provably fraudulent 2009 lien placed on her property by Scheuer that is founded on the provably
13 fraudulent court issued 2008 Abstract of the predicate case . The Abstract /Lien awards Kelman interest
14 accruing costs by alleged judgment from a date three weeks before Scheuer even submitted costs. It is a
15 contradictory date of entry of judgment from the document he submitted as the sole foundation to this case.

16 The newest judge is suppressing the direct evidence that Scheuer repeatedly committed perjury in his
17 December 28, 2012 declaration attached to his Vexatious Litigant Motion, with the phrase "she [Appellant]
18 republished defamation". This is collusively consistent with PJ's framing of Appellant for defamation in the
19 November 2006 anti-SLAPP Opinion and Benke's concealing it in the September 2010 Opinion; while also
20 concealing the judgment from the predicate case is void. PJ is now asserting this court falsified, void legal
21 document gives her court subject matter jurisdiction to dismiss the appeal under Rule 8.200(a)(1).

22 Still being run through the gauntlet, Appellant is back on the appellate level before the exact same justices
23 who framed her and have MUCH to hide. PJ & Benke are now suppressing the direct evidence that the
24 judgment from the predicate case, sole foundation to this case, is a void judgment -- just like Justices
25 Benke, Huffman and Irrion concealed it in the September 2010 Appellate opinion, which abetted Kelman,
26 Veritox & Scheuer to file this 2nd malicious suit, based solely on the fraudulent document. Attempted
27 concealment of PJ's & Benke's collusively criminal acts is the reason Appellant was jailed, caused bodily
28 harm and emotional distress. It is the reason the court ordered a Sheriff Department record falsified.

As of February 2013, Benke will not vacate the court falsified legal documents from the predicate case; and PJ is using the void judgement to feign subject matter jurisdiction to dismiss this appeal under Rule of the Court 8.220(a)(1) (coram non iudice.) Criminal case dismissal is expected any day.

22 As such, PJ & Benke are women with extreme bias, extreme financial and conflicted interest; and with no
23 legal authority to order Appellant to do anything, while refusing to recall/rescind/vacate fraudulent court
24 documents. PJ's & Benke's court has no subject matter jurisdiction to dismiss this appeal for failure of
25 Appellant to file an opening brief; while suppressing the direct evidence of the falsified foundational
26 document to this case, the Void Judgment from the predicate case. By law, this entire case needs to be
27 dismissed and all orders, judgments, liens be vacated from both this case and the predicate case.

28 Boxed in, PJ cannot lawfully dismiss an appeal under Rule 8.220(a)(1) without subject matter jurisdiction.
That would be a felony under P.C.134. She must recall and rescind her fraudulent 2006 anti-SLAPP
remittitur and reverse all orders, rulings and judgments; and award punitive damages to Appellant for the
intrinsic fraud in this eight year nightmare of harassment of Appellant for speaking the truth in America --

1 This Motion and Affidavit are timely filed and in accordance with California Code of Civil
2 Procedure 170.1.(a),(3)(A),(6)(A)(iii),(B), 410.10; Government Codes 6200(a)(c), 6203(a)(b)(c),
3 68150(d); Penal Code 126, 127, 134,162.(a)(1)(2)(3)(4)(5); the United States Constitution, case law &
4 treatises. ⁴

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7 adverse to the interests of commerce and industry and political prostitutes disguised as impartial judicial
8 officers of the courts. PJ is obviously not intending to acknowledge the direct evidence of the massive
9 damage to the public and to Appellant from PJ's, Benke's, et.al.'s fraud upon the court. PJ must therefore
10 be disqualified.

11 "Fraud upon the court' has been defined by the 7th Circuit Court of Appeals to 'embrace that species of
12 fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so
13 that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that
14 are presented for adjudication." *Kennerv. C.I.R.*, 387 F.3d 689 (1968); 7 *Moore's Federal Practice*,2d ed.,
15 p. 512, 60.23

16 "If the remittitur issues by inadvertence or mistake or as a result of fraud or imposition practiced on the
17 appellate court, the court has inherent power to recall it and thereby reassert its jurisdiction over the case.
18 This remedy, though described in procedural terms, is actually an exercise of an extraordinary substantive
19 power....**its significant function is to permit the court to set aside an erroneous judgment on appeal
20 obtained by improper means.** In practical effect, therefore, the motion or petition to recall the remittitur
21 may operate as a belated petition for rehearing on special grounds, without any time limitations." (9 *Witkin*,
22 *Cal. Procedure (4th ed.1997) Appeal*, § 733, pp. 762-763.)

23 "Paterno ask for attorney fees by writ. Under subdivision (c) of the anti-SLAPP statute, successful litigants
24 who prevail on a special motion to strike are entitled to attorney fees as a matter of right "to compensate .
25 for the expense of responding to a SLAPP suit." (*Wanland v. Law Offices of Mastagni, Holstedt & Chiurazzi*
26 (2006) 141 *Cal.App.4th* 15, 22... *Paterno v. Superior Court (2008) 163 Cal.App.4th 1342, 1357-1358.*

27 "4"Courts are constituted by authority, and they cannot [act] beyond the power delegated to them. If they act
28 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

G.C. 6200 states, Every officer having the custody of any record, map, or book, or of any paper or
proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any
purpose, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for
two, three, or four years if, as to the whole or any part of the record, map, book, paper, or proceeding, the
officer willfully does or permits any other person to do any of the following:(a)..secrete.(c) Alter or falsify."

G.C.6203 states, "(a) Every officer authorized by law to make or give any certificate or other writing is guilty
of a misdemeanor if he or she makes and delivers as true any certificate or writing containing statements
which he or she knows to be false.(b) Notwithstanding any other limitation of time described in Section 802
of the Penal Code, or any other provision of law, prosecution for a violation of this offense shall be

1 As this Motion and Affidavit are filed under Duress, the filing **does not** grant PJ's court subject
2 matter jurisdiction to further defile the courts to criminally harass a United States citizen, Appellant. In
3 lawful accordance with Code of Civil Procedure 1208(a), this Motion and Declaration Under Duress
4 may be read online at the blog, "Just Answer The Damn Question!" <http://wp.me/p10kHj-2G>

5 Blog title: "In **YOUR** 2006 Opinion, did **YOU** state that Dr. Kelman admitted payment from the
6 Manhattan Institute after being confronted with his *Kilian* testimony'? - OR- Are **YOU** conspiring to
7 silence me because **YOU** framed me for defamation for writing 'Upon viewing documents presented by
8 the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr. Kelman altered his under
9 oath statements on the witness stand.'? Just Answer The Damn Question, Justice Judith McConnell!"

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11 March 22, 2013

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Sharon Noonan Kramer, United States Citizen
13 & Appellant Under Duress

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commenced within four years after discovery of the commission of the offense, or within four years after the
17 completion of the offense, whichever is later.

18 "Once challenged, jurisdiction cannot be 'assumed', it must be proved to exist." *Stuck v. Medical*
19 *Examiners, 94 Ca2d 751.211 P2s 389 (Emphasis Added)*

20 Government Code 68150(d) states, "No additions, deletions, or changes shall be made to the content of
court records, except as authorized by statute or the California Rules of Court."

21 Penal Code 162 states, "(a) If two or more persons conspire: (1) To commit any crime. (2) Falsely and
22 maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime.
23 (3) Falsely to move or maintain any suit, action, or proceeding. (4) To cheat and defraud any person of any
24 property, by any means which are in themselves criminal, or to obtain money or property by false pretenses
or by false promises with fraudulent intent not to perform those promises. (5) To commit any act injurious to
the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws."

25 Penal Code 126 states, "Perjury is punishable by imprisonment pursuant to subdivision(h) of Section 1170
26 for two, three or four years.

27 Penal Code 127 states "Every person who willfully procures another person to commit perjury is guilty of
28 subornation of perjury, and is punishable in the same manner as he would be if personally guilty of the
prejury so procured.

1 **MEMORANDUM OF POINTS & AUTHORITIES**

2 **I.**

3 **Impartial Adjudication Is Impossible**

4 **PJ Framed a U.S. Citizen, Benke Concealed It, This Case Is About Hiding It & The Damage**

5 “Damn Question!” answered on behalf of PJ: The direct evidence proves it is confirmed by
6 PJ’s, Justices Cynthia (“Aaron”)’s and Alex (“McDonald”)’s 2006 anti-SLAPP Opinion that Respondent
7 Kelman did “alter his under oath statements”⁵⁶ after being confronted with the *Kilian* transcript, a case
8 in Arizona. The justices framed Appellant for libel in the 2006 anti-SLAPP Opinion⁷.

9 In their September 2010 alleged case review⁸, Benke, Justice Richard (“Huffman”) and Joanne
10 (“Irrion”) willfully and collusively concealed their peers framed a United States citizen, Appellant.

11 1.) PJ’s fraudulent and framing November 2006 anti-SLAPP Opinion acknowledges Kelman
12 “altered his under oath statements” after being confronted with the transcript from a case in Arizona,
13 *Kilian*. **PJ then framed Appellant to falsely make it appear Appellant accused Kelman lied about
14 being paid to make revisions in a medical association, ACOEM’s, Mold Position Statement:**

15 “This testimony supports a conclusion Kelman did not deny he had been paid by the
16 Manhattan Institute to write a paper, **but only denied being paid by the Manhattan
17 Institute to make revisions in the paper issued by ACOEM⁹. He admitted being
18 paid by the Manhattan Institute to write a lay translation.¹⁰ The fact that Kelman
19 did not clarify that he received payment from the Manhattan Institute until after
20 being confronted with the Kilian deposition** [sic, bench trial] testimony could be
21 viewed by a reasonable jury as resulting from the poor phrasing of the question rather
22 from an attempt to deny payment. **In sum, Kelman and GlobalTox presented
23 sufficient evidence to satisfy a prima facie showing that the statement in the
24 press release was false.**”

23 ⁵March 2005, Appellant’s writing <http://freepdfhosting.com/4a6534d9aa.pdf>

24 ⁶May 2005 Respondent’s Complaint for “altered his under oath statements” (see Pg 4)
<http://freepdfhosting.com/9c68b04681.pdf>

25 ⁷November 2006 anti-SLAPP Opinion <http://freepdfhosting.com/baf482cac4.pdf>

26 ⁸September 2010 Appellate Opinion <http://freepdfhosting.com/0cd4f9cbfe.pdf>

27 ⁹October 2002 “Adverse Human Health Effects of Mold in the Indoor Environment” ACOEM, extrapolations
by Kelman & Hardin <http://freepdfhosting.com/74478c4cad.pdf>

28 ¹⁰July 2003 “A Scientific View of the Health Effects of Mold” US Chamber mass marketing of scientific fraud
as penned by Kelman & Hardin <http://freepdfhosting.com/a8baea5e37.pdf>

1 2.) Appellant's March 2005 writing accurately states Kelman "altered his under oath statements"
2 when confronted with a prior testimony from Arizona, *Kilian*. As evidenced above, this is confirmed to
3 be a 100% accurate statement according to PJ's opinion. **Appellant's writing did not accuse Kelman**
4 **of lying about being paid to make revisions in the ACOEM Mold Position Statement as PJ**
5 **maliciously made Appellant's writing appear for the purpose of framing her for libel.** Appellant's
6 writing accurately states the Manhattan Institute think-tank money to Kelman (and undisclosed party,
7 Hardin) was to write the Mold Position Statement for the US Chamber of Commerce. It accurately
8 states ACOEM's paper was a different version of the "commissioned piece".

9 **"Upon viewing documents presented by the Hayne's attorney of Kelman's prior**
10 **testimony from a case in Arizona, Dr. Kelman altered his under oath statements**
11 **on the witness stand.** He admitted the Manhattan Institute, a national political think-
12 tank, paid GlobalTox \$40,000 to write a position paper regarding the potential health
13 risks of toxic mold exposure. Although much medical research finds otherwise, the
14 controversial piece claims that it is not plausible the types of illnesses experienced by
15 the Haynes family and reported by thousands from across the US, could be caused by
16 "toxic mold" exposure in homes, schools or office buildings.

17 In 2003, with the involvement of the US Chamber of Commerce and ex-developer, US
18 Congressman Gary Miller (R-CA), the GlobalTox paper was disseminated to the real
19 estate, mortgage and building industries' associations. **A version of the Manhattan**
20 **Institute commissioned piece** may also be found as a position statement on the
21 website of a United States medical policy-writing body, the American College of
22 Occupational and Environmental Medicine." [ACOEM]

23 3.) The 2010 Appellate Opinion by Benke, Huffman, Irrion concealed¹¹ PJ, Aaron and
24 McDonald had framed Appellant for libel in the 2006 anti-SLAPP opinion over her March 2005 writing.
25 The writing was regarding public health and the mass marketing of a false scientific concept to lend
26 undue credibility to Kelman's, Hardin's and Veritox's scientific fraud upon United States courts. **The six**
27 **justices willfully aided and abetted the continuing defrauding of the public:**

28 "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**

¹¹September 30, 2010 Appellant's Petition for Rehearing w/working links. Benke et.al concealed PJ et.al framed Appellant & suppressed evidence of Kelman's perjury <http://freepdfhosting.com/e8a72751f4.pdf>

1 **evidence Kramer's Internet post was false and defamatory as well as sufficient**
2 **evidence the post was published with constitutional malice."**

3 "Thus any disagreement we might entertain with respect to our prior disposition would
4 be no more than that: a disagreement. Given that circumstance and the fact that only
5 nominal damages were awarded against Kramer, **the value of promoting stability**
6 **in decision making far outweighs the value of any reevaluation of the merits of**
7 **our prior disposition."**

8 **We recognize that with respect to malice "courts are required to independently**
9 **examine the record to determine whether it provides clear and convincing proof**
10 **thereof."** (*McCoy v. Hearst Corp. (1991) 227 Cal.App.3d 1657, 1664.*) **However**, in
11 *Kelman v. Kramer I* [anti-SLAPP Opinion] we expressly rejected Kramer's argument
12 that such independent review entitled her to judgment.

13 As Appellant's allegedly libelous phrase "altered his under oath statements", the only five words
14 for which she has ever been sued, is proven true by PJ's own opinion; it is also proven Appellant is not
15 now nor has she ever been guilty of publishing or republishing defamation. If one has not published
16 defamation, there is also no malice established for writing the truth. The evidence is undeniable. Six
17 appellate justice framed Appellant over a writing impacting public health, aiding mass marketing of
18 scientific fraud and impacting mold litigations nationwide.¹² They made Appellant's writing appear to
19 have made a false accusation that it did not make to make Appellant appear to be a malicious liar for
20 exposing the defrauding of the public. Now the want it hidden of what they have done.

21 The continuing damage to Appellant and to the public is far from "nominal" by the officers' of the
22 court intrinsic and collusive fraud upon the court. Respondents' scientific fraud that Appellant exposed
23 and was framed to be a malicious liar for it by PJ et.al., has been used against many US citizens and
24 workers who have been injured by biocontaminants in water damaged buildings.¹³ The false science
25 founded upon conflicted interests, continues to be used in claims handling practices, denial of needed
26 medical treatments and wrongful delay/denial of financial responsibility for causation of illness,
27 disability and death.

28 _____
12 January 2007, Wall Street Journal, "Amid Suits Over Mold Experts Wear Two Hats".
http://www.drcraner.com/images/suits_over_mold_WSJ.pdf

13 December 2010 WorkCompCentral on the ACOEM Mold Statement
<http://freepdfhosting.com/715a485427.pdf>

1 It continues to be used to shift cost for the burden of disability and death off of insurers,
2 employers, landlords, property sellers & maintainers, builders, school districts and federal & state
3 government agencies; onto taxpayers via state and federal social service and disability programs.^{14 15}

4 Hardly “nominal damages” for Appellant, she now has over \$40,000 in court sanctions, interest
5 accruing liens of Respondents’ costs and attorney fees levied against her. This is a drop in the bucket.
6 Appellant has lost millions of dollars over the past eight years in her own attorney fees, court costs, lost
7 wages, career and reputation ruination, forced stock sales, 401K depletions, tax liens, credit card debt
8 and personal loans to stay afloat while defending herself and the public from PJ, Benke, et.al.’s
9 conspiracy to defraud by the framing of Appellant for libel -- while collusively trying to cover it up and
10 the resultant damage from it.

11 PJ, Benke and fellow appellate justices have big ponies in this race for PJ to feign jurisdiction to
12 try to silence and discredit Appellant of their roles in aiding and abetting Respondents’ scientific fraud
13 upon US courts. (**See Footnotes 1 – 4 & Exhibits 1-15**) If Appellant cannot republish the words for
14 which PJ, Benke et.al., framed her, suppressed & twisted material facts and falsified court
15 documents/CCMS entries; Appellate also cannot write of the continued adverse impact on her, her
16 family and the public because of what PJ, Benke, Respondents and Counsel, et.al., have collusively
17 and criminally done over words “altered his under oath statements”.

18 **This malicious second case is all about just that: Silencing, harassing, terrorizing and**
19 **discrediting Appellant by criminal means of prior collusive criminal acts of PJ, Benke, et.al., to**
20 **defraud the public and conceal the damage to Appellant from the collusively criminal acts.**

21 Appellant has never once republished the words for which she was framed without discussing
22 them in context of these litigations in lawful accordance with C.C.P. 1208(a) and her Constitutional right
23 to speak the truth in America of the systemic cronyism and corruption in the California “legal” system.

24 _____
25 ¹⁴ September 2006, Kilburn, K. H.; Gray, M.; **Kramer, S.** Nondisclosure of conflicts of interest is perilous to
26 the advancement of science. J. Allergy Clin. Immunol. 2006, 118, 766-767.

27 [http://www.jacionline.org/article/S0091-6749\(06\)01398-4/fulltext](http://www.jacionline.org/article/S0091-6749(06)01398-4/fulltext)

28 ¹⁵ NEW SOLUTIONS Workers' Compensation in the United States: cost shifting and inequities in a
dysfunctional system. LaDou 2010;20(3):291-302. DOI: 10.2190/NS.20.3.C.

<http://www.ncbi.nlm.nih.gov/pubmed/20943472>

II
Direct Evidence PJ, Benke et.al. Framed A U.S. Citizen; Jailed Her For Refusing To Sign A False Confession/Commit Perjury & Ordered Falsification Of The Sheriff Department Record To Conceal It.

(Attached hereto collectively are **Exhibits 1-14**. They are how PJ, Benke, et.al., systematically framed Appellant for defamation; jailed her for refusing to sign a false confession under penalty of perjury; falsified the Sheriff Department record to cover up the true reason for jailing; and ordered Appellant to never write of the matter again with a terrorizing threat of more jailing when she refuses silence of the mass corruption and cronyism of PJ, Benke, Huffman and the California courts.)

The fourteen Exhibits are:

1. March 9, 2005: Appellant's writing proving she accurately wrote that the Manhattan think-tank money to Respondents was for the US Chamber's Mold Position Statement – not for revisions in ACOEM's as PJ framed Appellant's writing to make the false finding that Appellate is a malicious liar to cast doubt on the entire writing. (See last two paragraphs)
2. July 2005: Excerpt of Appellant's declaration proving the courts knew Appellant did not accuse Respondent Kelman of getting caught lying about being paid by the Manhattan Institute to make revisions in the ACOEM Mold Statement. In her declaration she referred to them as two different writings: "Only after the Kilian transcript was permitted into the court record, which allowed the line of questioning to continue, did he attempt to explain the relationship between the ACOEM Statement and the Manhattan Institute Version". (Page 5:5-8)
3. November 2006: PJ's, Aaron's and McDonald's anti-SLAPP Opinion simultaneously framing a United States citizen, Appellant, for defamation while acknowledging the allegedly libelous words, "altered his under oath statements" are true and accurate. (There is much more evidence to this. They did it collusively with Counsel and systematically.) (Page 10)
4. July 2009: Excerpts of Appellant's Appellate Brief proving upon alleged review that Benke, Huffman and Irrion knew PJ, Aaron, and McDonald framed Appellant, concealed Kelman's perjury to establish malice, and that the Judgment was Void and ante-dated. (Pg 4,5 & 7-9 & 34)
5. September 2010: Benke's, Huffman's and Irrion's Appellate Opinion concealing their justice peers framed a United States citizen, Appellant, for defamation in the 2006 anti-SLAPP opinion; that the judgment was Void & ante-dated; no mention of Kelman's perjury to establish malice.(Pgs 0, 8, 12)
6. February 2012: The false confession, "Retraction of Sharon Kramer" crafted by Respondent Counsel that Appellant refused to be coerced to sign, under penalty of perjury, and was sent to jail for her refusal. It also contains the sentence, "I do not believe Dr. Kelman committed perjury."
7. February 2012: Appellant's Notice to Court proving that the Court knew that Appellate could not comply with the unlawful January 19, 2012 Civil Contempt of Court Order, even if she wanted to. Website owners refused to remove the truth from their websites of PJ, Benke, et.al., colluding to defraud the public . The Court did not incarcerate Appellant for violating this unlawful order with

1 which the Court knew she could not comply under C.C.P.1219(a). Appellant Notice To Court (Pg
2 0,8) & Declarations of Kevin Carstens (Pg 0,1, 4) & Crystal Stuckey Pg (0,4)

3 8. March 9, 2012: Minute Order proving Appellant was incarcerated for refusing to sign the false
4 confession and the statement that she does not believe Kelman committed pejury, "Retraction of
5 Sharon Kramer". "Mrs. Kramer indicates she will not sign proposed retraction."

6 9. March 14, 2012: Transcript where the Court again attempted to coerce Appellant into criminal
7 perjury to defraud the public after jailing Appellant for two nights to terrorize her to shut up that PJ
8 et.al., framed Appellant for defamation, concealed Kelman committed perjury to establish false
9 theme for malice, etc.; and the continued adverse impact on the public because of it.

10 From the March 14, 2012 Transcript:

11 The Court: WE ALL KNOW I CALLED THIS MEETING FOR US BECAUSE OF THE DECISION
12 THAT I MADE, AS I REFLECTED ON ALL OF THE CIRCUMSTANCES SURROUNDING THIS
13 CASE, THAT YOU SHOULD BE RELEASED AT THIS TIME, AND THAT WILL BE THE ORDER
14 OF THIS COURT. I INVITED COUNSEL TO BE HERE OUT OF COURTESY. THIS IS
15 ULTIMATELY MY CALL AND THAT IS MY CALL.[as if it might be somebody else's?] AND,
16 HOPEFULLY, YOU'LL BE RELEASED FORTHWITH. I KNOW YOU'LL BE TAKEN BACK TO
17 WHERE YOU JUST CAME FROM, AND I UNDERSTAND THE ARRANGEMENTS HAVE BEEN
18 MADE THAT YOU'LL BE RELEASED AT THAT TIME. [This judge had Appellant's clothes sent to
19 the Vista courthouse the day before with statements made in January 2012 that he wanted to get
20 Appellant to the "psychiatric unit downtown" under Penal Code 1368. But first she needed a
21 criminal record - for alleged civil contempt.] **IT SEEMED TO ME IN OUR LAST MEETING I
22 RECALLED YOU EVEN SAID THAT IT WASN'T YOU WHO HAD ACCUSED THE
23 GENTLEMAN OF PERJURY** OR OF ALTERING HIS TESTIMONY, IT WAS **RATHER
24 COUNSEL'S EFFORTS TO TRY TO MAKE IT SOUND THAT WAY.** I DON'T KNOW IF I
25 REMEMBERED IT RIGHT OR NOT. IF YOU DID SAY THAT OR IF THAT'S HOW YOU FEEL,
26 MORE IMPORTANTLY, **I WOULD REALLY STRONGLY URGE THAT YOU GIVE EVERY
27 CONSIDERATION TO AGREEING TO THAT PROPOSAL THAT COUNSEL MADE, WHICH
28 SIMPLY SAID "I DID NOT MEAN THAT."** I DIDN'T MEAN TO SUGGEST THAT. I'M NOT
SAYING YOU HAVE TO DO THAT. I'M NOT. DON'T HEAR THAT FROM ME. BUT YOU DID
HEAR THE IMPORTANT THING FROM ME.

Ms. Kramer: NO, I DID NOT HEAR THE IMPORTANT THING. **I DIDN'T HEAR AN APOLOGY
THAT THE COURT'S FRAMED ME FOR LIBEL SEVEN YEARS AGO. I'M SITTING HERE IN
HANDCUFFS FOR SPEAKING THE TRUTH ABOUT A FRAUD AND POLICY. IF YOU WANT
TO SEND ME BACK TO JAIL, FINE, BUT I'M NOT SIGNING AN APOLOGY FOR THE COURT
DOING THAT.**

The Court: OKAY. THAT'S NOT A CONDITION OF ANYTHING.

Ms. Kramer: NO, IT ISN'T.

The Court: IT WAS AN EXPRESSION OF MY WISH, THAT'S ALL I WAS INTENDING

Ms. Kramer: **NO. WHAT YOU'RE ASKING ME TO DO IS COLLUDE WITH THE FRAUD —
WITH THE COURT TO DEFRAUD THE PUBLIC AFTER SEVEN YEARS.**

1 The Court: **RIGHT**. BUT I'M NOT CONDITIONING MY DECISION THIS MORNING ON THAT.
2 THAT'S NOT A CONDITION. **IT WAS MERELY A WISH.**

3 Ms. Kramer: **THIS IS A CRIME.** YOU SHOULD BE ASHAMED OF YOURSELF THAT I'M
4 SITTING HERE LIKE THIS THIS MORNING.

5 10. April 5, 2012: Minute Order in which the Court libeled Appellant to falsely make it appear she was
6 lawfully jailed for violating the January 19, 2012 Civil Contempt Order under C.C.P1218(a). This, to
7 cover up that she was really jailed for refusing to be coerced into criminal perjury by signing the
8 false confession, "Retraction of Sharon Kramer" – to conceal that six Appellate Justices: Judith
9 McConnell, Cynthia Aaron, Alex McDonald, Patricia Benke, Richard Huffman and Joanne Irrion,
10 framed a United States citizen, Appellant, for libel and concealed that Kelman committed perjury to
11 establish malice, while concealing parties to the litigation and falsified court documents. The April 5,
2012 Minute Order was written when the Court was ordering Appellant's false criminal record she
was given under Penal Code 166 while jailed, to be removed and be replaced with an equally
libelously false civil contempt record under C.C.P.1218(a) -- to conceal the criminal conspiracy to
defraud and relentless tormenting of Appellant by PJ, Benke, Respondents, Counsel, et.al.

12 11. The July 6, 2012: Judgment, 2nd Civil Contempt Order and Permanent Injunction from this case.
13 They could not enjoin Appellant from republishing the sentence for which PJ framed her for
14 libel, **"Upon viewing documents presented by the Hayne's attorney of Kelman's prior
15 testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the
16 witness stand."** It is proven fact that in PJ's opinion, Kelman did "alter his under oath statements"
17 after being confronted with the *Kilian* transcript, just as Appellant had written it. Appellant is
18 unlawfully and permanently enjoined from "republishing" a sentence not even in her allegedly
19 libelous March 2005 writing, **"Dr. Kelman altered his under oath statements on the witness
20 stand' when he testified in an Oregon lawsuit."** This, to conceal how PJ et.al., willfully
framed a United States citizen for libel and that she and her peers have tried every trick in the
book, including false imprisonment, bodily harm and threat of more, to conceal it. The key change
is the omission of, **"Upon viewing documents presented by the Hayne's attorney of Kelman's
prior testimony from a case in Arizona"**.

21 12. The January 19, 2012 Civil Contempt Order was for Appellant putting the letters on the Internet that
22 she sent to PJ, Huffman, California Chief Justice Cantil-Sayauke and others in September 2011.
23 Appellant was asking they undo the continued harm they have done to her and the public by
24 framing Appellant for libel over a writing impacting public health and scientific fraud, while falsifying
25 many court documents along the way. Attached hereto are the letters Appellant sent to PJ for which
26 Appellant was unlawfully found in Contempt of Court. Kelman was awarded over \$19,000 in costs
and attorney fees. No reply to this letter seeking help to stop the harassment or acknowledgment of
criminal wrong doing was received from PJ. (See September 11, 2011 letter to PJ)

27 13. Instead of help, Appellant received a threat. She received a telephone call on October 5, 2011 from
28 PJ's Clerk of the Court, the late Stephen Kelly. Mr. Kelly stated that PJ would deem Appellant to be

1 a vexatious litigant should Appellant pursue legal action for his falsified 2010 Remittitur awarding
2 costs against Appellant to undisclosed "Respondents". Appellant and Mr. Kelly always
3 communicated politely, but directly. Mr. Kelly appeared to Appellant to hate his involvement in this
4 matter via PJ, Huffman, Benke, Aaron, McDonald and Irrion. Appellant sent Mr. Kelly a follow up
5 fax to document his polite but thinly veiled threat of how far PJ would go to conceal she, Benke,
6 Huffman, Aaron, McDonald and Irrion are criminally compromised judiciaries.(Fax cover & 1st page)

- 7 14. 2002 & 2003 Kelman & Hardin applied math extrapolations to data take from a single rodent study.
8 Absurdly, they professed they had scientifically proven all claims of illness from mold toxins in water
9 damaged buildings were only being made because of "trial lawyers", "media" and "Junk Science".
10 The scientifically fraudulent concept was mass marketed to the courts by the US Chamber of
11 Commerce and the Manhattan Institute think-tank to lend false credibility to the illicit interstate
12 expert defense witnessing enterprise, Veritox, Inc. How they got it mass marketed into courts &
13 policy and who was involved, was the subject of Appellant's writing for which PJ, Benke et.al.
14 framed Appellant for libel – aiding and abetting the scientific fraud to continue. Attached hereto is
15 the direct evidence of the scientific fraud as penned by Kelman & Hardin, specifically paid by a think-
16 tank to be written as "something judges can understand" according to Kelman; it falsely states Kelman
17 & Hardin proved "**Thus the notion that 'toxic mold' is an insidious, secret 'killer, as so many
18 media reports and trial lawyers would claim, is 'junk science' unsupported by actual scientific
19 study.**"¹⁶

14 ¹⁶ **Exhibits 1-14:** How PJ, Benke et.al. framed Appellant, jailed & falsified the Sheriff Department Record to
15 cover up the criminal collusion to aid the continuance of Respondent's scientific fraud upon US courts:

- 16 1. March 2005 Appellant's writing <http://freepdfhosting.com/4a6534d9aa.pdf>
17 2. July 2005, Appellant's declaration (5:5-8) <http://freepdfhosting.com/8eb43146b2.pdf>
18 3. November 2006, anti-SLAPP Opinion (Pg 10) <http://freepdfhosting.com/ec7db9f462.pdf>
19 4. July 2009, Appellant's Brief (Pg 4,5 & 7-9 & 34) <http://freepdfhosting.com/5ea33b09f7.pdf>
20 5. September 2010 Appellate Opinion (Pg 0, 8,10) <http://freepdfhosting.com/6034e77cd3.pdf>
21 6. February10, 2012, Proposed "Retraction of Sharon Kramer" <http://freepdfhosting.com/ec6c5a7899.pdf>
22 7. February 10, 2012, Appellant Notice To Court (Pg 0,8) & Declarations of Kevin Carstens (Pg0,1, 4) &
23 Crystal Stuckey Pg (0,4) <http://freepdfhosting.com/bee7b4c47a.pdf>
24 8. March 9, 2012 Minute Order <http://freepdfhosting.com/2975dc147b.pdf>
25 9. March 14, 2012 Transcript <http://freepdfhosting.com/0cce163e7b.pdf>
26 10. April 5, 2012 Minute Order sent to Sheriff Dept w/libelous CCP1218(a) to conceal PJ, Benke, et.al,
27 framed Appellant & she was jailed for refusing to commit perjury <http://freepdfhosting.com/fece7d4bf6.pdf>
28 11. July 6, 2012 Judgment, Order & Permanent Injunction <http://freepdfhosting.com/ee4494b707.pdf>
12. January 19, 2012 Civil Contempt of Court Order for sending this letter to PJ and others. Letter to PJ:
<http://freepdfhosting.com/0267bd88be.pdf> Read all letters to Judicial leaders at:
<http://katysexposure.wordpress.com/2011/09/13/is-the-california-court-case-management-system-ccms-being-misused-for-politics-in-policy-litigation-and-the-fleecing-of-the-california-taxpayer/>
13. October 5, 2011 Appellant fax to Kelly (Cover & 1st page) <http://freepdfhosting.com/ceafac9fac.pdf>
14. October 2002 ACOEM legitimized it <http://freepdfhosting.com/74478c4cad.pdf>; July 2003 the Chamber
spun it & mass marketed it <http://freepdfhosting.com/a8baea5e37.pdf>& July 2008 _Kelman says they were
paid to write it for judges <http://freepdfhosting.com/cfe9bff790.pdf>

1 Twice¹⁷, former California Chief Justice Ronald George refused to review this case being made
2 aware of the misconduct of PJ, Huffman, et.al., framing a California citizen for libel and suppressing
3 evidence of a professional toxic tort defense witness, Kelman, committing perjury to establish false
4 theme for malice; while aiding and abetting to defraud the public over the mold issue in the best interest
5 of the affiliates of the US Chamber of Commerce.

6 **III**
7 **Concealment By PJ & Benke Of Court Falsified Documents That Prove PJ's Court Has No**
8 **Jurisdiction, Including To Dismiss Appellant's Appeal Under Court Rule 8.220(a)(1)**

9 PJ now having the position and power to feign jurisdiction to dismiss an appeal, coram non
10 justice, in a case that is all about concealing her, Benke's and fellow judiciaries' prior unlawful and
11 criminal acts; is not in the best interest of Appellant, her family, the American public or the United
12 States and California Constitutions.

13 If JP commits the criminal act of dismissing the appeal and thus the case without addressing
14 the fraud upon the court, Appellant would be forced into years of litigation in federal court, sans any
15 government agency actually doing their job to protect the public from corrupt judiciaries. Justice would
16 be delayed and denied for the public and for Appellant from PJ', Benke's, fellow appellate justices',
17 judges', clerks', Counsel's and Respondents' collusively malicious, unlawful and criminal acts. By law,
18 once a court's jurisdiction is challenged it must be proven to exist. *Stuck v. Medical Examiners, 94*
19 *Ca2d 751.211 P2s 389*. PJ attempts to ignore this law and evidence that her court does not have it.

20 After two years of Respondents, Counsel and the lower court harassing Appellant coram non
21 justice¹⁸¹⁹²⁰ in this case; Appellant had to file an intent to appeal on September 28, 2012²¹. Had she not,

22 _____
23 ¹⁷ 2006 Petition to CA Supreme Court <http://freepdfhosting.com/7356549cd7.pdf>

24 ²⁰¹⁰ Petition to CA Supreme Court <http://freepdfhosting.com/b570235cb8.pdf>

25 ¹⁸ January 19, 2011 Appellant Motion To Recall & Rescind Remittitur w/evidence PJ, Benke et.al, KNOW
26 they framed Appellant <http://freepdfhosting.com/5ab0fff0bf.pdf>

27 ¹⁹ January 20, 2011, Benke Denial To Recall/Rescind Fraudulent Remittitur
28 <http://freepdfhosting.com/523dcd4f2e.pdf>

²⁰ January 6, 2012 One of many examples of known lack of jurisdiction and fraud upon the court;
Appellant's Declaration for the unlawful Contempt Hearing <http://freepdfhosting.com/8056e01016.pdf>

²¹ September 28, 2012 Appellant Notice of Appeal <http://freepdfhosting.com/20c2e3150c.pdf> & Exhibits of
the Void Judgment, etc., concealed by PJ & Benke <http://freepdfhosting.com/39bb642632.pdf>

1 all the fraud upon the courts in these two cases and the libeling of appellant, liens, sanctions, etc.
2 would have stood forever while ruining Appellant's life and concealing PJ', Benke's, Respondents' and
3 Counsel's et.al.'s continued defrauding of the public.

4 In her September 28, 2012 Notice of Appeal, Appellant attached exhibit of the predicate case
5 Void Judgment, Fraudulent Lien, Fraudulent Abstract, and Falsified Remittitur.

6 On October 9, 2012²², the Appellate Court accepted jurisdiction with no mention made of the
7 fraudulent documents issued by the court in the predicate case; proving the Appellate Court, like the
8 lower court, has no subject matter jurisdiction to hear this case/appeal.

9 In Appellant's November 15, 2012 Statement of the Case²³, she again outlined the fraud upon
10 the court. She questioned PJ's court's subject matter jurisdiction.

11 On December 28, 2012²⁴ the Clerk of the Court sent notice that Appellant's Opening Brief was
12 due in 40 days. No mention was made of the fraud upon the court and questioned jurisdiction.

13 On January 7, 2013²⁵ Appellant requested an indefinite extension of time to file. Again she
14 provided the direct evidence that the Void Judgment from the predicate case was the sole foundation to
15 this case and questioned PJ's court's subject matter jurisdiction and ability to be impartial.

16 On January 8, 2013²⁶ PJ denied the extension. Again no mention was made of the evidence of
17 the Void Judgment causing lack of subject matter jurisdiction to hear the appeal. PJ cited that Scheuer
18 was not asked to stipulate as the reason for denial.

19 On January 11, 2013, Appellant filed a 2nd Request²⁷ for indefinite extension until the court
20 proved subject matter jurisdiction. To quote from Appellant's second request for indefinite extension:

21 _____
22 ²² October 9, 2012 Court Notice To Appellant To Clear Default <http://freepdfhosting.com/4cfd65e707.pdf>

23 ²³ November 15, 2012 Appellant's Statement of the Case & Exhibits.
24 <http://freepdfhosting.com/3aca3361d5.pdf>

25 ²⁴ December 28, 2012 Notice of due date for Appellant's opening brief.
26 <http://freepdfhosting.com/fb552c1427.pdf>

27 ²⁵ January 7, 2013 Request For Extension and questioning Court's jurisdiction w/Exhibits
28 <http://freepdfhosting.com/1fb4c8677a.pdf>

²⁶ January 8, 2013 PJ's Denial of Extension <http://freepdfhosting.com/8b1409342e.pdf>

²⁷ January 11, 2013 Appellant's 2nd Request for Indefinite Extension.
<http://freepdfhosting.com/a8a4f974c3.pdf>

1 “I cannot file an appellate brief until this court corrects past errors and establishes if it
2 has jurisdiction to hear the appeal...Because of falsification of court documents by
3 and concealed by this court, it is this appellate court which is ‘the judicial machinery
4 can not perform in the usual manner its impartial task of adjudging cases that are
5 presented for adjudication.’”

6
7 You do have the legal authority and ability, plus moral and legal obligation to extend
8 time for you to undo this massive mess you have caused by framing me for libel in the
9 November 2006 anti-SLAPP opinion.

10
11 Rule 8.60.(b) Except as these rules provide otherwise, for good cause—or on an
12 exceptional showing of good cause, when required by these rules—the Chief Justice or
13 presiding justice may extend the time to do any act required or permitted under these
14 rules.”

15 On January 14, 2013²⁸, PJ granted an extension to February 28, 2013 without addressing the
16 underlying fraud upon the court in the predicate case; and that Appellant could not file an appeal in a
17 court with no subject matter jurisdiction -- with six officer of the court, its clerk and deputy clerks having
18 great personal interest to keep this game going indefinitely and assert jurisdiction where none exists.

19 On January 25, 2013²⁹ Appellant filed a motion in the predicate case that the fraudulent
20 Remittitur be recalled and rescinded; and the Void Judgment be vacated.

21 On January 25, 2013³⁰ Benke denied the Motion, again with no explanation given.

22 On January 28, 2013³¹ Appellant sent a DEMAND to PJ & Benke to stop harassing her without
23 proof of subject matter jurisdiction while concealing criminally falsified, court issued documents from
24 the predicate case; and to Recall/Rescind the fraudulent Remittitur & vacate the Void Judgment.

25 On January 29, 2013³² PJ sent a Denial to Recall/Rescind/Vacate in the predicate case –
26 where she did not issue the ruling. Benke, Huffman and Irrion did. Ignoring her court’s jurisdiction had

27 _____
28 ²⁸ January 14, 2013 PJ granted extension to February 28, 2013, again suppressing and not addressing the
evidence of lack of jurisdiction. <http://freepdfhosting.com/0fdde66d1a.pdf>

²⁹ January 25, 2013, Appellant Motion To Recall/Rescind/Vacate <http://freepdfhosting.com/295235b492.pdf>

³⁰ January 25, 2013 Benke Denial to Recall/Rescind Fraudulent Remittitur & Vacate Void Judgment in
predicate case. <http://freepdfhosting.com/83b635b628.pdf>

³¹ January 28, 2013 Appellant’s DEMAND that Benke Recall & Rescind Remittitur and PJ stop harassing
Appellant w/o jurisdiction. <http://freepdfhosting.com/bb0ea71958.pdf>

³² January 29, 2013 PJ refusing to recall/rescind/vacate Benke’s fraudulent acts in the predicate case.
<http://freepdfhosting.com/c4a802ef85.pdf>

1 been challenged and that once that happens she must prove her court has it; she stated that because
2 Appellant filed an intent to appeal, PJ's court had subject matter jurisdiction. **This is FALSE. A void**
3 **judgment cannot be used for any purpose and once jurisdiction is challenged it must be proven**
4 **to exist. Jurisdiction can be challenged at anytime, even on appeal.**

5 (Attached hereto as **Exhibit 15**, is Appellant's second DEMAND³³ of February 1, 2013 that PJ &
6 Benke stop harassing her, recall/rescind/vacate the documents criminally falsified by the courts in the
7 predicate case; and stop proceeding on, coram non iudice, like Two Empresses with New Black
8 Robes.) PJ & Benke have chosen to unlawfully proceed on.^{34 35}

9 **The direct evidence in Exhibit 15 proves PJ has repeatedly refused to prove her court's**
10 **subject matter jurisdiction upon Appellant's repeated challenge. It proves PJ ignores the direct**
11 **evidence her court does not have it because of fraud upon the court by officers of the court,**
12 **including PJ herself. It proves PJ ignores that the sole foundational document to this case is**
13 **the fraudulent, ante-dated and Void Judgment from the predicate case. It proves PJ & Benke**
14 **ignore the law that a Void Judgment cannot be used for any purpose, even by Empresses in**
15 **Soiled Black Robe.**

16 Respondents' and Counsel's filing this second malicious lawsuit is founded upon and is
17 concealing among other wrongs, that judicial officers of the ("Appellate Court") concealed the
18 December 2008 ("Void Judgment") from the predicate case is a criminally falsified, court issued,
19 document while overseeing this case on appeal in 2009-10. Under G.C.6200(a)(c), 6203(a)(b)(c)
20 68150(d) and P.C.134, these acts alone regarding concealment of the falsified court issued documents
21 are misdemeanors and felonies. (See Exhibit 15, Pg 7-10)

22
23
24 ³³ **Exhibit 15**, February 1, 2013 Appellant's Second Demand To Prove Jurisdiction Recall/Rescind/ Vacate
25 Fraudulent Remittitur & Void Judgment in predicate case. <http://freepdfhosting.com/1a7ab42057.pdf>

26 ³⁴ February 6, 2013 Second Denial to Prove Jurisdiction by PJ "Court takes no action"
<http://freepdfhosting.com/2f2bcde419.pdf>

27 ³⁵ March 6, 2013 Order that Appellant's opening brief due March 21^s
<http://freepdfhosting.com/dadd8e9599.pdf>

1 Upon challenge of subject matter jurisdiction by Appellant in January 2013, PJ and Benke are
2 also concealing that the predicate case (“2010 Remittitur”) is also fraudulent, an act also punishable by
3 incarceration for judiciaries who conceal this in their court, coram non judice. It awards costs to
4 undisclosed “Respondents” via Benke, Huffman and Irrion. It conceals that Hardin, retired US Assistant
5 Surgeon General & Deputy Director of NIOSH, was unlawfully concealed by PJ, Aaron and McDonald
6 as being a party to the litigation in their November 2006 anti-SLAPP Opinion. (See Exhibit 15 Pg 4-7)

7 In 2006, PJ, Aaron and McDonald concealed Appellant’s direct evidence that Respondents’
8 2006 Certificate of Interested Entities and Parties was fraudulent and missing Hardin’s name. The sole
9 purpose of accurate Certificates of Interested Entities and Parties is to assure justices have no
10 conflicted interests and/or bias in the cases they are overseeing. Willful concealment of parties on
11 appeal is evidence of conflicted interests and bias by PJ, since the inception of her involvement this
12 matter. (See Exhibit 15, Pg 6 and attached Exhibit 1)

13 PJ and Benke are concealing that the predicate case (“Void Judgment”) is a court antedated
14 legal document inconsistent with the December 2008 (“Abstract”) of Judgment recorded by the court.
15 The document issued by the court currently states on its face a date of entry of judgment of December
16 18, 2008, not possible to have occurred. (See Exhibit 15, Pg 7-9)

17 The Register of Action confirms nothing occurred in the case on December 18, 2008. No
18 judgment was entered on that date as is falsely stated on the face of the legal document. It was ante-
19 dated to add “MGarland 12/18/08” sometime on or after December 22, 2008 when the judgment was
20 submitted for Abstract recording and at that time stated a date of entry of judgment as September 24,
21 2008. (See Exhibit 15, Pg 7)

22 The date of entry of judgment of December 18, 2008, was placed on the document on or after
23 December 22, 2008 for the purpose of the lower court to falsely claim loss of jurisdiction in January of
24 2009 – where Benke, Huffman and Irrion then concealed the document was a fraud in their September
25 2010 Appellate Opinion. (See Exhibit 15, Pg 8-10)

26 Numerous times, beginning in January 2011, Benke has refused to recall and rescind the
27 criminally fraudulent Remittitur and vacate the Void Judgment – sole foundational document to this
28 case over which PJ and Benke are now pretending this fraudulent document gives PJ subject matter

1 jurisdiction to dismiss the appeal, when Appellant does not file her opening brief on March 21, 2013.
2 (See links at Footnotes 18,19, 29, 30)

3 As shown in Appellant's second Demand on February 1, 2013 (Exhibit 15) PJ and Benke know
4 the Void Judgment, sole foundation to this case, is also inconsistent with the January 2009 Lien placed
5 on Appellant's property by Kelman and Counsel which states a date of entry of judgment of September
6 24, 2008. In November 2010, Kelman and Counsel submitted the contradictory Void Judgment stating
7 date of entry of judgment of December 18, 2008 as the sole foundation to this case. (See Exhibit 15 Pg
8 8, 9)

9 Additionally concealed by Benke, Huffman and Irrion, when submitting costs in October of 2008,
10 Counsel commingled his clients' costs and submitted costs incurred by his trial loser client, Veritox
11 (including undisclosed Hardin), as being those of Kelman's. (See Exhibit 15, Pg 8)

12 What occurred was the trial judge signed Respondent Counsel's proposed judgment on
13 September 24, 2008 with the dollar amount awarding costs to Kelman left blank. There was no place
14 on the document for Appellant's costs as prevailing party over Veritox (and undisclosed Hardin) to be
15 filled in. In violation of C.C.P.664.5(b), trial prevailing Pro Per Appellant was not noticed by the court
16 that the judge signed the document.

17 Sometime after Counsel submitted the commingled costs in mid-October 2008, the clerk of the
18 court filled in the dollar amount without initialing or dating to make it appear judgment was entered and
19 interest accruing costs were awarded on September 24, 2008. Sometime after December 22, 2008,
20 when the fraudulent judgment was submitted for Abstract, he added "MGarland 12/18/08" next to the
21 dollar amount he had filled in earlier.

22 Appellant did not see the fraudulent Abstract or know of its existence until July 2011. A credit
23 report caused her to go to the County Recorder. She did not even know what an Abstract was until
24 that time. The Abstract with stated date of its recording of December 31, 2008; and stated date of
25 submission for recording of December 22, 2008; and stated date of entry of judgment of September 24,
26 2008; is the document that proves the Void Judgment with stated date of entry of judgment of
27 December 18, 2008 as submitted as the sole foundation to this case is a fraudulent legal document.
28

1 The courts, Respondents and Counsel are well aware the Void Judgment is a fraudulent
2 document and were when they submitted it as the foundation to this case. They recorded the
3 contradictory Abstract on December 31, 2008 and contradictory Lien on Kramer's property, January 19,
4 2009. (See Exhibit 15, Pg 8 & 9)

5 The Void Judgment was amended in October of 2011, one year after this case began, to
6 acknowledge Appellant was a trial prevailing party over Veritox (and undisclosed Hardin). It is still void
7 as the "MGarland 12/18/08" remains on its face as the fraudulent date of original entry of judgment. As
8 such, Appellant is unable to record an Abstract and place a Lien on Veritox for the costs she was
9 awarded as of October 2011 without recording a fraudulent Abstract adverse to her own interests.
10 (See Exhibit 15, Pg 9)

11 Like PJ and Benke, the lower courts have repeatedly suppressed the evidence and refused to
12 vacate the Void Judgment from the predicate case while feigning the falsified document gives
13 jurisdiction in this case. Under G.C.6203(b) Appellant has until July 2015 to sue the Court, Clerks,
14 Judiciaries, Respondents and Counsel for damage to her from the fraudulent Abstract, Lien and court
15 refusal to Vacate the Void Judgment. This, with the judiciaries acting without immunity because the
16 document they are feigning gives them jurisdiction is fraudulent and void to be used for any purpose.

17 IV. 18 Argument

19 Clearly, PJ has too much baggage and personal interest to feign that she could ever be
20 unbiased when overseeing this appeal. A Presiding Officer of an Appellate Court cannot lawfully order
21 an opening brief is due from a United States citizen without first establishing, upon challenge, that her
22 court has subject matter to hear an appeal or dismiss an appeal under Rule 8.220(a)(1). C.C.P. 410.10
23 states, "A court of this state may exercise jurisdiction on any basis not inconsistent with the Constitution
24 of this state or of the United States." PJ has not been following Constitutional law in this matter for now
25 seven years – since she first framed Appellant for libel and concealed parties to the litigation. Penal
26 Code 134 states it would be a felony for PJ to prepare "any false or ante-dated book, paper, record,
27 instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced for any
28

1 fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding, or inquiry whatever,
2 authorized by law.”

3 In this matter one appellate justice, PJ, has ordered an opening brief due with the threat of
4 appeal dismissal; while another appellate justice, Benke, is refusing to recall/rescind/vacate court
5 criminally falsified court documents which PJ is relying upon to give her feigned subject matter
6 jurisdiction. All courts ignore the direct evidence this entire case is founded upon a Void Judgment. A
7 Void Judgment cannot be used for any purpose including a Presiding Justice of an Appellate Court to
8 feign subject matter jurisdiction. (See *Elliott v. Lessee of Piersol*, 26 U.S. (1 Pet.) 328, 340; *Old Wayne*
9 *Life Assn. v. McDonough*, 204 U.S. 8, 27 S.Ct. 236)

10 PJ has no jurisdiction to dismiss this case for Appellant Under Duress refusing to file an
11 opening brief w/o PJ first addressing the fraud upon the court, including her own in the predicate case.
12 PJ's feigned subject matter jurisdiction in an effort to conceal past misdeeds is causing the judicial
13 machinery unable to perform in the usual manner its impartial task of adjudicating this matter in a fair,
14 lawful and equitable manner. (See *Kennerv. C.I.R.*, 387 F.3d 689 (1968); 7 *Moore's Federal*
15 *Practice, 2d ed.*, p. 512, 60.23)

16 In March of 2012, the Courts, Counsel and Respondents attempted to coerce Appellant into
17 criminal perjury to conceal the collusive misconduct of PJ, Benke, et.al., framing a United States citizen
18 to be a malicious liar over a writing impacting public health and scientific fraud upon US courts.

19 They jailed her, caused her bodily harm, emotional distress and made her ill for refusing to be
20 coerced into signing the false confession under penalty of perjury – with a terrorizing threat of more
21 incarceration and more physical harm if she did not shut up of what they have done and continue to do
22 to her to defraud the public by criminal means.

23 That is a collusively conspiring felony by PJ, Benke, other officers of the court, Respondents and
24 Counsel. (See *Penal Codes 126, 127, 134, 162(a)(1)(2)(3)(4)(5)*) Penal Code 126 states, “Perjury is
25 punishable by imprisonment pursuant to subdivision(h) of Section 1170 for two, three or four years. Penal
26 Code 127 states ”Every person who willfully procures another person to commit perjury is guilty of
27

1 subornation of perjury, and is punishable in the same manner as he would be if personally guilty of the
2 perjury so procured.”

3
4 In April 2012, the Sheriff Department record was falsified to cover up the true reason for the
5 incarceration; Appellant’s refusal to commit perjury to conceal PJ, Benke, et.al. framed her for libel. The
6 judgment from the predicate case is ante-dated and void. The Remittitur from the predicate case is
7 fraudulent. PJ & Benke are concealing this while knowing they are aiding PJ to feign false subject
8 matter jurisdiction to dismiss the appeal to cover up their collusive felony acts.

9 Appellant never would have been jailed and caused bodily harm if PJ & Benke had not
10 committed fraud upon the court in the predicate case by framing a United States citizen for libel. These
11 acts too, are felonies, punishable by incarceration.

12 (See *Government Codes 6200(a)(c), 6203(a)(b)(c), 68150(d) and Penal Code 134.*) Again, see
13 Penal Code 134, **“Every person guilty of preparing any false or ante-dated book, paper, record,**
14 **instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced**
15 **for any fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding, or inquiry**
16 **whatever, authorized by law, is guilty of felony.”**

17 Appellant has been ordered to commit perjury and publish a false confession on the Internet
18 (for sentence she never wrote) to conceal PJ’s, Benke’s, Respondents’ and Counsel’s conspiracy to
19 defraud by framing Appellant for libel over a writing impacting public health. That, too, is a felony. (See
20 Penal Codes 126, 127, 134, 162(a)(1)(2)(3)(4)(5))

21 PJ has ordered an opening brief is due while suppressing the evidence of her conspiring to
22 defraud, her financial interest in the matter (her career and freedom), and that her court has no subject
23 matter jurisdiction to order it due or to dismiss this appeal for Appellant’s refusal to file a brief in PJ’s
24 court, coram non judge.

25 PJ has no judicial immunity for her current and past collusively unlawful and criminal acts while
26 harassing Appellant to defraud the public in financially motivated discrimination of the environmentally
27 disabled; for causing Appellant false imprisonment for refusal to state under oath PJ, Benke,
28

1 Respondents and Counsel did not frame Appellant; for physically harming Appellant, for causing her
2 emotional distress, for making her ill and for causing financial ruination by willfully ruining Appellant's
3 reputation and career -- all to conceal PJ's, Benke's, et.al.'s collusively criminal acts begining with
4 framing a United States citizen for libel in an anti-SLAPP opinion. These are hate crimes against an
5 advocate for the environmentally disabled, Appellant, for which PJ has no judicial immunity.

6 "No judicial process, whatever form it may assume, can have any lawful authority outside of the
7 limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond
8 these boundaries is nothing less than lawless violence." *Ableman v. Booth*, 21 Howard 506 (1859). "A
9 Judge is not immune for tortious acts committed in a purely administrative, non-judicial capacity."
10 *Forrester v. White*, 484 U.S. at 227-229, 108 S.Ct. at 544-545; *Stump v. Sparkman*, 435 U.S. at 380,
11 98 S.Ct. at 1106. *Mireles v. Waco*, 112 S.Ct. 286 at 288 (1991). "Some Defendants urge that any act
12 'of a judicial nature' entitles the Judge to absolute judicial immunity. But in a jurisdictional vacuum, (that
13 is, absence of all jurisdiction) the second prong necessary to absolute judicial immunity is missing.
14 *Stump v. Sparkman, id.*, 435 U.S. 349

15 By ordering, on March 6, 2013, an opening brief due date of March 21, 2013 and while
16 suppressing the evidence of her lack of subject matter jurisdiction **it is blatantly obvious that if given**
17 **the opportunity, PJ will once again violate her oath of office in furtherance of the self serving**
18 **and criminally motivated, false concept that Appellant is a malicious liar.**

19
20 **V.**
Conclusion

21 Both PJ and Benke, along with their Appellate Court peers, several judges, AOC employees,
22 State Bar employees, Respondents and their Counsel, have tremendous financial incentive to see
23 Appellant remain falsely deemed a "malicious liar" over the words, "altered his under oath statements".
24 By dismissing this appeal because Appellant refuses to file an opening brief sans proof of court subject
25 matter jurisdiction; PJ is now acting coram non judice in furtherance of the deceptive goal of continuing
26 to libel, discredit and harass Appellant to defraud the public over the mold issue, by criminal means.

1 Because of the magnitude of the intrinsic defrauding and the bodily harm, emotional distress,
2 unlawful incarceration, attempted coercion into criminal perjury and libelous falsification of Appellant's
3 Sheriff Department record in this case - all to conceal the Appellate Court justices libeled a US citizen
4 and collusively framed her for defamation with Counsel to aid and abet the continuance of
5 Respondents' scientific fraud upon US courts over the mold issue; this matter could well finish all
6 involved's judicial, attorney, AOC employee, State Bar employee and expert witnessing careers.

7 Any person of sound mind and aware of the true facts of this case and predicate case, would
8 have no doubt there is great financial motivation on the part of PJ to proceed coram non iudice to
9 dismiss this appeal while practicing extreme bias -- also known as continuing to conspire to harass,
10 terrorize, libel, demean and financially ruin a United States citizen to defraud the public and conceal
11 past unlawful and criminal acts of the courts themselves.

12 **Appellant is highly of the well founded opinion that not only should PJ be disqualified;**
13 **PJ, Aaron, McDonald, Benke, Huffman, Irrion, several of their judicial peers, AOC employees,**
14 **State Bar employees, Counsel and the six owners of Veritox, Inc., Bruce Kelman, Bryan Hardin,**
15 **Coreen Robbins, Loni Swenson, Robert Schreibe and Rober Clark; all belong behind bars** – just
16 like was done to Appellant to try to coerce, demean, discredit, intimidate, cause her false imprisonment,
17 bodily harm and emotional distress. This while attempting to terrorize Appellant into criminal perjury
18 and silence of PJ, Benke, et.al. continued conspiring to defraud the public in furtherance of scientific
19 fraud upon United States courts over the mold issue; i.e. proven by Kelman & Hardin that illness from
20 mold toxins in water damaged buildings, "Could not be."

21 The Commissioners on Judicial Performance and the employees of this "independent state
22 agency" must get off their Deliberately Indifferent, political arses and discipline their former
23 Chairwoman, Justice Judith McConnell, and her fellow judicial court officers involved in this debacle.
24 The State Bar needs to discipline Counsel and their employees, Jill Sperber and company who have
25 concealed Scheuer's suborning of perjury. The AOC needs to discipline employees who falsified court
26 documents and those who have concealed they were falsified, including Michael Roddy, CEO of the
27 San Diego Superior Court and company.
28

1 Given free reign to terrorize because of the deliberate indifference to the incestuous, systemic
2 corruption in the California legal system; San Diego Appellate Court Presiding Justice Judith McConnell
3 has done and continues to do colossal damage to Appellant, her family and the American public by
4 feigning subject matter jurisdiction while concealing criminally falsified documents issued by the courts
5 themselves, including her court. Because of her willful fraud upon the court and bodily harm caused
6 Appellant to try to cover it up; Justice McConnell needs to be relieved of her judicial and administrative
7 duties not just from this case but from all cases.

8 For the foregoing reasons Judith McConnell must be disqualified from this case in the best
9 interest of the health, safety and welfare of the American public and that of Appellant and the United
10 States and California Constitutions. Justice McConnell's sole job as an employee of the State of
11 California is to assure these Constitutions are being upheld in the State for the good of the people and
12 for those who must come before her. She is failing miserably at this taxpayer funded job and so are
13 those who are to stop corruption in the courts.

14 March 22, 2013

15 Sharon Kramer, Harassed United States Citizen
16 & Appellant Under Duress
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DECLARATION UNDER DURESS OF SHARON NOONAN KRAMER

1 When a United States citizen who works hard and tells the truth to stop a massive fraud harming
2 thousands; ends up destitute, jailed, caused bodily harm, caused emotional distress and is character
3 assassinated/libeled for refusing to commit criminal perjury – with the Sheriff Department record falsified to
4 cover up just how corrupt the judiciaries involved really are – there is proof systemic corruption is occurring.

5 Someone really needs to do something about the corruption in the California courts. Justice of the
6 Fourth District Division One Appellate Court, Administrative Offices of the Court, Commission on Judicial
7 Performance & State Bar are drunk with power and their organizations wrought with cronyism.

8 If Justice McConnell had an ounce of integrity or intent to do the right thing on Appeal; at the very
9 least she would have recused herself and asked that the court venue be transferred. She has done no
10 such thing and works to conceal how her unlawful and criminal acts have and continue to harm me and the
11 American public.

12 People are losing all they own, sometimes even their lives over the mold issue, directly because this
13 maliciously corrupt game plays in the San Diego courts. By law, Justice Judith McConnell, five additional
14 Appellate Justices, Keith Scheuer, the six owners of Veritox Inc., and a few judges and clerks should be
15 behind bars for what they have done to me and thus to the public over this matter.

16 I will not be bullied or intimidated into silence by corrupt officers of the courts, Veritox and their
17 Counsel. As is my right as a United States citizen, I will continue to speak and write until someone gets off
18 their political arse³⁶ to undo and stop the continuing damage to me, my family and the American public
19 directly because of the unbridled corruption and cronyism in this matter.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
21 and correct and executed by me this 22st day of March, 2013 in Escondido, California.

22 _____
Sharon Noonan Kramer, United States Citizen & Appellant Under Duress

23 _____
24 ³⁶ Recent communication with the California Commission on Judicial Performance (CJP):
25 February 1, 2013 Notice to President of CJP, Lawrence Simms, "Please get off your political asses." Also read
26 as Exhibit 15 <http://freepdfhosting.com/9f3aaa0a6c.pdf>
27 March 5, 2013 Letter from CJP Employee, Karen Clay. We don't see no problem. Okay, maybe one judge.
28 <http://freepdfhosting.com/9bdb0841fd.pdf>
March 12, 2013 Letter to CPJ. Employee Karen Clay Re: Moral turpitude, dishonesty, criminality, harassment,
bullying, terrorizing and conspiring to defraud by Justice Judith McConnell, et.al., in *Kelman & GlobalTox v.*
Kramer; Kelman v. Kramer <http://freepdfhosting.com/30d507d7b2.pdf>