

IN THE CHAMPAIGN COUNTY COURT
FOR THE STATE OF ILLINOIS
URBANA IL, 61801

JAMES FRANK OSTERBUR

V.

PROVENA COVENANT MEDICAL CENTER

and with the courts permission/ as previously indicated

Shemauger Emergency Physicia

box 37757

Philadelphia PA 19101

additional billing: for Dr. YOO

CASE 09LM1414

RE: response to motion to dismiss dated 12/21/2009 received the afternoon of;
December 23, 2009

dated: 12/24/09

the motion demands are met as follows:

#1 the critical demand of this lawsuit is divided by two distinct relationships: I asked for a specific type of service/ I was told by the representative of provena; that yes indeed they did have a service as requested/ and I expected that service at a price commensurate with local competition in the field of medicine. The second more critical demand is: I DO DEMAND, that the law shall be followed/ the first amendment of the US constitution shall be upheld/ and redress according to the legal guaranteed right to each and every citizen be granted. To date, the US SUPREME COURT case 08-1339/ and its lower courts in an alternate trial, NOT directly relating to healthcare controversy; BUT DISTINCTLY DEFINED BY REDRESS OF GRIEVANCES. Took my money/ docketed the case for review by the judges of the US supreme court/ and then dismissed it by a clerk of the court.

Or more simply: they chose to steal my money/ they declared themselves superior to the law, and rebuked their oath of office/ and then conspired to remove the case through the fraud of a clerk of the court dismissing a docketed and paid for case before the supreme court of America. These things are criminal acts (and constitute the caption:or the criminal rules this nation”).

Every criminal act deserves its day in court, and now this judge, here in this

court is asked to rule distinctly on this issue of fact, standing in this courtroom of this state of Illinois: as to whether the clerk of any courtroom in America, can dismiss a docketed (MET EVERY CONDITION)/ paid for/ lawsuit as was brought under the law before the court, of the US supreme court; case 08-1339. By having met every single condition set by procedural, preliminary, and legal stipulation, rules, and merit. **THE JUDGE MUST RULE ON THE CASE.** Money spent/ means a deal is struck. Therefore not only fraud, but larceny as well.

This judge, in this lawsuit standing before his court, is required to answer the question:

IS A CLERK OF ANY COURTROOM IN AMERICA ALLOWED: to rule on any case that has been docketed and paid for/ having met every condition of law? Simple as that.

This is: a specific question on courtroom procedure, as applied to EVERY SINGLE COURTROOM in this nation. And it DOES open the door to litigation demanding DUE PROCESS/ no matter which way this judge votes. The law will decide.

I am required to answer the question, by the defendant/ therefore I DO HAVE STANDING in this matter, before the court. And the court must rule. (If you don't want to know/ you shouldn't ask the question).

#2 the kindergarten rule still applies: if a child can understand/ then so can a courtroom; including the lawyers.

The logic is very simple: I asked for a specific service and was sold a different product Without my permission. The text of the complaint includes testimony, so that a logical conclusion can exist without further demonstrations of competency. The elemental issuance of a claim that asserts testimony and complaint as is common to every jury trial in the nation cannot be heard/ is a lawyer claiming he or she cannot do their job. If you can hear the words and proceed in trial before a courtroom/ then you can hear the words and proceed in trial in the consequences of a pro se hearing; with adequate understanding. The court is reminded of its duty for leniency in all matters pro se.

As to more specific matters; the foundation as stated in the very first line quote: [page 1 of the complaint] **“The critical question here is money/ not the illusion of numbers; but actual money”... or more simply I deserve an honest charge for any services rendered/ no more “anything the medical business of america simply decides to charge”. Logically to achieve a more fair and legitimate accounting/ and establish a more critically acceptable balance of power between the patient and the business of medicine. IT IS NECESSARY, to find**

an answer within the law. That answer is the first amendment to the US CONSTITUTION: the very foundation of law in America/ BY ITS REDRESS OF GRIEVANCES.

#3 the specific demand before this court, is again in two parts: the first is to attain, a **proper billing commensurate with what was promised by the hospital;** “A quick care billing” as I was led to believe would be the result of this visit. [Page 2 of the initiating complaint.] At “fair appraisal” similar too or with competitors realistically in the business, to the area. Or more simply: I WANT what I asked for/ what I agreed to pay for; nothing more, or less in the distinctly personal aspects of this trial.

A proper legal test, to assert and demand: because I was not given any information, or option, beyond walking out of that environment, as to the reason for this specialized test/ what grand evaluation and knowledge existed about me to expect this was necessary and worth its price? Specifically I was NOT told its cost/ nor its value to me/ nor why. Was I not their to find information regarding my life? INDEED I WAS, “it is my life/ and I came distinctly looking for information. And received ridicule, and humiliation in the matter of a “greased ass/ without relief available; until a search by me found an answer. That fact, proves to me: “we’re even”.

The secondary and more critical issue raised for remediation and legal relief demands the legal action of a redress of grievances: to BALANCE the demands of patient and medical business, for FAIR PLAY. The construction of boundaries and intent to identify and create the means FOR TRUE DEMOCRACY/ the voice of the people themselves to be heard arises. The warrant of law, upon this courtroom/ by the nation itself through its own constitution is a valid and real beginning. The understanding that a healthcare crisis is real; is beyond dispute. But contrary to political solutions in this day/ the problem is the medical profession has charged, demanded, and collected: MORE than the collective ability of this entire nation, can pay. **As a consequence this citizen demands redress of grievances to return the nation to a more proper and real accounting/ a definition that is balanced and fair to all.** No more “take everything you can get”/ for either side.

This is the purpose that suits me.

This is the reality assembled from what I believe to be a fraudulent billing charge; as it is not what I asked for or expected. Fair play for me in this instance/ fair play for the nation itself/ fair play for the future for us all, through balance and

truth.

You were in no way set up for this/ this trial occurs because I am not charged as agreed. This trial occurs, because passing through the emergency room doors; the possibility stuck out/ that I might not be getting the treatment I had intended. But as is real in every instance of medical needs: “now” was not the time to argue money.

The question stuck, and two days later I returned to inquire of bookkeeping if the proper charge had been established. That person utterly refused to hear my complaint. Established I would not be charged correctly. Utterly refused to hear my complaint: Another “just like the doctor”/ I know the answer, don’t tell me nothing. And so a warning was given, and time allotted for your own decision. THEN I went to court.

#4 the actual allegations are:

a. I asked for a specific service/ was told “yes we have that”/ and I then accepted that service. That is my testimony! And am willing to pay for that specific service.

b. I was charged for a service I specifically stated I did not want. I stated clearly and asked for: “anything less than, an emergency room visit”. This is my testimony.

c. I received an additional billing in the form of a test done/ without receiving an appraisal of cost/ without understanding why, or accepting that cost. And do not intend to pay for “the padding of a bill”/ which would also include the assumption I must go to an additional urologist to get the results of that test. Adding yet another layer of billing and debt to me/ and potentially hundreds more.

I WANT what I originally asked for/ and agreed to pay. Unless other financial decisions by me are made/ and there were none. No discussion, no opportunity to discuss, no doctor in presence to inquire of.

d. I expect compensation regarding the humiliation and ridicule specifically declared: by a doctor who knew exactly what he was doing. If not the price of a test/ then we will find something more substantial to argue over. And I will use advertizing to develop “a pattern” by this doctor/ if one exists.

(D/ 1) additionally, the separate billing of Dr. YOO has appeared 12/22/09 demanding an additional \$407, if not paid immediately. Claiming delinquency although this is the first notice received. In the expectation of “fast track/ or quick care”; as would be expected at your competition/ there is no separate billing that I am aware of, for a doctor; it is included in what I asked for & expected to pay. [if

that is in error/ then we will discuss a doctor bill] Consequently this billing is deemed unfair/ and I expect it removed.

e. **MORE CRITICALLY IMPORTANT**; is the fact I am tired of being abused by anyone with a medical diploma who believes they can charge any damn thing they please. Medicine is NOT a voluntary business/ and that means there are realities in extortion that do exist. *The body makes you accept the charge/ and that means, the business of all medicine is inherently unfair, and by the concept of justice “should be illegal/ as a business”*. This nation is BANKRUPT because of the arrogance and the attitude, a diploma gives you the right to make slaves out of the others/ and it is time for a change.

Thereby REDRESS OF GRIEVANCES is a foundation for implementing WE THE PEOPLE, are owners here. WE HAVE RIGHTS TOO! All of us, united and deciding what is true.

#5 because it is unlikely the defense does not misunderstand the personal financial defense and testimony. The more critical REDRESS OF GRIEVANCES are established.

To that end, the defendant DOES represent the medical industry in this trial, just as they do represent themselves for the purposes of this financial dispute on an individual basis as described. They are “contributors to the problem”.

But they do not participate in redress of grievances at this time/ BECAUSE it is a gift of the people to themselves. This portion of this trial, is given to “the voice of the people (the jury)”/ by law, to attest and accept or deny if redress should exist and begin. Or not. I do not contend as a participant in redress either/ I am not their representative in this day. Rather I am a citizen bringing the law to court, in the first amendment of the constitution of this USA: **AND PETITIONING THE COURT**, to present, create, administer, and define this redress of grievances before the nation/ by allowing its intent through DEMOCRACY and LAW. That is, where specific and real crisis and threat exists/ where a failure of our employees is completely evident/ where a need for accounting before the people is obvious: **WE THE PEOPLE, will decide.**

I CANNOT make the nation or any group decide redress of grievances; **the acceptance of this responsibility for ourselves!**

That is not the law. The law is, WE AS A PEOPLE CAN DEMAND

REDRESS OF GRIEVANCES, by law/ and assume responsibility as owners for ourselves. And to achieve the working parameters of that right guaranteed by law, this question of redress must be presented to a jury that they may decide if the people will choose this law for themselves.

Only then can a more deliberate vote and expense, be declared for this state of Illinois/ or this opportunity for a nation to exist as democracy and: **to petition the government employee, for accountability in court, as a nation, and as a citizen guaranteed the law.** On the issues and purposes the people legally raise for themselves. NOT A POLITICAL SOLUTION (a few deciding for the many)! **This is a legal solution**, described by democracy, and created by law and WE THE PEOPLE. This is a question to the people/ that must be delivered within a courtroom, because it is a legal right/ not a political or social expectation.

Where every citizen gets a vote on the law that will govern their lives/ themselves. A vote of no confidence in our leaders/ means a demand to do this for ourselves/ and find the truth as owners of this nation. A vote for me/ NOT a vote for someone else to vote for me/ I vote for myself! I decide for my life, the law and the reality which determines our future, our nation, and our world; one citizen/ one vote.

Redress as trial, then Decides: What we will do about the crisis or threat proven to be necessary to investigate, examine, and identify as real or not. As is petitioned by the people and selected by vote. Creating the legal decisions we will make for our nation, ourselves, and our world.

#6. The defendant is instructed that fraud is a criminal matter/ as is the switching of products; in the case of “I want what I agreed to pay”/ regardless of what you delivered, or believe you delivered. I chose a specific service, and was led to believe that was the service I would receive and consequently agreed to pay for. What is misleading?

As to redress, the demand to balance the power between patient and healthcare/ by attacking the actual problem of costs that are exorbitantly high across this nation. That is a question of first amendment law. That is a question of jury alone. As to the only real question that exists in redress: **WILL YOU SPEAK FOR THE NATION**, and demand “**WE WILL** accept the responsibility of owners, and take control of our property, our government, and our nation” defending it against all threats/ as best we can. Or not. Will you choose **NO** confidence in our leaders, and recommend to this state and this nation that we must do this for ourselves/ **OR NOT.** Redress is their decision, (the jury) not yours or mine.

The law says we can/ this petition for redress is before the court under the first amendment of the US constitution; and must be answered/ or proven invalid and thereby wrong. And you cannot.

#7 the terms and conditions of democracy are not dictated by punctuation or rules of the court that do not functionally establish justice. The issues created by menial or trivial exercises in punctuation or other illegally used methods of keeping the pro se representative or litigant out of the courtroom is tyranny/ not justice. And there will be appeals as necessary.

You have your plain and concise statement.

Let the defense prove otherwise, or accept the demand for truth and justice/ rather than infer the traitorous act of “hiding in details without merit”.

James Frank Osterbur