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October 25, 2010

State Bar of California  
Office of the Chief Trial Counsel Intake  
James E. Towery, Chief Trial Counsel  
1149 South Hill Street  
Los Angeles, California 90015-2299

Re: State Bar of California aiding and abetting interstate insurer fraud on behalf of affiliates of US Chamber of Commerce – failure to stop strategic litigation carried out by criminal means – suborning of perjury, attempted coercion into silence of a whistleblower by California licensed attorney, Keith Scheuer. Failure to acknowledge irrefutable evidence that one cannot use criminal perjury to make up a reason they would supposedly be accused of criminal perjury by the word “*altered*”, even if they are an author of policy papers that carry the name “University of California” on behalf of the affiliates of the US Chamber of Commerce.

Dear Mr. Towery,

My name is Sharon Kramer. I am a whistleblower of how it became false US public health policy that it was scientifically proven mold does not harm, involving the US Chamber of Commerce and the American College of Occupational and Environmental Medicine. (“ACOEM”) writes the workers comp guidelines the physicians in California must follow when treating injured workers under Senate Bill 899. In March of 2005, I wrote of how these two medico-legal policy papers, that both carry the name University of California in implied credentialed endorsement of the false science, are used together to propagate bias thought based on scant scientific foundation, while I named the names of those involved. From my March 2005 writing:

Jury Finds "Toxic Mold" Harmed Oregon Family, Builder's Arbitration Clause Not Binding Oregon City, OR - The case is a first in the Northwest to award personal injury damages to a family exposed to toxic mold in a newly built home. This verdict is significant because it holds construction companies responsible when they negligently build sick buildings....

...Dr. Bruce Kelman of GlobalTox, Inc, a Washington based environmental risk management company, testified as an expert witness for the defense, as he does in mold cases throughout the country. 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. Although much medical research finds otherwise, the controversial piece claims that it is not plausible the types of illnesses experienced by the Haynes family and reported by thousands from across the US, could be caused by "toxic mold" exposure in homes, schools or office buildings.

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.

Kelman and his legal counsel, Keith Scheuer, sued me for libel in May of 2005, claiming the phrase "*altered his under oath statements*" was a maliciously false accusation of perjury. (see attached for case info) In over five years time, Kelman and Scheuer have provided *no evidence* of me even once being impeached as to the subjective belief in the validity and logic of why I used that phrase to describe Kelman's testimony:

"Declaration of Kramer submitted to the courts, July 2005: 'Within the prior sentences, Kelman testified 'We were not paid for that...', not clarifying which version he was discussing. There was no question asked of him at that time. He went on to say GlobalTox was paid for the 'lay translation' of the ACOEM Statement. He then altered to say 'They're two different papers, two different activities.' He then flipped back again by saying, 'We would have never been contacted to do a translation of a document that had already been prepared, if it hadn't already been prepared.' By this statement he verified they were not two different papers, merely two versions of the same paper. And that is what this lawsuit is really all about.

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

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

Together, these papers are the core of an elaborate sham that has been perpetrated on our courts, our medical community and the American public. Together, they are the vehicle used to give financial interests of some indecent precedence over the lives of others.'(Appellant Appendix Vol.1

Ex.8:157-158) (Response to Court's Query, pp.10-11)" (Attached hereto as Exh 1, App.Erta.Pet.Rehearing 9/10, pp.8-14) [Pdf. Page 12 -18 <http://freepdfhosting.com/772caaaa70.pdf>]

Since September of 2005, I have been providing all courts to oversee this litigation that Kelman and Scheuer were using perjury to make up a reason for my purported malice, an element required to be substantiated in libel law. From the first of approximately 20 times the courts have been informed and evidenced of the perjury, my September 2005 declaration:

Mr. Sheuer has attempted to paint me as a vengeful woman who has an obsession to get back at Kelman for testimony he gave in our case in December, 2003. Sheueer states that my daughter and I claimed we acquired life threatening illnesses as a result of mold when what I really wanted was for my insurance company to pay for my house to be remodeled. He also states I was furious when Kelman testified that the science did not support what I wanted.

I am surprised at Mr Sheuer's lack of verification of facts before making these false and malicious statements, which are oddly not backed up with any support documentation attached. We were not even in litigation in December of 2003. But given the obvious lack of fact checking, I am not surprised at this answer. This would be a boilerplate scenario for Kelman to step into. Many people have life threatening illnesses after excessive exposure to mold and mycotoxins. It is a complaint that is quite common. In regard to these illnesses, it would be also be a boilerplate response for Kelman to say the science does not support this, based on the ACOEM Statement.

However, the boilerplate family Sheuer and Kelman describe is not our family. I do not know how Kelman could have testified in our case in December of 2003. We settled in October of 2003. Although very sick, I never claimed I had a life threatening illness. My daughter has always had the life threatening illness of CF. We ultimately received a fairly sizable settlement from all three defendants in the case. If we had chosen to correct the cross contamination that occurred during the remediation process, we received enough money to do so.

Ten San Diego judges and justices that have overseen this case at various times, have each and every one ignored the irrefutable evidence that the following is criminal perjury and suborning of criminal perjury to establish false extenuating circumstances for my purported personal malice. Specifically, Kelman presented the following false declaration statements before the San Diego courts no less than three times, 2005, 2006, 2008, while under penalty of perjury:

“She [Kramer] apparently felt that the remediation work had been inadequately done, and that she and her daughter had suffered life-threatening diseases as a result. I testified that the type and amount of mold in the Kramer house could not have caused the life-threatening illnesses that she claimed.”

Scheuer then used the above false declaration statement of Kelman’s to mislead the courts that I would have reason to harbor malice for Kelman and his company, based on a testimony Kelman is clearly evidenced to have never even given. Specifically within his briefs, Scheuer wrote:

“Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not have caused the life threatening illnesses that Kramer claimed. Apparently furious that the science conflicted with her dreams of a remodeled house, Kramer launched an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox.”

In a libel litigation over a matter impacting public health, a defendant who has *never been impeached* as to the subjective belief in their words and who has provided all courts with *uncontroverted evidence* that the plaintiff, who just happens to be a policy paper author for the US Chamber and ACOEM, and his legal counsel have been using *perjury to establish false reason for the defendant’s malice*; the defendant has none the less been deemed the malicious liar of the case for the words “*altered his under oath statements*” – with the outcome being favorable to the interests of the affiliates of the US Chamber of Commerce. This is because if you deem one a liar for the word “*altered*”, you deem one a liar for all words – exposing the deception in US public health policy. Primarily, this deception would be used to benefit workers comp insurers in the state of California and other states, along with property casualty insurers who have benefited from the multitude of odd judicial errors of this strategic litigation.

In February through May of 2009, I provided the irrefutable evidence to the California State Bar that the above is perjury by the plaintiff Kelman and suborning of perjury by a California licensed attorney, Scheuer, in the form of timelines of the perjury, supporting legal documents and even a video of Kelman discussing his above perjury in deposition of July 2008 with Scheuer present.

#### Deposition of Bruce Kelman, July 22, 2008:

<http://www.blip.tv/file/2063366/>

The California State Bar, in May of 2009, declined to take action to stop a strategic litigation carried out by criminal means by one of their licensees over a matter adversely impacting public health in a manner favorable to the affiliates of the US Chamber of Commerce. On April 28, 2010, I sent a letter to Mr. Howard Miller, President of the State Bar and to Mr. Russell Weiner, Interim Chief of Trial Intake – along with numerous other decision makers. Explained in the letter and attached to the letter; I detailed how the scientific fraud of the US Chamber of Commerce and ACOEM over the mold issue

(promotes the concept that claims of illness from mold are only being made because of “*trial lawyers, media and junk science*” – with this US Chamber catch phrase specifically written for “*judges*”) was ruining many people’s lives while the University of California profits from promoting this deceit in its teaching facilities with federal funding and when its employees serve as professional defense witnesses for insurers in mold litigation, interstate and intrastate.

Below is a link to the letters I sent to the State Bar in 2010 along with my 2009 complaint to the State Bar to take action to stop one of their licensees from strategically litigating by criminal means to silence a whistleblower:

**Inquiry To State Bar # 09-2006 & Letter To President and Chief Trial  
Intake, State Bar 2010**

<http://freepdfhosting.com/9e0993aed4.pdf>

**TRUTH OUT document that was an attachment to the 2010 letters to the  
State Bar President & Chief of Trial Intake**

<http://katysexposure.wordpress.com/2010/04/30/truth-out-sharon-kramer-letter-to-andrew-saxon-mold-issue/>

Plainly stated, it does not take a legal scholar to understand that a plaintiff and his attorney cannot use perjury in one legal proceeding to make up a reason of why the plaintiff would be falsely accused of perjury in another legal proceeding. Yet, the State Bar of California has not been able to comprehend this simple fact of law and logic; and neither have ten San Diego judges and justices – including Justice Judith McConnell, Chair of the California Commission on Judicial Performance and Presiding Justice of the Fourth District Division One Court of Appeal.

Below is a link to a request to Justice McConnell to take action to stop bias in her courts under Local Rule 1.2.1 Bias in the Courts, September 17, 2010 – with a copy going to San Diego District Attorney, Bonnie Dumanis:

**Letter to McConnell, September 17, 2010 Local Rule 1.2.1, Bias in the  
Courts**

<http://freepdfhosting.com/5857e4b797.pdf>

The below are statements made in Justice McConnell’s November 2006 unpublished anti-SLAPP Opinion (that her subordinate justices relied upon for their 2010 unpublished opinion) derogatorily deeming me a “crusading” liar for explaining and evidencing for her, how the deception works and who was involved; while she egregiously violated my first amendment rights to freely speak and evidence a fraud in health policy adversely impacting the lives of many. She twisted my explaining a deception in the “positions” of many organizations into evidence of malice personally for Kelman – even though there is not one piece of evidence in this litigation of me even uttering a harsh personal word of Kelman before I wrote of the deceit in March 2005:

“Further, in determining whether there was a prima facie showing of malice, the trial court also relied on the general tone of Kramer’s declarations. These declarations reflect a person, who motivated by personally having suffered by mold problems, is crusading against toxic mold and against those individuals and organizations who, in her opinion, unjustifiably minimized the dangers of indoor mold. Although this case involves only the issue of whether the statement “Kelman altered his under oath statements on the witness stand” was false and made with malice, Kramer’s declarations are full of language deriding the positions of Kelman, GlobalTox, ACOEM and the Manhattan Institute. [sic, McConnell neglected to mention the US Chamber of Commerce and US Congressman Gary Miller (R-Ca)] For example, Kramer states that people “were physically damaged by the ACOEM Statement itself” and that the ACOEM Statement is a document of scant scientific foundation; authored by expert defense witnesses; legitimized by the inner circle of an influential medical association, whose members often times evaluate mold victims o[n] behalf of insurers and employers; and promoted by stakeholder industries for the purpose of financial gain at the expense of the lives of others.” (Appellant Appendix Vol.1 Ex.12:256, 257)”

As such, State Bar, please take action *this time* to acknowledge the irrefutable evidence and discipline Keith Scheuer for his willfull suborning of perjury and attempted coercion into silence of a whistleblower when strategically litigating; while adversely impacting the health and safety of the California and US public in a manner favorable to the financial interests of the affiliates of the US Chamber of Commerce. It is obvious the courts are not going to do it on their own – too much politics and embarrassment of prior erred dispositions in prior election years. Mr. Scheuer has no less than a 28 year history of litigating in such a deceptive manner in the state of California.

*“Defendants, in their zeal to present a portrait of plaintiff Roston...that would enhance their position, made reference to a multitude of cases which were inappropriate for consideration by the trial court... The presentation of such matter, if designedly done, is certainly to be discouraged. One might mistake it for an attempt to inflame the court against a party to the action.” Roston v. Edwards (1982) 127 Cal.App.3d 842 [179 Cal.Rptr. 830] Defense attorney, Keith Scheuer.*

If no action is taken by a.) the California State Bar, b.) the California Commission on Judicial Performance, c.) the San Diego District Attorney’s Office and/or d.) the California Supreme Court to acknowledge the irrefutable evidence the following is criminal perjury to establish false reason for malice by an author of policy papers for the US Chamber and ACOEM that carry the name “University of California” while strategically litigating, ***“I testified the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed”*** and the following is willful suborning of criminal perjury, ***Dr. Kelman testified in a deposition that the type and amount of mold in the Kramer house could not have caused the life threatening illnesses that Kramer claimed. Apparently furious that the science conflicted with her***

*dreams of a remodeled house, Kramer launched an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox.* ; then one would have to assume there is a failure to train California government agencies and legal reviewing/disciplining bodies, that, legally, one cannot use criminal perjury while strategically litigating, even if one is an author of policy for the US Chamber of Commerce – of which the University of California profits while it aids to shift cost of injured workers and others off of insurers and onto taxpayers via state and federal disability funds. One would have to assume that the State of California is not concerned that criminal perjury has been successfully used in a strategic litigation to silence, punish, demean and financially cripple a California citizen, who is a whistleblower of a deceit in health policy that is ruining the lives of many.

To view a video of how the insurer fraud scheme works and has been permitted to infiltrate California and US public health policy, go to:

Watchdog On Science: Corrupt Doctors, the Untold Mold Story:  
<http://watchdogonscience.blogspot.com/2009/08/corrupt-doctors-untold-mold-story.html>

Should the California State Bar require further documentation as you work to set integrity within the California judicial system and legal practices for the benefit of public interest by disciplining rouge California attorney, please do not hesitate to ask. I am a real estate agent by profession. As such, I document everything. Thank you in advance for your attention to this gravely serious matter.

Sincerely,

Mrs. Sharon Kramer

Attached:

1. Petition for Review to the California Supreme Court
2. Complaint to the California Commission on Judicial Performance
3. Request of San Diego District Attorney for Investigation of ten SD judges and justices
4. Letter to Governor Schwarzenegger, President of the Regents of the University of California
5. Disc of audio transcript, Oral Argument June 17, 2010

