

7
STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
COUNTY OF CHAMPAIGN

JAMES FRANK OSTERBUR

V.

CASE # 09 LM 1414

PROVENA COVENANT MEDICAL CENTER

DATED: 4/ 26/ 10

RE: notice of motion dated 4/ 20/ 10

In the clear and concise reading of an intent to steal. The reality of litigation comes to rest upon the definitions of WHO OWNS THIS COURTROOM, the people/ OR the lawyers who have assaulted democracy with their religions of rules? Every religion HAS, and endless array of rules to demand authority on all its subjects/ to demand payment regardless of the reality in justice or fair play or equal treatment under the law. The defense contests: that I must have a legal diploma to establish and maintain my right to DUE PROCESS UNDER THE FOURTEENTH AMENDMENT of the constitution of this USA. Or more simply, they contest that my guaranteed right under the seventh amendment (to demand jury in this matter), under the fourth amendment (the right of the people to be secured , “that justice, will prevail”), under the first amendment (that OUR DIGNITY, AND OUR RESPECT granted by the constitution as law called redress of grievances) has no value in this courtroom provided and owned by WE THE PEOPLE OF THIS COUNTY IN THIS STATE OF ILLINOIS.

I utterly disagree!

Motion to dismiss

1. It is well proven by the defense documents: that justice or the intent of justice HAS BEEN SEIZED, by both judge and attorneys for the defense. IT IS A CRIME to steal, or intend to steal my guaranteed citizens rights! They have value, to ME! And we are here in this courtroom to establish the law/ NOT the defenses knowledge of procedural rules.
2. Contrary to the defendants claim, that I have filed no “second amended complaint at law”. The reality is I filed a federal lawsuit to make this court OBEY THE CONSTITUTION OF THIS UNITED STATES. It does constitute

compliance, and due diligence as required by law. The amendment being “make this judge obey the law”.

3. Apparently “the children (it’s a game, our toy) of the court” need a hand to guide them through the concept of LIFE IN SOCIETY. Lawyers without a clue! I am not that guide/ nor is it my duty. OR from the other side of argument comes the claim: “regurgitated vomit” as is the defenses 3rd attempt using the same shit/ does not constitute a legal discussion/ but rather harassment, and the intent to use the courtroom in defiance of what is called justice.

4. The defense lies: as the reality and intent of this lawsuit is perfectly clear: I demand mediation by jury, to determine if the “hospital, OR ITS DOCTOR” can choose to “bait and switch” what I agreed to and stated prior to billing and acceptance in fact of debt. That fact is clear/ and again perfectly stated in preparations for trial. The assumption that I must find the words “that suit you”/ are irrelevant. And unless you can contest in exact terms about what it is that you do not understand: the term liar remains. The law IS NOT A GAME of idiots. The law is a decision of society, the reality of who that nation/ this state/ and this county is IN FACTS OF LIFE. Therefore I do contest, in terms of life, justice, truth, and fair play: the defense fails.

Therefore I do contend: that this determination to remove me from my legal right to due process and the law conceives of a predatory action/ that fundamentally attacks me and my property with the intent to not only remove the law and rights from this court proceeding/ but then take from me thousands of dollars in life work, in terms of “lawyer fees”, for this legal atrocity manipulated by a conspiracy of claimed ignorance, between judge and defense. The criminal intent of fraud arises/ the foundation of extortion is exhibited: “I can take from you/ and there is nothing you can do to me!” And the manipulation of a courtroom is conceived within the reality of a gang of thieves. Let this demand be heard: bring the lawyer charges to court on June 3rd / and show “the claws” with which you intend to hold me/ the “fangs” with which you intend to deprive me of life. WITHOUT the legal right or the opportunity to be heard. Show me the “legal” debt predator: I demand the numbers, this lawyer will charge should the court establish what the first judge has already done: To step back from the law/ and claim, go ahead “I will be the thug/ the people’s fraud” will hold him; while you steal whatever you wish..

5. Logical reasoning assumes that the law as written needs to be refined by this attorney or the judge removed; to meet their approval. That is NOT the law. Rather the law, or more correctly constitutional intent both of nation and state of

IL: states JUSTICE WILL BE SERVED/ and the essence of justice is: that liars will be prosecuted for perjury. Do you deny this is the purpose of a courtroom, to establish justice and fair play/ a reality of equal between both parties; and a jury to decide what is “understandable/ logical/ or reasonable”? That is not your job; it belongs to the jury. Logical reasoning establishes, the doctor billing is a part of this trial. Logical reasoning creates the demand due to criminal felony harassment by the doctors hired collector: “I AM ENTITLED to my day in court”/ that the entity “Shemauger emergency physicia” of Philadelphia is entitled to punishment. Although “muddied” by the previous judge/ the reality of due diligence by this plaintiff with regard to keeping this collection agency informed; constitutes an invasion of my legal rights. Logical reasoning demands that the doctor’s harassment of me, in the emergency room setting HAS A COST, through these collection efforts. This establishes a right to seek others who have also been accosted with the same lack of respect by that particular doctor; the intent of a potential class action suit awaits this trial and its consequences. The end result of “the courtroom”; Again clearly defining a financial critical failure between all medicine and the patient; a lack of respect/ a lack of rights/ a lack of justice/ a lack of due process; a failure of the court system from one level to another. Multiplied across this nation, redress by the people: demanding NEW AND DIFFERENT methods, is a fundamental social decision. We the people, provide the answers.

6. The defense asserts that constitutional law is inadequate, to their needs. That the first amendment redress of grievances as provided by the constitution is “merely a game”. That simple language; is as common among the people, lacks “the dignity or clarity required in a courtroom of lawyers”. Their assertions: that the english language “can’t be understood/ nor can any portion or part of that language even be diagnosed, to sustain an interpretation, and thereby ask for clarity from the plaintiff, “is impossible, or unwise”. Because that, would ruin the lie, that they “don’t” understand. The assertion is, a courtroom, is where games are played/ but ONLY by the lawyers.

7. I have stated more than once: **BE SPECIFIC about what you do not understand/ the defense is silent.** Having failed the test of competency to hear and understand a case; it is clear contempt in this courtroom exists against the plaintiff/ against this court; by this defense. Which brings the charge of “incapacity to hear”. That incompetency suggests to this court; that a lawyer found incapable or unable to try a case; should be removed. And another take their place. If you cannot do your job/ then it belongs to another. The failure to remove such a lawyer or firm, is understood as harassment by Provena “the

hospital”/ to me, and to society itself: do we not deserve respect.

8. Prejudice, is the assumption that I will be removed from my guaranteed rights as a citizen of this state and this nation/ with such trivial and frivolous accusations as the defense has stated. Prejudice is the assertion that a rule of procedure can inflict damage upon a case deliberately defined by due process/ first amendment law/ and the guaranteed right of trial by jury. Prejudice is the assembling of the law to rob me of justice/ by inflicting this trial with rules of procedure designed to make my standing in court: UPON UNEQUAL GROUNDS. Using the lack of a lawyer diploma as the single issue presented for dismissal and violating my rights under constitutional law. Prejudice is a judge, who fails to understand: his or her duty is to protect the citizen/ NOT the lawyer, or his billing. Prejudice is the monopoly created by the court system, “ seen in full bloom” through this trial/ a monopoly designed to control society and steal the money: by making the public pay for lawyers rather than gain access to justice for themselves. Another form of corruption and conspiracy within the court system of America.

CONCLUSION

The foundation of justice is the law/ NOT a damn rule without merit. The foundation of peace and harmony in society is the courtroom, wherein a SIMPLE dispute/ can be found settled by fair play among the citizens of a nation; by jury trial. Agree/ disagree; “Its my day in court”: the job of a jury to decide based upon the merit. Simple as that! Certainly NOT the defense attorney, as that would be tyranny by the legal profession. My day in court: is my personal asset/ my personal duty/ my distinct right/ our democracy/ and YOUR DUTY AS A JUDGE, to establish equality among all sides. The jury to decide equity. This case clearly represents a need for redress/ as it correctly displays a reality of corruption and conspiracy to control the law, by the use of “legal excuses/ and LIES”/ through the expectations of a diploma to remove the opposition and make the public submit to extreme costs. This case offers contempt; from both defense and previous judge: for the plaintiff and the law. Rather than cooperation so that any and all “misunderstandings” can be resolved/ and justice found, they offer frivolous and trivial rules of procedure which cannot defeat constitutional provided guaranteed rights. Thereby conspiracy to destroy the legal rights of a citizen of this state and nation, by means so prejudicial and without merit/ they do stand the test of perjury. Do exist in this case.

So lets review: body brings me, to the need or expected need for some type of medical intervention/ I state NOT the emergency room, the staff says “ok”. For

a two minute examination, during which time the doctor refuses to hear my entire complaint/ ridicules me, by leaving my ass full of “grease”/ and harasses me by literally running out of the door, with nothing to wipe it away. The nurse returns, telling me the doctor Orders an expensive test, without discussion/ and demands that I must see “a specialist” to hear the results: adding another approximate \$300.00 to the billing had I allowed it. So for that two minutes time, plus a minimal urine test, the total bill, with doctor is roughly two thousand dollars (add in penalties and interest/ the harassment of the court and the collector it is more). I pay this court \$150.00 about/ and their judge refuses the law, and hides behind ignorance with no option to relieve that ignorance, because they absolutely refuse my right to be heard: and deliberately conspire to remove me from court with trivial pursuits in rules that are irrelevant to a constitutional guaranteed right and law. I spend another \$300.00 or so for federal court; “Make the state court obey the law/ AS IS THEIR JOB TO DO”. To be confronted by more conspiracy and fraud in the form of motion to dismiss (ITS THEIR JOB). AND the refusal of top legal attorneys for the nation to return their summons to court. Even though they are summoned through the US attorney, these who did not reply are NAMED participants due to conspiracy and corruption in the judicial system, and their denial of the first amendment redress of grievances: a treasonous/ or at a minimum rebellious act against this USA. Establishing subject matter jurisdiction/ by establishing it is the judiciary and the court system that is on trial. ITS THEIR JOB, to obey the law, and enforce DUE PROCESS. Yet we see fraud instead, by the attempt to evade and destroy the charge of corruption both state and nation in this courtroom called the USA.

Therefrom a two minute exam, has become a multi-thousand dollar intent to collect debt. A decision by the court and its judges: “we are superior, to the law/ and constitutional right”. A litigation from the defense which claims “without a lawyer degree/ WE WILL remove you from justice, and steal; with the help of our monopoly, and our union as thieves: by becoming lawyers who control the court”. RATHER THAN LAW, AND RIGHT, AND JUSTICE. How is this NOT financial failure in the medical business of this nation? The matter of redress is proven true/ THE NEED FOR CHANGE across this nation a distinct reality..

This case goes to trial/ whether by courtroom, or communication in other ways. Take your pick/ but do remember this, “if you don’t wish to be pleasant or respectful/ then neither will I”.

The electronic version is held on www.justtalking3.info