

IN US DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
100 N.E. Main street, Peoria IL 61602

dated: 3/ 2 / 11
case 11-cv- 2023

Extending from Champaign county, Urbana IL
trial# 10 MR 906

JAMES FRANK OSTERBUR
2191 COUNTY ROAD, 2500 E, ST. JOSEPH, IL 61873
the electronic file is at www.justtalking3.info
V.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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IL DEPT OF AGRICULTURE OVERSIGHT AND ENFORCEMENT.

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PLAINTIFF RESPONSE TO MOTION TO DISMISS FEDERAL PARTIES

Reality introduces this case as the assertion: IT IS ILLEGAL TO INVADE MY PROPERTY, DISTURB OR DESTROY MY ENVIRONMENT, REDUCE THE PROPERTY VALUE SUBSTANTIALLY, GAMBLE WITH MY LIFE, OR THREATEN THE PUBLIC SAFETY BY ANY MEASURE NOT WITHIN GOVERNMENTAL STANDARDS. And thereby an issue created from which the court can and shall intervene.

Within these descriptions, comes the call for redress of grievances as is consistent with constitutional law. The first amendment of the US constitution/ under which all employees are required to obey and submit to its superior authority. YOU HAVE NO AUTHORITY, beyond which the constitution gives you. YOU HAVE NO AUTHORITY to change or reinterpret the constitution outside the guidelines of its preamble; outside the guidelines for which this democracy raised itself from bondage; as are the bill of rights, and the declaration of independence. YOU THE EMPLOYEE, OR AGENCY of the US GOVERNMENT which is the people of this land, herein after called WE THE PEOPLE. And that means you have no sovereign immunity from the duties that we require of your employment. It does not exist/ unless the constitution allows it.

Under this lawsuit, as you well know: the law of redress of grievances/ which is the command inside the constitution which declares in effect, by the terms set within its preamble: let the people be owners/ let them bring their employees to accountability, in both the fundamental and functional return of life as a democracy: "...that to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed..." Source Declaration of Independence. **There is no democracy unless our employees of government are accountable to us.** That, would be a dictatorship.

The issue of law with regard to the court is then JUSTICE/ through DEMOCRACY. **As this case began as an invasion of business and industry/ it then became a relationship between LIBERTY AND FREEDOMS.** Or more simply, WHO has the right to invade my life. And more distinctly WHERE are the legal boundaries that divide his freedom/ from my liberty to say, THIS IS TOO MUCH. The law must protect, both me and us.

The lawyer for the defense asserts "*plaintiff filed a characteristically rambling complaint*". **BUT WITHOUT DOUBT, as is characteristic of each**

lawyer for the government; **EVADES** and disgraces constitutional law with innuendo and failure to abide: **within the confines of the law that is presented.**

That is, A CONSTITUTIONAL DEMAND FOR GUARANTEED, TO EACH AND EVERY CITIZEN FIRST AMENDMENT REDRESS OF GRIEVANCES. Which means instead of fighting for justice/ this lawyer and these courts proved to be conforming to the collusion and conspiracy to deny to this citizen and every citizen their due process of law/ their **GUARANTEED RIGHT**, as citizens of this USA. How do you plead?

As to the composite effect of reality as is presented by the operations of a business or industry that is “at my doorstep/ in such a way; that it will force my abandonment of this property”. That is an invasion critically aligned with the protection of the fourth amendment: “Can’t just take anything you want”. The seventh amendment: “right to a jury trial”. The fourteenth amendment: **NO PERSON** in governmental employ, has the right to deny to me, my day in court, or the protection of the laws. This action which has invaded my life by the freedom of choice presented by another individual or corporation: as taking away from me, this place where I have lived for fifty years. Is sufficient cause to declare: I am injured here.

The subsequent event of taking that business or industry to court, **REQUIRES** the assembly of standards/ the **CREATION** of evidence/ the **DEVELOPMENT OF LAW**/ and the fair and legal definitions provided by agencies of this government called **WE THE PEOPLE**, through our employees (you). Your job is to provide what the constitution requires of you. That is listed in the preamble of the US constitution/ and its foundation documents called the bill of rights, and the declaration of independence. The preamble reads:

“We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the USA.”

THIS, is the sovereign immunity for the government of this **UNITED STATES OF AMERICA**. And it does **NOT** act as a cover/ under which our employees may hide.

ARGUMENT

WE are the government/ you are NOT! WE have sovereign immunity

from any action that is not within the constitutional guarantees from you/ you, as an employee of OUR government: **DO NOT have sovereign immunity** from the actions of this government called WE THE PEOPLE. PROVE it is not so.

You have immunity from legal actions ONLY, when enforcing constitutional law/ and legally binding laws created by our representatives: that fall directly in line and underneath the constitution of this USA. If they fail, that directive of OUR government/ then they fail the test of law. You cannot “opt out” of judicial or legal accountability for your actions or lack of actions or incompetence or failure to do your duty, as OUR government demands. There are oaths to prove that as fact/ with penalties. ***“Exceptions thereto, are not to be implied”*** as you so state.

Relief from suit does NOT depend upon a statute: it depends upon the constitution. OUR AGREEMENT AS WE THE PEOPLE, in forming this nation. The relief sought is constitutional guaranteed rights of a citizen to legally address his nation and his state, asking WHAT ARE THE LEGAL BOUNDARIES IN THIS CASE: That identify where my liberty to say NO, resides/ and his freedom to say yes exists.

This case CANNOT be decided with JUSTICE/ until those legal boundaries are identified. Because they DO NOT formally exist. IT TAKES AN ACT OF THE PEOPLE, to create them. Therefore REDRESS OF GRIEVANCES 8not only addresses the court to obey the directive of democracy: that this is our nation and we will decide whatever we the people demand. But solves the problem of boundaries, by expecting the people shall find this within their realm of responsibility and duty to themselves. It is their choice/ but it is my guaranteed legal right to ask: within a courtroom, for democracy. We own this nation/ we decide for ourselves. The court is fully capable of enacting the law of our constitution: **to provide democracy, WE ARE THE RULERS HERE, to this people.** Prove it is not so.

Prove my legal action exists as a tort/ rather than within the judicial elements that I do prove. This is an intent to create FRAUD/ and it is illegal, to formulate and interpret your fantasy rather than my fact.

Our right as a democracy to decide for ourselves what the limits and rights of liberty versus freedom shall be. It belongs to no other/ than ourselves. WE THE PEOPLE, do not need congressional consent/ our vote provides our truth. Prove it is not so.

We the people do not waive our sovereign immunity over the employees who

work for us/ the point is moot. You cannot prove otherwise. You cannot prove WE THE PEOPLE, are not the government here. Or that we shall, make whatever law or democratic decision that we desire to do. As redress allows.

ADMINISTRATIVE PROCEDURE ACT

My purpose in suing these defendants: to provide the necessary evidence whereby I might then defend myself, or any other as may find themselves in this situation; by their own admission to standards known to harm, to legal boundaries identified for the public good, to every legal aspect of either democracy, or the justice that is promised to me and to us all/ through due process. It is their job, to know these things/ to collect this evidence/ to participate within a courtroom for the public's protection and defense/ to assemble and prove justice/ and to obey their oaths, which did in fact gain the top officials making these decisions their job. That oath as do all oaths in this state and nation REQUIRE our top officials, each and every one to OBEY AND DEFEND THE CONSTITUTION. That constitution guarantees to me, a legal right of redress of grievances by and within the first amendment. Therefore I do legally demand the court, and its judge, SHALL obey the law. How is that not within "good behavior" as article three of the US constitution provides. Because if its not "good behavior" then its bad behavior/ and the alternative of immunity for good behavior/ is punishment or expulsion for bad. Prove it is not so.

Instead of justice here/ instead of democracy plainly in view here, by these lawyers for the defense: we see, "bad behavior"/ the intent to rob or withhold, our guaranteed constitutional rights, from a citizen of this USA. As is consistent with a dictatorship, the level of sewer trash, as is shoveled into my path; is extensive. The foundation of a demand to prove the evidence before I take the business/ industry to court: absolutely portrayed by the fact hiring a lawyer to defend against the treason of stealing our democracy from us: IS VERY EXPENSIVE. Which keeps most citizens away/ establishing rape, ravaged, abused, used, and extorted for money. This ain't justice/ this is contempt for democracy, by the defense. Consequently ***"there is no other adequate remedy in a court"***. The question presented is then NOT for agency action against the business or industry per se/ but to establish the evidence as is your job to protect and defend our lives: so that we can decide for ourselves, if the courtroom is appropriate here. Your job is again defined and created by the preamble to the constitution: NOT YOUR WHIM OR EXCUSE. Again that job description is:

“We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the USA.” No other command from congress, etc/ is greater than this. It is the foundation and function of your job, for WE THE PEOPLE in our democracy. Not yours, as an employee playing dictator over us/ OURS! Any assumption of definition outside these lines are NOT relevant. This is your job description/ and I do expect the work to be “excellent”. Do you not proclaim “we are extra special perfect/ the best there is”. Prove it.

With regard to the need to establish the very critical determinations of genetic mutilation in agricultural seed/ and other factors being presented to our nature and ourselves, the foundation of this as an attack on our sovereign immunity to command and resist ANY FOREIGN ATTACKER/ that submits: “we can gamble with your lives/ in any way we want”. I DO HEREBY DECLARE, NO, YOU CANNOT. This is democracy, and only the people can allow by their own vote: if they will allow that in their nature/ on their lands/ through their democracy/ or for their future. WE OWN THIS NATION, and you cannot take that away. We will fight/ as is identified right here and now, in this trial. It is a legal battle to establish the boundaries of liberty, versus freedom. Just because “you want to”/ or make promises that cannot be supported, but can terrorize us instead. IS NO LEGAL RIGHT/ it is not enough to assume or suppose “I am free”/ when in fact, genetic mutilation puts every life, and every future life at risk of HORRIFIC consequences.

Does not a tiny engineering mistake collapse an entire building; there is proof. Does not the expectations of your experts, prove to be UNSAFE in drug applications and other: how else can you explain all the medical lawsuits arising against the manufacturers. YOU SAID SAFE/ they proved you wrong. Destroying all of nature/ by your mutilation; cannot be undone. Shame on you/ let the people have their say.

Because we cannot UNDUE genetic collapse or change/ as is proven so extremely well by A.I.D.S or every other disease/ virus/ etc that is not controlled, or erased. There is nothing interlocutory about this judgment. Either WE THE PEOPLE take our vote right now, on these actions that gamble with our lives/ or the day comes quickly when there will be no decision to make. We get to be dead/ because of what these people have done. There is no going back/ this is the decision that defines our future: let the men and women play god, RISKING every life on the planet/ or not? Not a hard concept/ you do understand.

The legal consequences are: **if we the people** deny gambling with nature thereby their own lives/ all such work or efforts or “science” SHALL STOP. Simple as that. It is well within the ability of the court to demand and create that order.

The results of evidence presented to the people by their own employees who declare themselves “experts”/ or investigators/ or protectors of the people, and their servants doing the duty required of them. SHALL be sufficient/ or the jury may ask for more. Either way, it is the right of this people to be informed of their need to protect life, nation, and world. That is not “unintelligible”/ that is what genetic mutilation can do. Prove me wrong.

The final action to be taken by these agencies is: PROTECT THE PEOPLE, HELP THEM PROTECT THEIR LIVES/ their homes/ their property/ their environment/ their children, STAND UP FOR DEMOCRACY, AND PROVE JUSTICE EXISTS FOR MORE THAN THE RICH. That too, is not a hard concept.

FAILURE TO COMPLY WITH RULE

I AM entitled to the legal guarantees of the constitution of this USA. I AM entitled to redress of grievances according to the first amendment/ and NO rule can take that away.

“Threadbare recitals of the elements of a cause of action supported by mere conclusory statements, do not suffice” I COMPLETELY AGREE. Therefore throw out the defense assumptions and lies/ and prove justice rules the courtroom.

The facts are: I am invaded by a business/ industry that has gone too far. MY LIBERTY is attacked. My ability to defend my life, is tied up within federal and state agencies/ established by a corrupt court, which hears rules are more powerful than constitutional law. HOW is that possible? Answer the question/ and prove your words. His freedom/ the freedom assumed by those who tragically impact our lives with genetic mutilation/ etc/ etc /etc as already established: MUST BE INVESTIGATED/ EXAMINED/ AND REVEALED as threat or not. Because to be wrong/ is to be dead. This is not a game/ and there is no allowance for the court to play.

Prove that genetic mutilation/ water scarcity or pollution/ noise significant enough to damage hearing/ the issues of liberty versus freedom; or any other claim presented is without sufficient cause to investigate; by the possibility of error/

and its resultant lack of an opportunity to repair the damage. Proving the bullet in a gun can kill, is not unlike this case/ because once it leaves the gun it is too late to call it back. The reality will be, whatever the reality will be. We CANNOT be wrong! What is abstract, about liberty or freedoms/ life or death/ or mutilation beyond imagination; as is consistent with the claims of this case. What is not consistent with democracy or its claim: WE THE PEOPLE, are rulers here. Prove me wrong. Which means, QUIT hiding in rules and innuendo without substance or merit/ and deal with the truth presented.

In the matter of OSHA it is the defense lawyer who has interfered/ because the agency has already committed to the fact it does have the discretion to intervene here. There cannot be, ANY INSTANCE IN JUSTICE, whereby an entire town and its health and welfare, cannot be defended by this governmental agency. It is the defense lawyer, or substantively someone higher on the scale of leadership that interferes with the purpose of OSHA, which is to insure our lives are protected as best we can. Who then interferes? Who claims our lives in this place are unworthy of a simple act established by the measurements and standards for which THEY WOULD establish for their own lives. You are sacrificing us, you are endangering the workers therein/ how is that fair? Prove it. I do not say I am correct in this: perhaps the noise is within standards and guidelines by which the people are protected from damage. BUT HEAR THIS, the noise is going to increase, and the reality of ear damage cannot be undone. Which includes deafness forever. How is that NOT important? Prove it. Prove we are not endangered by the consequence of mutilated grain dust. Because it is a fact of life/ and mutilation is an unknown with regard to a clear and certain future; “proven by science/ and without doubt”. THEREFORE IT IS A CLEAR AND CERTAIN GAMBLE, with all life on earth. How is that NOT our decision to make, as owners of this nation. Explain it to me.

My relationship with the noise that I must endure proves that I do understand what is or is not “damaging to human hearing”. That is a fact of my life/ and having dealt with every form of hearing device to protect ourselves from injury/ I can tell you without the slightest doubt; the only real cure is distance. All but the very best hearing protectors fail completely/ and even the best aid by less than a 10% decrease in damaging conditions within the ear drum. I know/ because I live it. How is that not “an enemy quartered in my house”. Therefore I do have a legitimate complaint. While they do not have the necessary burden to protect “just me”/ the reality of noise here is sufficient to proclaim “it truly could be damaging many/ and the noise is increasing with even more grain, which requires more

noise”. How is it I should wait, for these people to go deaf, or be damaged before it is said: WE SHOULD KNOW, before this happens! Want to prove that ain’t so/ jackass? Go ahead and try.

The provisions of law, that are required of these defendants to defend ***“We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the USA.”*** Prove it ain’t so. PROVE you don’t work for “we the people, and our needs as identified therein”. I have defined many needs, and clear constitutional guarantees. You have claimed excuses, and run away from justice; how is that legitimate? Explain it.

STATE A CLAIM. OSHA

Where there is a situation, clearly described by an elevator running driers and fans at “full speed” for three weeks prior to any possible introduction of grain/ preceding harvest. There is an immanent risk of molds. Simple as that/ I grew up on a farm & that’s how it is. They are dangerous/ which means this situation should be identified for the sake of the worker and this community: how is that not true? Explain it to me.

How are you going to prove “a job well done/ without any form of evidence or work to prove otherwise?” Did I not tell you, that conditions exist by which the possibility of worker damage/ citizen damage CAN exist? Do I not live here, and have better information than do you? Where is your right to say, these lives are meaningless/ we have no use for you? I merely ask you to prove the truth: one way or the other, and inform both worker and citizen alike of the costs and complications that exist in an environment transformed by these people and their desires for power, pride, and money. Your job is to protect the people, and that does NOT stop simply at the edge of a property line. When it is clear as in noise/ the problem does not stop here either.

Your claim is OSHA “is intended to provide governmental oversight for safety in the workplace”. My claim is: the damage my ears experience/ being fully aware of the realities that do create such damage by living proof: occurs at more than a mile away from this business/ industry. Stable ears, which mine are not/ can endure for a significant amount of time; as did mine during the days planting occurred when they were injured. Stable ears can regain some if not all of their

“abilities” IF the surrounding area is quiet long enough. Thereby I know, that even if you are experiencing damage/ if it stops soon enough, or you distance yourself soon enough: the ears can heal. But if you do not, the consequences are harsh. Dependant upon the levels of this noise/ now very significantly increased in both volume, density, and duration due to the increase in bushels to be dealt with. What has been acceptable to a stable hearing individual/ CAN EASILY become too much, deaf or injured now; and life will never be the same. Regardless of whether you live outside the property line, or within the building, or on the property creating the noise. IT DON’T matter, because noise is very pervasive. Consequently *“the broad remedial scope..., to assure as far as possible every working man and woman in the nation safe and healthful working conditions”* **ARE NOT MEASURED AFTER THE FACT!** To do your job well/ it must be done, when conditions are described as “important to investigate”. Prove me wrong.

I ask for nothing more than standards to be met/ which include those standing one foot beyond the property line; and absolutely within range of the noise and problems being created for which we/ or at least I, had no say. If any other did outside the elevator, I do not know of it. That however is irrelevant/ because whether I shake the hand of a man on one side of the property line/ while standing on the other side of the property line. The fact that we are touching proves: it is the same environment for you or me/ the same problems/ and penalties from those who could be described as taking advantage of our lives: because our access to a courtroom is blockaded with endless rules and innuendo NOT found in constitutional intent. **YOU HAVE CONFISCATED OUR NATION/** by controlling access to our courts. Through rules/ failure/ injustice/ and extortion. How is that fair, or constitutional? Explain it to me. Where is your *“adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to prove safe and healthful employment or places for life”*?

If the product don’t work significantly well/ then the product fails to provide the necessary protection: and all claims of protection fail with it. Producing a coverup/ and intent to fraud or defraud the people into believing you have done something. When in fact, the only thing that could have been done was to reduce the noise, by reducing the facility in size. The decision is: **EITHER FOR HUMANITY AND LIFE/ OR FOR BUSINESS AND MONEY?** The foundation for this decision is NOT within the autonomy, purpose, or authority of our employees. That is a decision among ourselves. Which again proves the relationship to this trial and redress of grievances for this people. The lawyer knows I cannot articulate a violation of OSHA standards/ if that standard has not

yet been proven. Therefore I cannot go to court/ until OSHA and like agencies have done their job. To do so, is financial massacre: YOU must do your job, and present your evidence in a legal format/ before justice can proceed. Is that not so.

The standards which protect us all/ are not limited by a boundary line/ BUT THEY ARE expressed or experienced by the reality of what goes on within those boundary lines. That if a foundation of fact, established in court, in countless environmental pollution cases in this nation. In other words, whatever falls beyond the limits of what OSHA can do/ DOES fall directly into the hands of the United States EPA. Prove it is not so/ does not noise, molds, dust, etc escape these boundaries: therefore directly within the jurisdiction of the EPA? Indeed it does.

The assumption that OSHA or any other agency of we the people can simply abandon us by their own discretion has NO BASIS IN LAW OR MERIT. And is a desecration of justice and the intent of constitutional law. Therefore it has no substance in law or life or justice or the court. IF YOU KNOW/ and your job is to PROTECT AND DEFEND: then there is no discretion to NOT do your job. That is desertion of duty/ and we want our money back. We demand “new employees” who shall do their job. We expect legal enforcement of criminal process/ actions to be taken against these employees: because they have committed fraud/ and took our money while doing nothing. That is theft. Those who defend: we can be charged money/ taken from our own pockets: and given to those who refuse to do their work for us. IS NOT FAIR. Prove the lawyers who cannot see this as law and justice/ should not be fired, and receive the same treatment as the others.

The subject of “an imminent danger” has been identified. Whether I am a citizen finding a bomb and reporting it to an agency or an employee working with the institution where the bomb was found. IS IT NOT THE SAME? The imminent danger controls WHO MUST give assistance, by the virtue of their job. And that is this government and its associated agencies regardless of who the complaint arises from. Where we cannot be wrong/ WE MUST BE RIGHT, or not accept the risk. Plain and simple. Where lives can be damaged forever/ it is your job, to protect us: is that not your claim? Do your job.

STATE A CLAIM EPA

The reality of expansion in this case due to the complete disregard and disrespect of a business/ industry that believes it is well protected in anything it does from all manner of lawsuit. Thereby it can and does in fact: **invade all of our lives.** Proves that the courtroom is not “for the faint of heart”/ which means

justice has been pursued by industry and cut to pieces, against its relationship with the citizens who do complain. Lies have been bought/ laws have been written or avoided. Companies have become monopolies, all because the courtroom is closed by the failure of justice/ disrespect for our constitution/ and disintegration of democracy into the current communism we face. “Only the rulers over us/ can sit in the courtroom and demand the law rule for them”. Only the wealthy can gain access to a courtroom, because the extortion of lawyers is so very extreme. How is that not treason in itself? How is that not the composition of a complaint that distills: **WE MUST HAVE REDRESS OF GRIEVANCES.**

Redress, is the people’s authority to rule over themselves/ rather than to be ruled by dictators who close the door in our face. As is the fact of these words written by you. It is democracy that owns a sovereign immunity over the courtroom/ not an employee or group of employees or congress/ president/ judge/ or other. Democracy means: **WE THE PEOPLE, ARE RULERS HERE.** And our own authority designs the path that seeks redress of grievances, when our nation is being overrun by traitors. This action by the defense is reviewed in fact as: I ask the employee of our government to do their job/ they say NO. it is that simple.

If I say to the employees of our government: I/ WE (because there are people watching), **SHALL THEN DEMAND A STRIKE AGAINST ALL TAX PAYMENTS, OR a refusal to WORK FOR THOSE IN GOVERNMENT***(promise them anything/ take their money/ steal em blind/ lie endlessly/ and refuse to obey the law: is that NOT the employee of government way? In fact it is; just don’t do the work, and you have achieved “federal or state status”/ play god instead).*

How is redress not more fair or commensurate with the duty and responsibility, than the employee way, “take a look, neither justice/ truth/ or democracy is showing in their words”: is that not so? Prove it. **To recapture democracy for this people/ no amount of weapons or violence will help. Democracy exists, ONLY because of law, and the enforcement of our law. Nothing else will help.** How is that not better, than less than judicial methods, of murder/ mayhem/ and chaos! The proper operation, of governing ourselves against those who have so clearly rebelled and sought to overrun us all with their thievery and lies is: **GO TO COURT/ PROVE THE LIES/ THEFT/ CHEATING;** and demand redress through the court as our means of democratic authority or change. When the employees erect continual barricades against you, let the law surround them/ let right and justice begin to consume their strength to resist/ and then let all who can learn the words as have been demonstrated to you here for democracy.

And file in court, by the thousands or millions: add your name to the plaintiff list. Use your words to instill in the people themselves the truth, that we are owners here/ and democracy means we are the rulers here as well. Prove it/ and the enemy will capitulate; because the people will overrun them. These teams of thugs, who believe they are winners; because like a herd/ they have overrun us: CAN BE BEATEN. Redress is the way. The goal is not tragic/ the reality is no more lies/ the truth is, a return to equality, discipline, balance, and the structural integrity that survives. Nothing more or less.

The alternative to recovering our democracy; which is tragic; expects violence is the only way. You could not be more wrong. But the reality here is: when the people have no hope/ they turn to “I WILL make you suffer too”. Your job as a democracy is: to do our work as we choose it to be for the law/ therein defending ourselves, by the agreements we do cherish. Rather than the war, very few want. **Your job is NOT** to be rulers/ constantly finding excuses to pretend you are above the courts or their constitutional intent/ you are NOT above the people/ nor is your authority anything more or less than this is your job, therefore do it. Or be fired! Defend our lives/ establish justice for the people/ and quit consuming our democracy: OR THERE WILL be trouble, beyond anything you think possible.

I refuse to surrender hope for life on earth/ therefore I am NOT subject to actions or violence, that would be tragic. I need not lose hope for you, because you do have your chance to change. An education is all I can offer/ the decision is yours. If you fail/ it is your choice, you “did not fall in”/ you chose. But the leaders/ courts/ etc: representing you and the employees with you, have done terrible things to the people and many are losing hope. The end of hope, is the beginning of violence! I suggest you do better, and soon/ or it will be too late. That is my prediction/ and does not carry with it the evidence necessary to go to court. Life is not a game, the absolute tragedy of a university diploma has been: these people who took over our nation, believe it is. Demand to be winners/ and thereby must turn into thugs and villains, to prove we shall then be losers and slaves. That day is over, I do predict “one way or the other”. Simple as that.

As to the noise control act as stated is suppose to control and certify “low noise emission products” as would be the standard “farm aeration fan”/ they failed; most are above standards; and fall way short of “best practice/ or safe for living creatures; given the duration of running time”. A lot of ear damage in the farming community is directly attributable to this noise. I know, because I live it. Didn’t do your job. A “nuisance” is something that does no one harm/ it is merely an

irritation! That has NOT been described herein. The absolute opposite has. Consequently this excuse is moot. The reality of a DELIBERATE intent to abandon this area to “who gives a damn about these people, or me”; is proven to be outside your jurisdiction. It is your job to protect this people and me/ these workers and this environment/ our nature/ our water/ our air/ our lives and nature itself. Prove me wrong. Prove I am in error/ because without testing and standards you cannot: therefore I am legally correct in my demand to make you testify in court, as to the legality and distinctions that represent the boundaries of liberty or freedom; in our lives.

I sue the EPA and OSHA, for legal transcript of its findings. In regard to a small group of people who have invaded my life/ OUR lives; without the slightest input or consideration of me or anyone else to the best of my knowledge. An invasion: which steals from me my home/ which erupts as a violence to our neighborhood environment/ which contains elements that CAN CLEARLY do us all harm/ establishing the possibility of “murdering a child”, by making them cross a gauntlet of heavy and fast machinery in motion. And more as filed. And you tell me: HELL NO, we don’t give a damn; look at my list of excuses/ and get lost. I GOT NEWS for you; you don’t get no immunity just by waving a flag in front of your face and claiming superiority. You DON’T get to claim “sovereign” as in the king or queen here: our nation is sovereign to us/ NOT our employees; and you ain’t the nation!

Moreover the actions which create, defend, or declare a law are not so narrow as to apply that law to a tiny group of people: every law, is essentially our law. That means, if it applies to you/ then it applies to me too. The challenge that some type of exclusive jurisdiction exists within a courtroom of this USA; our courtroom of we the people, is traitorous. The law applies to all/ or none. The court represents everyone, or it is in denial of democracy. Is that not a claim?

Within these documents the USA, as represented by these agencies; has proven itself unwilling to carry out the task of sanctity of protecting WE THE PEOPLE from those who have invaded our lives/ thereby this state and nation. Because I/ WE DID NOT accept, this tiny few could so dramatically and intentionally change my life or our lives. I ask for the boundaries of liberty versus freedom to be explained to me/ and the statistical data that is relevant for the purposes of defending my life and my residence from those who attack me. Because the extreme extortion of lawyer thugs, and their financial attack without these documents would bring financial chaos to my life without proof and the legal transcript of evidence provided by those agencies: **WHOSE JOB IT IS, TO DEFEND AND PROTECT.** Prove this is not so. Prove that justice and the court

can be legally stolen, by those who have the money to attack and destroy our lives, “just because they can”. Prove how this is “democracy”! Establish justice! Is that not the terms of constitutional law? Prove it is not so. **Prove redress of grievances as is the law, and we shall repair ourselves with the law our constitution provides.**

quote “the NCA provides US EPA with statutory authority to identify and regulate products in commerce which are major noise sources.....the establishment of noise emission standards..” ITS YOUR JOB. Quote “section 4911(a)(1) allows any person to bring suit”. “section 4911(a)(2) allows suit against the US EPA where a plaintiff alleges a failure..”

As described these narrowly defined situations are SPECIFIC to protecting the people from undue or unnecessary damage to their lives, and because it is noise, NO CONSIDERATION will be given to boundaries. Because noise is very pervasive. The defense asserts, we don’t give a damn/ how is that a legal position with merit? Explain it.

The duty of the US EPA is to protect and defend this entire people/ BECAUSE in many situations such as this we cannot simply defend ourselves, but must be united as is a nation through its people, and their employees. If you don’t want your job/ THAT CAN BE ARRANGED. Through democracy itself. Again, the defense asserts: “we, or I the administrator”, don’t have to be responsible to nobody! But how is that democracy in action/ to make someone a king/ or queen? We are all responsible for what we do, or do not do/ THERE IS NO IMMUNITY from bad behavior or a failure to respect and identify the disciplines from the demands established by law. The first law you MUST obey is: to protect and defend this people, AND this nation! That reality is NOT found, by evading the courtroom, or displaying an arrogance so extreme as to believe you are somehow “Sovereign or immune” from the rest of us. YOU AIN’T.

I demand the necessary legal documentation, that serves justice in a courtroom. The clear and certain reality, that defends my assertion: this is a freedom gone too far/ a reality costing the rest too much/ a potential tragedy that must be addressed. Because if you are wrong about such things as genetic mutilation; we die as a world. How is that not worthy of a critical or statistical investigation/ examination of the public trust that is liberty and freedom. Or a reality of “its your job”/ therefore do it, or be fired. Explain how this is outside the merits or conditions of a courtroom. Particularly when that courtroom is already known and clearly contaminated with “lawyer thugs”/ whose outrageous costs are well known and documented: proving “Just DAMN THIEVES”. Consequently since the courtroom is so pathetically contaminated: I must, or we

must defend ourselves. Give us the tools. Give us the law, OUR OWN CONSTITUTION GUARANTEES we own. And we shall prove democracy exists; by law. If that is not within your legal understanding of this nation, its purpose, and its demand! Then I suggest to you, that you are a traitor, by intentionally working against the guarantees and desires of this nation. Prove me wrong.

The supreme court is NOT the law of this land! The supreme court has NO authority to go beyond the words or intent of the constitution itself/ and must be governed by the values and purposes of the foundation documents which are the bill of rights, and the declaration of independence. Prove me wrong! The only absolute discretion allowed in democracy is the will of the people for themselves under constitutional law and direct public vote among themselves. They are the rulers here/ you are not. You, the employee failed to protect the courtroom/ you failed to protect everything provided for you to defend within and outside this specific case. The delusions of grandeur are over. The claims of superiority are over. The assumptions of immunity are over. The demand to be rulers over us, is over. The foundation for assault and war against this people through rules and innuendo that is absolutely intolerable in a democracy: which thereby constitute a rebellion against us/ has ended. Because we demand REDRESS OF GRIEVANCES, within a courtroom of this nation, this day. And WE THE PEOPLE; do fully intend to exercise our right of ownership and control over you. THAT is the price of your failure. That is a short and concise purpose by which the court CAN, & IN FACT MUST ACCEPT, or disobey our law. There are, consequences for that. Let the people themselves prove me wrong!

An employee cannot claim “we don’t want to do our job” its your job. You HAVE been given all the specificity you need. Claims of more rules and time constraints are an attack on the people/ proving you do not deserve the job, nor do you deserve any concept of pension or benefit or salary: let the people decide. This is our nation, if you don’t like the job or the nation: THEN GET OUT. Otherwise do your job, or be removed. Let the people prove me wrong.

Contrary to the defense claim, of no intent to sue: I am suing you right now, for exactly what I demand from your job. The legal transcripts proven in court: which shall declare the standards that are being used to defend my life or declare what is or is not safe for our environment/ our future/ and me. So that legal ramifications can ensue should the evidence prove that must or will be so. That is not for you to decide/ and it cannot be decided by me or others: until the evidence is collected. THAT is your job. Prove me wrong.

Prove me wrong: when I tell you the purpose of your agency is to protect

the people and defend this nation which does include environmental impacts and standards as are suitable and necessary in court for the specific purpose of protecting this nation. Nothing less can destroy that purpose/ yet every claim is for nothing more than an excuse. How is that doing your job/ how is that not desertion of your duty? Prove it.

A rule is NOT a law/ the law takes precedence. The law herein this trial is: REDRESS FOR THE PEOPLE. There are no statutes, or other/ no interpretation of the court; which can defeat our right to redress. It is constitutional law! Only a traitor conceives of otherwise.

Quote “the CAA....provides only for the general investigation of noise and its effect on the public health... from federal activities”. In other words YOUR LIVES are worth more than my life, or our lives/ because we don’t count. I strongly suggest you review the legality of making WE THE PEOPLE protect your hearing/ while you do nothing for us. Explain how that is fair and equal treatment for the nation? The standards for noise that are already in place by government actions which do declare at what volume, and must include frequency or duration; the levels of noise DO DAMAGE PEOPLE. It is these noise levels that shall be addressed here. Because they are “government issued”/ and you cannot refuse them. Your job is then to comply with the standards of government knowledge, and create the legal transcripts which do Identify the risk and realities involved for this people and me. HOW is that not so? One standard for you/ none for me is your claim! Support that as fact/ and defend exactly how it is, I am nothing, and you get everything, at my expense.

The right to protect our lives, our environment, our future, our everything from attack no matter where that attack comes from is absolute in judicial law. To be attacked leaves us with no choice but to defend ourselves. However legal fees DO CONSTITUTE “thieves and whore’s standing in our way. Therefore we must make the employees whom we pay; do their job for us. Providing us with the tools and legal transcripts which allow the courtroom to be “a friend of the people”. The foundations of democracy prove that redress is not only the law/ it is the literal creative force behind this nation and its democracy. The demand WE SHALL, rule over ourselves is still here; still very significant; and still the law. That fact isolates you against us, as WE THE PEOPLE. The critical dimension to be yet crossed is: are you enemy or friend? How do you plead? Because friend, does not seek our harm or leave us to be damaged by those who attack our lives. Is that not so?

I have literally and clearly in short and concise terms; such as the public shall understand: demanded of you, that you shall do your job and create the evidence

as is the functional and real purpose of your work as an agency of our government. Not your government/ but our government. It's a choice! Make your decision.

YOU ARE, FULLY AWARE of the demands herein, and do understand them in full. Or your attack would be against the legal complaint itself/ instead of hiding behind the rules which allow the rich and powerful to rule over our lives instead of ourselves. That means you have no excuse, as to the choice you make. You know the choice/ you know that this is democracy asking you to obey the law. You know this is a legal exercise in the definitions of liberty versus freedom; through the reality and legitimacy of REDRESS OF GRIEVANCES, as the first amendment provides.

In other words there is no excuse; the sign of a traitor/ or the reality of duty. One or the other, it is not both.

As is consistent with a contest with the US IRS many years ago. By their assertions, these are just like them: I could not take them to court over a reality of their own failure. INSTEAD, they told me, and I checked with others: you cannot take the US IRS to federal tax court UNLESS, I sign a legal document that states YES I do owe the money/ ONLY THEN, can you go to court and proclaim NO, I don't owe the money. "Just another DAMN TRAP" put together by a university diploma whose only purpose is to rule, rather than govern as a democracy. As is proven in case after case: this is the people who believe they are rulers/ and did indeed turn this nation into "communists". Because they get to spend all the money/ and we get to be kicked in the ass, ridiculed, and disgraced by the sewer of rules, they designed to flush us with.

Call it "ranting and raving" if you wish/ but an education in real democracy, to the people: has consequences. That is consistent with these trials.

I do suggest you be careful with your answer. Because we are many!

CONCLUSION

THE COURT CAN AND MUST OBEY CONSTITUTIONAL LAW.
That law is first amendment redress of grievances, provided to the people in this initiating trial and subsequent legal decision of the people to take their nation to court; and decide for themselves, the legal boundaries that exist between LIBERTY AND FREEDOM. THAT IS DEMOCRACY, that is we the people shall RULE OURSELVES! Because anything less is traitorous to the nation. The lawyers for the defense have made no case of substance/ they

have declined comment, or failed, on all issues of merit, justice, and law/ beyond the rules looking for an escape, the intent to run away and hide. . The inescapable financial burden of even considering lawsuit without the evidence necessary is unthinkable/ WHICH MEANS, the employees of government whose very job it is to protect and defend shall be obligated to do their work, and provide the legal documentation necessary; its their job. It is established that we are, in fact, under attack; our environment and our future has been changed and may even threaten our very lives, and more. Anything less that obedience to the purposes and intent of constitutional demand; is desertion of duty. This is, literally constitutional demand: OBEY THE LAW.

PROOF OF SERVICE
IN US DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
100 N.E. Main street, Peoria IL 61602

dated: 3/ 2 / 11

Extending from Champaign county, Urbana
IL

case 11-cv- 2023

trial# 10 MR 906

JAMES FRANK OSTERBUR
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AMY J. DONA Lawyer for US dept of justice/ environmental and natural
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plaintiff response to: TO MOTION TO DISMISS federal parties.

PROOF OF SERVICE: I, James F. Osterbur do hereby prove and declare:
that on this date the above entitled document was mailed, by prepaid US
postal first class service to the addresses listed above. Including the court.
IN ADDITION AN ELECTRONIC FILE ON DISK SHALL BE SENT WITH
FILES TO ALL PARTICIPANTS IN AN EFFORT TO CLARIFY ANY
PROBLEMS WITH MAILING.

Because this is both a state and federal court case, the originating Champaign county courtroom receives a copy pus all state agencies.
THESE PARTIES ARE SERVED, UNTIL LEGALLY PROVEN OTHERWISE.