

**IN THE SUPREME COURT OF ILLINOIS**

Supreme court building  
200 E. Capital Springfield IL 62701

**TRIAL 111868**

dated 2/ 28 /11

James Frank Osterbur                    ) Appellate court 4<sup>th</sup> district  
2191 county road 2500 E.                ) **Gen no 4-10-0679**  
St. Joseph IL 61873                     ) Judges: Sue E Myerscough  
[www.justtalking3.info](http://www.justtalking3.info)                    ) M. Carol Pope  
petitioner/ plaintiff.                     ) Thomas R Appleton

  ) Champaign Circuit court  
Provena Covenant Medical                ) 6<sup>th</sup> judicial circuit  
1400 W. Park                                ) Case no 09-LM-1414  
Urbana IL 61801                            ) Thomas J. Difanis  
  ) presiding judge  
respondent/ defendant

**BRIEF**

Pursuant to THE ILLINOIS CONSTITUTION  
there is no room for denial.

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PRIMARY to this appeal, is the understanding constitutional law is NOT a discretionary decision/ it is the law. Therefore, the represented issue of a right to legally confront this democracy called the state of IL exists/ as my guaranteed right to participate within the duties and responsibilities we have accepted as citizens in a democracy to do the best we can for each other. Consequently having established: the difference between, what someone says you owe/ and the burden

of proof that is a contractual agreement which proves NO I don't; is neither simple or plain/ and above the average citizens' ability to contest. The reality WE NEED CHANGE, plainly exists within this evidence. Therefore redress is sought to legally resolve the various issues of financial medicine, that can and does affect us all: through democracy itself. My view is: our leaders have failed. The question before this state is then: will you/ or will you not take the responsibility to understand, educate, and decide for yourselves, what is in our best interest to do. That does NOT mean, to "impale" medical business/ but it does mean to justify and resolve the issues of money, rights, and reality. Both now, and for the future. It's a choice.

The foundations realized and explained by the sequence of trials that have become this case/ both federal and state each found on [www.justtalking3.info](http://www.justtalking3.info) ; DO PROVE. That the recipient of healthcare in this state, does NOT have adequate financial protections from either the attending facility, its doctor, or their demand for payment. The evidence of these trials accelerate and expand the knowledge, that our protection within the courtrooms of this state are not only woefully ineffective and translucently identified as the protection of the industry instead of the patient: but establish: THESE THINGS MUST BE CHANGED! I thereby demand justice/ which is to be treated as an equal within the courtroom, or as an equal with the medical industry, as a recipient of healthcare. NOT a damn slave, or mere irritation to those who desire to strip me financially and take more than they deserve.

TO ACCOMPLISH JUSTICE. I must have the cause and consequence of redress trial, according to both state and national constitutions/ IT IS MY RIGHT. Redress means: we the people shall decide/ because we the people are the owners here. The proof of democracy is: WE RULE OURSELVES. The evidence is: our society, through laws we create/ is as we agree. That simple demand accomplishes two distinct creations in this time:

1. That I have no right to simply say to we the people in this state: you have to change to an industry in this state, because I say so in court.

Although I retain my right, to demand personal due process in this matter as it involves my personal money and life.

2. **BUT I DO, have a right through redress to ask the rest of this society identified as the state called ILLINOIS: to hear my legal plea, "We must have better for ourselves than this is".** As a society designed by vote: should the initiating trials offer the opportunity of actual state trial. We will then as a

state, brought together by legal consent: called WE THE PEOPLE in democracy. **SHALL in fact, identify what we believe shall do better.** To identify, discover, and correct this situation in which our leaders have failed. Or more simply, we will do this, by ourselves. Our employees providing the information/ presenting the facts/ and establishing they do indeed serve us.

To establish this framework for change/ IT IS NECESSARY for the person bringing the charge “we can do better than this”! To identify what change that must then be! Eliminating the need for confrontation, to reserve discussion for truth and evidence. The basis and foundations for beginning discussion exist, in the following short and concise descriptions.

Thereby in terms of financial changes in the healthcare industry; the functional terms and conditions that are invited for discussion/ represent our best effort to understand, where the money goes, why, and what do we need to do, to address and change these issues of life, health, death, and the future. Therefrom the question of redress which is: SHALL WE THE JURY ask the rest of our society: to consider these things in the legal context of requiring democracy to change them/ or not. Which does include, the price of trial; advertizing for public participation; etc. As is consistent with democracy. The reality associated with that question and vote. Majority decides.

1. WHERE SHALL THE LIMITS BE SET? Someone has to pay/ because as is clear in medicare and the rest; FANTASY does not work! That divides into 3 distinct categories: how much shall be spent on any child. How much shall be spent on any adult. And how much shall be spent on the elderly individually. Because IF WE AS A PEOPLE REFUSE, OR CANNOT PAY this price/ then they do have to die, or live as best they can without our assistance. Money ain’t free/ and if you take mine for yourself: then I am a slave/ and I disagree, cause you ain’t worth that to me! Pick and determine, REALITY. No excuses/ no allowances for wealth or poverty: decide how much we can spend, because this is a living person. Same for all! Establish foreign assistance as well.

A) I would suggest, a small tax contribution to cover base elements such as “large tools and buildings” PLUS; not over ten percent of GDP income for a state, is optional for this purpose as a government tax OR ten percent of the income from this state is used for medical purposes. Up to: Ten percent of the yearly income from an individual, for “you decide”/ ten percent of their asset

value, is also possible; if it is a very serious need. THAT MONEY GOES to a state fund, which then distributes it back to the medical profession at so much per service/ rather than who was treated. Or at the percentage levels you choose. Don't want to pay, go ahead and die. Remembering this: MONEY has nothing to do with the resource itself, apart from what it takes to bring it to market. OR MORE SIMPLY, whatever the doctor charges/ just like you, is strictly a reality of choice based upon expenses. Or more simply: trees don't say, "pay me money" or you cannot chop this down/ people do. Rather than it costs whatever you say/ true costs are determined by HOW MUCH WORK is involved here; how much time, sacrifice, and risk have you endured? Do you understand? Remember too, that children are the future/ retirees are not.

2. The primary reality of all financial considerations as to price (NOT complicated by governmental interference) are subject to supply and demand. The need to educate more doctors and healthcare professionals is consistent with the reality of bringing these prices down. The critical reality of an education IS NOT as the university describes/ but assigned by what reality demands. "Thirty years of training/ IS WORTHLESS"/ it serves no one but the hierarchy of the medical profession, by constraining and controlling their own competition thereby creating a monopoly. Proof of that monopoly resides in the fact gained some years back/ that NOT ONE single doctor per year more than in the sixties: is graduated in this nation today. Even though we are double in population or more. That is not less than the intent to control the competition/ as the cost of let the people die. The result has been a massive influx of physicians moving here from foreign nations/ thereby resulting in their own healthcare crisis: BECAUSE GREED IN THE HIERARCHY OF MEDICINE, PROVES IT DON'T CARE.

A) IDENTIFY what is necessary as to the training of all medical care and establish the foundations of what must be learned for a particular professional job. There is no need for training in areas' that will never be used. Is that not sane or realistic?

B) REMOVE all power to control the medical industry by transferring that power to the people themselves. Its our lives its our choice/ you lost your authority: WE WILL decide how many schools/ what must be learned/ what the price shall be/ how many professors/ what the cost will be/ who gets in ourselves/ and what you are paid. Then establish who goes to jail/ because they stole our right to medical professionals and the competition that results in a much lower price for each one.

C) the elemental truth of all healthcare is: “It ain’t the building that matters”. That is just trimming for the sake of advertizement. What is important, recognizes: people want to believe that wealth matters/ therefore they go if possible to the money, believing the rich man gets better care. The consequence of that is: every building should be essentially the same/ so that nobody is influenced by the idea of money. Let the work inside determine who is doing a good job or not.

D) social security CANNOT be anything you demand in retirement. Instead at a national level the age everyone can retire at is to be set by vote. The realities of disability to be established in terms of benefit. The percentage of GDP for the nation itself that shall be allowed for the retired is created by vote; such as ten percent. Not enough? The nation has needs too! The money that is then collected, is redistributed to the retired population/ which will then pick and choose who gets what among themselves. They will decide who dies in the nursing home, and who does not. They will declare how much shall be spent on medical care for the elderly, etc. The people getting the money, are the people who decide. The people paying the money, decide how much. No exceptions/ no complaints/ no excuses; this is everything we provide, nothing else. You cannot make the children pay/ or live the delusion that this costs nothing. It doesn’t matter, like it or not: reality will decide your fate. Going to die? That’s life.

E) the reality of medicine is very simple: we paid for these drugs and intervention processes and machines with our lives in one way or another. It is ours. Which means simply: that medical patents shall be issued, and the actual inventor shall collect what is honest and fair/ if found a blessing. But the manufacturer shall be whosoever can make the product at the level of its need; for our consumption. Competition shall decide the price from then on. NO manufacturer patents. “Government laboratories” for those who do establish they have an honest or actual idea to be investigated. Nobody else gets our money. NO MORE ADVERTIZING of drugs/ not a single one; it has been a disaster. NO more allowance for doctors to decide the medicine we will take/ rather they will provide the prescription with the working chemical; and the drug store shall identify the options available and their prices. NO more allowance for doctors to rob the patient by requiring second visits. If you want a second visit/ you may ask the patient to return: BUT you cannot charge them again, for this illness, or a related one you missed.

F) healthcare is a twenty four hour a day/ 365 days a year reality. That means like other businesses, there SHALL BE options for visiting the doctor

around the clock, where the population count demands it. NOT the emergency charges, that force people to pay huge amounts for nothing. We work for you/ you work for us: without the extortion. Because it is twenty four hours, there can be NO EXPECTATION to have your personal physician treat you when he or she is NOT on duty; that is NOT a right. You will take whoever is available, end of the story. No excuses & no exceptions. Your personal physician may do as he or she likes/ DO YOU want to be on call 24 hours a day? HELL NO. Get over it.

G) we demand to know the statistics created by healthcare/ each and every one. IN PLAIN, SIMPLE, WE DO UNDERSTAND LANGUAGE. Including drug complications/ etc; at the time it becomes available. We demand to know the statistics regarding doctors, hospitals, pharmacies, dentists, and every other reality of medicine as soon as it becomes available. We demand an internet site to facilitate our own descriptions of the treatment/ medicines/ clinic/ etc: a link between all the people and this medical industry. PLAIN/ EASY/ SIMPLE/ AND trusted as best we can.

H) there can be no legal liabilities beyond these limits. IF something goes wrong by accident (not our fault)/ its your tough luck, goodbye. IF a mistake is made, as we all do: the reality is that a value chosen by the population for these mistakes must be made/ and the public shall decide and pay by tax what these values are. The money is collected in tax/ that money is then divided up by claimants month to month to month. Its all you get accidents and mistakes happen to us all. IF on the other hand, the doctor is clearly wrong by some facet of true personal responsibility that failed: then not only are they not paid. But criminal actions may result. They may choose to have insurance that covers their salary for a year/ which is the maximum limit for which they can be sued if less than a true and proven criminal intent. If they chose to harm you and did severely impact your life/ you may sue them for anything they have, or may earn for 3 years of their life; dependent upon what the jury says. They may sue you as well/ if the allegations are false: the jury decides. Hospital is the same; failure to do a proper job is cause for injury; accidents or other is not. Neglectful acts which result in injury, should be covered under a state policy rather than personal; when it is clear its an accident/ not an intent to harm, or distinct failure to correct with reasonable time allotted.

I) The control of hospital functions and operating rooms cannot be left to the staff/ their desire is for money; which means their control establishes the elimination of competition. We the people, shall then demand access is open and same for all/ for those necessary tools, area's, etc that allow or create our

healthcare system and care. Same price/ same level of designation as a doctor; etc. In other words: NO MORE BARRIERS to working in this business. WE THE PEOPLE demand the freedom to choose our own doctors, and we demand our healthcare is NOT chosen by your manipulation of our authority to decide who shall do that care/ or where. We will.

J). There shall be no right to band together as a state or city union with regard to this work. Rather there shall be a right to competitive bargaining at every individual facility/ but only when an alternate means of care in the same base area remains in business without complications. In other words, you have the right to complain and demand more/ but NOT shut down this service. When you have achieved “the average pay, plus 5% ; as would be, for an individual citizen” in your area/ that right to competitive bargaining is over. We share the burden of life with society/ or society faints under the pressures of slavery, and bad things occur. Don’t like it, your fired.

K) The absolute failure, that is government involvement in most things; subjects those who smoke to undue taxation. Its their right to smoke/ its their life that must submit to the tragedy. YOU DO things they don’t like too! Instead of taxation, there must be an insurance policy dedicated to the effects of smoking or like consequential behaviors. That means if you need the healthcare treatment because of your own choices; at least the product you chose SHALL INCLUDE the cost of that treatment for each one that requires it. Or more simply, NO MORE TAX/ BUT, you shall require an insurance payment with every pack/ carton/ six-pack/ or whatever. No money left for your treatment; just too bad, watch over it yourselves. Restrictions on smoking must be somewhat lifted, so they can participate in society in their own area’s; such as bars or restaurants which clearly state SMOKING allowed. The list is very long regarding all the tragedy of what you allow, and its effects on others; such as the genetic mutilation of nature. PLAY FAIR.

L) the many deaths/ accidents/ and other attributed to alcohol; are in fact “padded with complaints, rather than facts”. That does NOT negate the truth: YOU MADE A DECISION here, that influenced or killed another life. HOWEVER, people who text/ put on makeup/ pay attention to their computer/ drop a phone/ cigarette/ look at the radio too long/ drive when too sleepy; etc/ etc/ etc. THESE ALSO MAKE THE SAME DECISION; “Didn’t have to do it”/ it was a choice! That means in the reality of justice; they all get the same punishment. There is no difference. Instead of the absolute failure in justice to approach this problem with honesty. SUCH AS, to assert and command; those

who are discovered with an alcohol problem shall put an identifying “light/ or other” on the vehicle. And any police officer may stop that vehicle at any time. They may require a breath test, upon that stop, and if there is any indication of alcohol; **THEY WILL** be taken to jail: for a minimum time based upon past experience/ and voted upon by the public. No trial is necessary, **BUT YOU MUST** prove the breath test, by verifying at jail/ and the arrested person has the right to call for their own witness to come (not less than twice, as provided in the policing station) and validate that they saw the test done, and everyone gets a copy of the report at that time, to take with them. The failure to get there within the time suggested by charts to indicate what the hours will do and prove over time; means your witness is not available in court.

M) Death is a fact of life/ burial is not. Or more simply: because we have become so many people in this world/ we can no longer allow the land/ the resources lost for caskets/ the poisons/ or the rest. The fact that our oceans have been severely damaged **MEANS: IF WE DON'T FEED THE FISH, ETC** in our oceans and abroad; we lose that food source/ and billions will war and die. We don't have anything else to spare. That means dead human bodies must replace that food for sea life. Like it or not/ its pay back for your bodies, or the future is lost. There are exceptions; children up to the age of thirteen or so can continue to be buried: simply because the tragedy of that loss can be lessened. The soldier who died in battle, can elect to be buried; because he or she did enough for you already. Nobody else. You came/ your ate/ you give “food” back, because we must. **NO** allowance is given for lakes and streams; only the ocean. **NO** direct bodies or clothes; shred them up so as to be more useful as feed. **DO YOU WANT TO EAT! OR** do you want to war? Make up your mind. The ocean is in danger of dying out; we cannot wait.

By the same reality; instead of throwing dead animal carcasses in the ground for worm food/ those pets that are killed anyway, should be put to better uses; “cows don't have to do all the work”. Do you understand?

N) drug addiction as in the direct participation with murder/ mayhem/ kidnaping/ and various other criminal consequences: establishing healthcare and other costs in this nation and around the world. **DEMANDS** a new solution because of those costs, lives affected that is not your own. That solution is very simple: **WE TAKE THE MONEY OUT!** And the crime goes away. It is a simple matter to take the money out/ the addict knows where the drugs are. Simply tell the addict: show us where the drugs are/ and we will meter them out to you for free/ until gone. They will turn in the pusher for free drugs. Or if you



like, simply lock up the addict for two days, and in that time the addiction will force them to find their supplier, and you can then help yourselves. Again, when confiscated: give the drugs to the addict for free. BUT MAKE them sign a medical release form which proves no liability for their lives if they die, or injure themselves; “its just too bad”.

As to rehabilitation; that is a personal choice/ with personal consequences either way. Help those who can help themselves/ let those who refuse simply wither away: but not without recording their lives for its educational value to the young. The foundation of real treatment is simple: spread the blame, so that the excuses erode. Then give them something physical to do with their time until reality lets them return to their own truth. After that, it is their own decision: if life is worth the price or not. A good friend, or at least a worthy acquaintance makes life worthwhile. Be a friend/ but not a fool, if you wish to help. No more thousand dollar a day treatment programs; make your decision or die. Throw them in jail for a month, with daily communications involving real people to people, in person talk; and things will get better for those who can survive.

O) No more advertizement’s involving healthcare promises that are not fully proven: such as vitamins, or cancer treatments that are not statistically proven true in their ads. Let the statistics be known/ including the failure rate, side effect consequences, possible tragedies of playing chemist inside your body, and so on. You will create a web site for all who prove they have used these products or services, and a standard will be set, that cannot be evaded or falsified: clearly in view in any advertizement. Let the advertizer show the proof of this standard, and pay for the service. Call in, and prove the truth/ lie, and we take all your money.

P) No more surgeries just for the sake of surgery; as are many of the breast cancer mastectomies. The purpose in removal is not born out by statistics/ rather the intent is to remove all possibility for the surgeon to be sued in court. Removal creates the statement “what more could I have done”/ case over. But the reality is, very few gain from complete breast removal, it is fear based mongering. Those who let a single surgeon decide: if they are, or are not going to remove or do very serious cutting on the body/ ARE ABSOLUTELY STUPID, not to clearly and deliberately make certain the diagnosis is correct. Make it a law. Let them prove it is not so.

Q) CRITICAL and real trouble exists in antibiotic therapies upon which we all depend in some form or other, because we do know someone who has benefitted from antibiotics. That reality has been compromised by genetic

mutations and the constant use of antibiotics around this world in livestock feed, “by the billion ton”. The end result is, that every antibiotic is losing its ability to help us. The end of the factory farm is inevitable/ the only question is: do we stop it before we go extinct/ or because we went extinct as pandemic’s take our lives or our food away.

R) war is a terrible burden on every aspect of healthcare/ a world court/ world law/ and world policing can remove it; or more specifically limit it; by targeting leaders and bringing them to justice/ rather than targeting people and causing them to die because leaders are too proud and lazy. Make a decision. Demand what is best for life.

S) human over population now threatens an entire planet of life. There can be NO more allowances for “excessive births/ over the rate of sustaining this population or reducing it.” The consequence of that is simple; you do understand. Remember this: we are growing at 2 million more mouths to feed each and every week across the planet/ over deaths. We will be adding another billion people in ten years/ on a planet already overtaxed with human consumption. We do stand as one human being per each and every single acre of growing lands on the planet already/ and the ocean is dying. Either GROW UP, or die/ its not a hard conception.

T) abortion is murder, beyond roughly 40 days after conception or so/ BUT IT IS NOT “simple or plain”. Because people DO make mistakes/ are raped/ etc. Let the first forty days be “free”/ make certain there are choices. But unless there is clear medical trauma that must be addressed: forty days is enough to decide: DO IT NOW. After that a commitment has been made. BUT EVEN THEN, if a woman demands she cannot/ then in exchange for sterility “you CANNOT do this again”; she may declare, this burden is too great.

U) the reality of birth defects, that are severe. The consequence, today we are so many people on earth/ that our mere presence here suggests or demands, that someone in the not so distant future is going to die, because we took the resources they will need to survive. Deliberately asks the question: who? Consider the truth/ make your decision. Because life is no longer free, nature will soon not be able to support us all: unless we truly change & help.

The functional foundation allowing or requiring a state court exists BECAUSE: healthcare is more of a regional reality than a national one. Meaning we do want the right to choose for ourselves, as a state/ as each and every state. But not everything, such as is the case of social security or death above! Do

remember this however: IF you choose a “better plan for any particular group” /that group will make plans to descend upon you, as best they can. Consequently bear it in mind as you plan. As to the distinct decisions which must be formulated per each and every category: I consider it best to let the jury decide, or public discussion. If the court insists, I will provide.

The foundation of discussion requires that ALL necessary information, required to investigate and assemble the facts so that evidence can be clear. MUST be released to public hands/ the simple way is through the internet. **If provided** those links shall be added to the web site I have set up for discussion [www.trialoflife.info](http://www.trialoflife.info)

## CONCLUSION

Redress trial is the result of we the people choosing to govern ourselves. That reality of choice, is resolved when enough people legally declare: WE SHALL ACCEPT THIS RESPONSIBILITY/ THIS DECISION, which will affect our lives and our future, upon ourselves.

This decision is met: through the 24 jurors/ or the composite of each county court in a judiciary district of 12 jurors, by their majority; representing each judiciary district in the state of IL. NONE are unaffected/ THEREFORE only by lottery shall these juries be chosen. Among those who declare, they will accept this responsibility if chosen. Majority rules the decision: we the people shall, or shall not? Take our state to court/ and make this decision on this fundamental of our society, for ourselves. The employees shall serve our need for information/ our demands for evidence or education or whatever we believe is necessary. According to the further demands applied by consciences of the juries brought to a whole.

If the verdict is yes: trial begins immediately, as best we can.

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## **BRIEF** **PROOF OF SERVICE**

TO: **ONE copy**, to the IL state supreme court at 200E capital Springfield IL 62701

one copy each to the following:

FIRST DISTRICT OFFICE, JUDGE RITA B. GARMAN 160 N. LaSalle st.  
20<sup>th</sup> floor Chicago IL 60601-3103

PROVENA COVENANT MEDICAL CENTER 1400 E. Park st. Urbana IL 61801

**HINSHAW & culbertson llp attorneys at law 14 west Cass street 3<sup>rd</sup> floor Joliet, IL 60432-4116**

*HINSHAW & culbertson llp attorneys at law Nancy G. Lischer 222 N. LaSalle St. Suite 300 Chicago IL 60606-1081* : IS REMOVED, last mailing returned, address unknown.

one copy additionally to the perspective defendants/ so that no excuse exists.

PROVENA COVENANT MEDICAL CENTER 1400 W. PARK URBANA IL 61801

[attn: dr. Yoo / emergency room]

SHEMAUGER EMERGENCY PHYSICIA BOX 37757 PHILADELPHIA PA 19101

the proxy representative for DR. YOO