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September 11, 2011

The Honorable Judith McConnell
Presiding Judge, San Diego Appellate Court
Chair of the California Commission on Judicial Performance
750 B Street, Third Floor
San Diego, CA 92101

Re: Kelman & GlobalTox v. Kramer Case No GIN044539 San Diego Superior Court,
Kramer v. Kelman Defendant/Appellate v. Plaintiff/Respondent, Appellate Court
D054496.

Honorable Justice McConnell,

As Presiding Justice of the Fourth District Division One Appellate Court, I am writing to request your assistance, again. There are Government Code 6200 violations that have occurred by the Clerk of your Court.

There is a Remittitur awarding costs to undisclosed parties on Appeal. There are CCMS Docket entries that are not in the Case File. There is no evidence on Appeal of what judgment document you relied upon when you agreed the Appellate Court should hear this case in 2009.

There are false entries made in the Superior Court ROA stating a date of judgment that is not supported by the Case File – but making the Superior Court ROA consistently incorrect with the Appellate Case Record.

There is an alteration in the CCMS Case Summary adding names of parties as supposedly on the Certificate of Interested Parties that are not on the Certificate of Interested Parties. .

There is an Abstract of Judgment in the Case File of the lower court, based on a not valid and not properly noticed entry and never mentioned in the Appellate Opinion date of entry of judgment. There is a judgment lien on my home based on this void Abstract of Judgment.

As you are aware, this has been a very ugly case over a matter of public health, that has cost me everything I own to defend the truth of my words for the public good. It just keeps getting uglier. Attached is a rather lengthy and direct letter to the Clerk of the Appellate Court, Stephen Kelly and the Clerk of the Superior Court, Michael Roddy.

As the Presiding Judge of the San Diego Appellate Court, please take measure to remove the Government Code 6200 Clerk of the Court violations from the Case Record, CCMS Case Summary & Docket, and Case File. Please evidence for me when these corrections are made in accordance with Government Code 62150(d).

As the Chair of the California Commission on Judicial Performance, you must realize your grave errors when overseeing this case in its anti-SLAPP aspect. You must realize the damage done to many because of the content of your Appellate Opinion written in November of 2006. You must realize this is a breach of judicial ethics and a huge waste of taxpayer dollars to allow this to continue further. To reiterate:

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

A. FRAMED A DEFENDANT FOR LIBEL OVER A MATTER OF PUBLIC HEALTH

In their unpublished anti-SLAPP Opinion of November 2006, the Appellate Panel of McConnell, Aaron and McDonald, made it appear that I had accused Kelman of getting caught on the witness stand lying about being paid by the Manhattan Institute think-tank to author a position statement for a medical trade association, ACOEM: To quote from the anti-SLAPP Appellate Opinion:

“This testimony supports a conclusion Kelman did not deny he had been paid by the Manhattan Institute to write a paper, but only denied being paid by the Manhattan Institute to make revisions in the paper issued by ACOEM. He admitted being paid by the Manhattan Institute to write a lay translation. The fact that Kelman did not clarify that he received payment from the Manhattan Institute until after being confronted with the Kilian deposition testimony could be viewed by a reasonable jury as resulting from the poor phrasing of the question rather than an attempt to deny payment. In sum, Kelman and GlobalTox presented sufficient evidence to satisfy a prima facie showing that the statement in the press release was false.”

I made no such accusation. My purportedly libelous writing of March 2005 speaks for itself and is a 100% accurate writing. It accurately states the exchange of money from the Manhattan Institute think-tank was for the US Chamber’s mold statement, ACOEM’s was a version of the “Manhattan Institute commissioned piece”. From my purportedly libelous writing stating the think-tank money was for the Chamber paper:

"He [Kelman] admitted the Manhattan Institute, a national political think-tank, paid GlobalTox \$40,000 to write a position paper regarding the potential health risks of toxic mold exposure.....In 2003, with the involvement of the US Chamber of Commerce and ex-developer, US Congressman Gary Miller (R-CA), the GlobalTox paper was disseminated to the real estate, mortgage and building industries' associations. A version of the Manhattan Institute commissioned piece may also be found as a position statement on the website of a United States medical policy-writing body, the American College of Occupational and Environmental Medicine."

B. VIOLATED THE PURPOSE OF CERTIFICATES OF INTERESTED PARTIES.

The Appellate Court was evidenced in 2006, that there was a sixth owner of GlobalTox and an undisclosed party to the litigation, Bryan Hardin, whose name was missing from the Certificate of Interested Parties –even on the supplemental certificate:

(Check One) INITIAL CERTIFICATE		SUPPLEMENTAL CERTIFICATE XX		
Full Name of Interested Person / Entity		Party (Check One)	Non-Party	Nature of Interest (Explain)
Bruce J. Kelman		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ownership interest
Lonie J. Swenson		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ownership interest
Robert A. Clark		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ownership interest
Robert R. Scheibe		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ownership interest
Coreen A. Robbins		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ownership interest
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	

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

Attorney Submitting Form	Party Represented
Keith Scheuer (Name) 4640 Admiralty Way, Suite 402 (Address) Marina Del Rey, CA 90292 (City/State/Zip) (310) 577-1170 Kscheuer@aol.com (Telephone Number / E-mail address) <i>Keith Scheuer</i> (Signature of Attorney Submitting Form)	Plaintiffs Bruce J. Kelman (Name) and GlobalTox, Inc. July 10, 2006 (Date)

Certificate of Interested Parties are to assure that Appellate Justices have no conflicts of interest with the parties on appeal. Unless there was ExParte communication of which I am not aware giving reason why Hardin was not disclosed, the justices simple chose to ignore the evidence . This is evidence itself of conflicted of interest and self perception of being above the law. As the Appellate Panel of McConnell, Aaron and McDonald were evidenced by a June 2006 request to take judicial notice:

“Appellate Case No.: D047758 Superior Court Case No.: GIN044539

APPLICATION AND REQUEST FOR AN ORDER THAT THE COURT
OF APPEAL TAKE JUDICIAL NOTICE; DECLARATION OF WILLIAM
J. BROWN III; MEMORANDUM OF POINTS AND AUTHORITIES;
PROPOSED ORDER

Trial transcript of Bryan Hardin (additional Veritox principal, shareholder and party to this litigation undisclosed to this court) dated August 11, 2005 from the Oregon case entitled O'Hara v David Blain Construction, Inc., County of Lane Case number 160417923 at pages 136 and 154.

Trial transcript of Bruce J. Kelman dated April 14, 2006 from the Arizona case entitled ABAD v. Creekside Place Holdings, case number C-2002 4299, P. 31-32, P. 67-68, describing **Kelman and five additional principals of Veritox**. DATED: June 29, 2006 William J. Brown III”

Stating a nonsense reason for refusal to acknowledge Hardin was improperly not disclosed on the Certificate of Interested Parties, in 2006, the Appellate Panel of Justices McConnell, Aaron and McDonald refused to take notice of the evidence because it was not presented in the lower court. Lower courts do not receive Certificates of Interested Parties. Appellate courts do. As stated in the Appellate anti-SLAPP Opinion of November 2006, as a footnote:

“3. Kramer asked us to take judicial notice of additional documents, including the complaint and an excerpt from Kelman’s deposition in her lawsuit against her insurance company. We decline to do so as it does not appear these items were presented to the trial court.”

C. REWARDED A PLAINTIFF’S PERJURY TO ESTABLISH MALICE WHILE LITIGATING OVER A MATTER OF PUBLIC HEALTH

As the Appellate Court was evidenced in 2006 and again in 2010, undisclosed party, Hardin’s business partner, Kelman, committed perjury to establish needed reason for malice while strategically litigating against public participation. Kelman claimed to have given a testimony when retained as an expert in my own mold litigation of long ago, that he never gave. Every single California judiciary to oversee this case along with the Commission on Judicial Performance and the State Bar have been provided the uncontroverted evidence the following is criminal perjury to establish libel law needed reason for malice:

PERJURY BY KELMAN TO ESTABLISH MALICE FALSELY STATING IN DECLARATIONS, TESTIMONY HE NEVER GAVE IN MY MOLD LITIGATION WITH MY HOMEOWNER INSURER IN WHICH I RECEIVED A HALF A MILLION DOLLAR SETTLEMENT:

“I testified the types and amounts of mold in the Kramer house could not have caused the life threatening illnesses she claimed.”

SUBORNING OF PERJURY BY SCHEUER TO ESTABLISH FALSE
REASON FOR MALICE:

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

A VIDEO OF THE DEPOSITION OF KELMAN’s PERJURY, TRYING TO COERCE ME TO ENDORSE THE FRAUD IN POLICY AND THE DAMAGE TO ME MAY BE VIEWED AT: <http://blip.tv/conflictedsciencemold/3-minute-video-of-perjury-attempted-coercion-into-silence-by-bruce-kelman-2073775>

Justice McConnell, you and many others have this video including the California Commission on Judicial Performance and the Chief Trial Intake Division of the California State Bar.. Judge Enright has been made aware of where to view it on the net in 2010. The Appellate Panel of Huffman, Irion and Benke have the transcript of the depositions specifically called out for them in Briefs and Appellate Appendix.

Please do the right thing as an ethical judiciary, Chair of the Commission on Judicial Performance and Presiding Justice of the Appellate Court, and work with your Clerk of the Court, Mr. Kelly, to remove the Government Code 6200 from the Case Records, that aiding to conceal you actively participated in a malicious litigation over a matter of public health that was carried out by criminal means.

Should you require further information from me, please do not hesitate to ask. Thank you in advance for your assistance.

Sincerely,

Mrs. Sharon Kramer

CC: Mr. Michael Roddy, Clerk of the Court, San Diego Superior Court; Mr. Stephen Kelly, Clerk of the Court, Fourth District Division One Appellate Court; & Judge Kevin Enright, Supervising Judge of the San Diego Superior Court; Justice Richard Huffman; Justice Douglas Miller; Chief Justice Tani Cantil-Sayauke

Enclosed: Letter to Mr. Kelly & Mr. Roddy