

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

dated: 2/ 28/ 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](http://www.justtalking3.info)  
V.

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**PLAINTIFF RESPONDS TO MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION.**

A supplemental brief was mailed on February 18, 2011 to all parties/ but receives no mention here; this being mailed on February 22, 2011; it apparently had not yet arrived.

The defense states by their words and descriptions: that the issues presented within this lawsuit demanding protection as a citizen of this state called IL, and this nation USA; from not only an invasion of my or our lives by a business that literally threatens to consume the essential environment wherein I do live/ and with substantial consequences for the people whom I have grown up near: lived here for about fifty years. They are 1 and one half miles away/ went to school there, etc. Represent NO fundamental purpose to this state, NO functional foundation for justice, even though I am about to be forced from my home, NO description of duty, as this business which has invaded our lives by their substantial growth, and consequent pollution's/ traffic/ and resultant decrease in both live ability and property values due to their own decisions for us all.

The assumptions of a miscellaneous state rule/ that does not adhere to standard procedures for federal summons and service of a defendant to court: suggests that this is only a state issue. Rather because the business in question impacting the citizens of this state of IL due in fact have their corporate office in Indiana. The fact of interstate business makes this a federal trial; as is consistent with the move the defense made to the district court, and as such the state must

rely upon the summons and service such as federal court describes. Even if a tiny question regarding the difference between state and federal agencies can be debated: JUSTICE knows, you have been sufficiently served for the purposes of the people that have been described to you in these documents. Your objection is then moot. But if you will provide the necessary names and documentation/ people who shall then provide service to you: that you desire: I will respond with what you ask. You have no basis for complaint. The law of this state and nation: is to serve the people, it is not to provide our employees with excuses for why they can choose not to do their job. You have my complaint, with the supplemental brief/ sent to you, in full. Regarding any lack of proper documentation or failure by the mail: I can and will resend anything required. If you request it, from this point forward; all can be sent as certified/ to further insure it does arrive. I will expect the same in that regard.

I do swear: no intent exists to fail to provide all information to every defendant or the court as is necessary and known. My web address where each filing is exhibited has been sent to you; thereby allowing each one to search for themselves and PLEASE DO, inform me if something is amiss in any mailing. It is NOT intended. Remembering I sent you a note asking “please advise” because some of your legal addresses are wrong how should I proceed: and received no reply. Nobody is perfect/ including the postoffice: I have now, emboldened the text to insure nobody is left out. I cannot tell you why you failed to receive the notification due each one/ I do not know, apart from the fact it was unintentional.

And the problem will be fixed as soon as possible: kindly instruct.

As is consistent with a pro se litigant, each and every minimal rule of the court shall not be kept/ because the courtroom has been designed for lawyers to control. NOT people to find their justice in the law. That fact is again identified in the footnote 1: being true that whosoever is in charge of traffic safety, IS intended to be the recipient of a summons. That fact is known to the court/ and it is the court who obstructs justice if the necessary information regarding state run agencies is not produced. Footnote 2 page 2 identifies the assertion that justice is irrelevant when confronted by rules. I , **TOTALLY DISAGREE**, and **demand the clear constitutional standing upon which you declare this is acceptable in your job to present justice** to this people. While there must be an acceptance of duty on the part of any pro se litigant. **THERE IS** a duty inside the courtroom and other agencies of the state or nation as it regards simple constructions of justice. Such as the proper names, addresses, summons, and means to attain DUE PROCESS as is promised to each and every citizen. **WHERE** is my due process, if justice is condemned by a rule: have I not sworn to do what is necessary if you provide the correct information directly to me. Send what is lacking/ and be very clear about what you want.

However a point of law exists: in a dispute with a hospital, the lawyers for the defense wrote to me and insisted, I should not send any more information to the defendant named: they should get everything only themselves! I refused, but if that is a legal request, and your lawyers have made an appearance: I assume for the

state as this is their work. Am I obligated to continue sending information to the defendants: or were the lawyers in this past case simply trying to set me up to fail? Kindly answer the question.

The issue of personal jurisdiction over each defendant asks simply why should these agencies provide services to the people of IL or this nation called America? It is a fair question; but first the background shall be assessed.

### **CONSTITUTIONAL BACKGROUND**

**This is both a state and national trial based upon the constitutional law called redress of grievances** in both state of IL constitutions and the USA constitution; first amendment. Redress establishes the rights and reality of WE THE PEOPLE are the owners here/ and we do have a right to expect the employees who have been hired to protect us, shall do their job/ and shall be accountable for that job to each citizen as guaranteed.

**So then we turn to the guarantees of both state and nation:** so that we may be correct in this statement of what I may expect the employees who work for the people of IL and this USA can claim. The guarantee to each and every IL citizen is:

in order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense;

and secure the blessings of freedom and liberty to ourselves and our posterity -

I read this to say, “protection of the people is not only guaranteed, it is required of those who represent us. I read this guarantee to say:

“ **where the boundaries of liberty** (our demand as the sanctity of all of us, stating this freedom of yours/ is costing us too much) **such as is this case/ crashing against the boundaries of freedom for the individual**, in a small town called Royal, or an individual life called my own. THERE SHALL BE: DUE PROCESS.”

To decide what can or cannot simply be taken from me/ or what can influence my life, as in the various pollution's/ traffic/ and contaminations indicated in this trial both now and for the future of this place. Contrary to common suggestions that there is an inherent right to do anything you please in the US CONSTITUTION, regardless of that impact on others. The constitutional law simply disagrees. Both IL, as is seen above: which clearly states the rights of liberty: or more simply what we all need as in protection from those who would otherwise invade us, and make us pay. Not fair! Not equal treatment: I did not invade his space or his environment/ or contaminate his ground or conceive of changing our nature. This is this fight to declare what is a human right, based in liberty; as opposed to what is a human freedom, clearly identifying greed, power, and pride. The consumption of a residential town/ the impact on my personal life/

and consequences which have the potential to disrupt, change, or destroy our future. for the purposes of his or their; business/ industry.

In this quest to understand what my government promised me/ us: we again turn to the constitutional promises of this USA. It 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”.*

WITHIN these words, I see not absolute assurance that one individual or even a few are allowed to ransack, change, or destroy a residential town for the sake of their own gain. NOT without the consent of that town for each and every addition that has or could have a consequence to the residents therein, including me, as I am, within the environmental impact zone they have created by their own choices. Does that not establish justice/ insure domestic tranquillity, or provide for common defense & the general welfare of myself and all others impacted. Indeed it does, and to establish what is fair/ not simply for me, or the business or the people: but what is justifiably fair, as in equal treatment for all considerations. Where these conditions are met, the blessings of liberty do exist for ourselves and the future. Prove me wrong.

The constitution of both state and nation guarantee me due process: the right to be heard/ the LEGAL right to have a jury decide if I so desire/ the right to take

someone to court and demand I HAVE RIGHTS TOO; if my complaint is valid within the law. Guaranteed, these rights of the people: Shall not be violated in any form. JUSTICE is absolutely my guaranteed right, THE DEMAND of what our employees are expected to do for us. Do you deny it? Answer the question.

### **LEGAL BACKGROUND**

This trial assembles in three parts, as is consistent with the filings. It initiates after three separate letters to the business in question, giving them the clear opportunity to understand their decisions have consequences, and kindly choose better. Offering, I will be leaving before next fall, because your impact cannot be tolerated: therefore “it’s not fall/ you don’t have to impact my life greatly at this time; it’s a choice”: let me remain in peace until that time. They refused.

The next step included the reality as it is absolutely clear that my ears are greatly affected by what they do/ it is also clear that the people who live next door/ the people who work in this business are affected too. Thereby we come to the decision to work as a public advocate and assist the people who are unable to mount a legal defense for lack of the necessary legal resources: to give them what they need, and me as well. That includes: the foundations and standards legally known as can either be produced by employees of government/ or must be procured through private means at a cost expected to exceed one hundred



thousand dollars, after court costs. A price that excludes most, from defending their environment/ a reality of government workers, that we already DO literally pay to resolve these problems for us, and set the standards which must be used in a courtroom of law. Consequently the agencies most likely, to produce the necessary terms of law and standards as are consistent with defining the boundaries of OUR liberty, the people called upon to protect our lives and create justice in society/ in opposition to their freedoms to invade our lives. Are called as defendants.

The additional supplement sent on 2/18/11 represent or establish themselves as stated: even though the business is aware of the possibilities of court/ they did in fact take delivery of an even large grain bin; and are moving directly to influence the “lives of thousands”. Because they must take business from other towns around here to accomplish the filling of these bins. Without the slightest concern for legal ramifications. That illustrates a more critical truth: that across this nation, the same goes on elsewhere. Clearly affecting the lives of millions/ just as it does here. Therefrom the enlargement of this case exists as a national REDRESS OF GRIEVANCES TRIAL. Fully intended to create and address the foundations of liberty and freedom within this nation/ and thereby to resolve & identify the limits: Between what is our human right in these situations/ and what is the legal right allowed for intervening in our lives. This is not a small matter, and it has grown beyond the state of IL boundaries/ but it is also an individual matter, directly involving the rights and realities of a small town, and

the individual called “me”. And that returns it, as a legal participation within the boundaries of this state.

## **ARGUMENT BEGINS**

The question raised by the employees of ILLINOIS as their defense is:  
WHY do we have to be involved?

The state chose to remove this lawsuit from state boundaries into a federal court to use 28 U.S.C. 1442: “Just get rid of it”. As so stated on page 3 footnote 3 of the memorandum filed.

This assertion of law exceeds the boundaries of what is or is not the responsibility of a federal or state employee to do. They have not legally provided the evidence required of them to strip me or my day in court/ or allow the business in question here to take from me my home, inheritance, and place of residence for fifty years without a fight. They have not honored the reality of environmental protection/ they seek NOT to protect the human rights of this people, being invaded by this business/ industry; in this town located within this USA. They have sought here to condemn the action of REDRESS OF GRIEVANCES, to their minimal influence and assumption of authority. The law which governs, is the law which rules the nation. That law is REDRESS OF GRIEVANCES according to the first amendment of this nation. NO LAW is greater than constitutional guarantees. That means this law is moot, and without standing in this court.

Footnote 4 page 3 establishes the need to declare why the people called do need to participate in this legal trial. Therefore the questions presented are.

TO THE COURT: if we are equals under the law/ if we are protected by the law from invasion of our lives, our property, and our future at a minimum. Then my right to dispute the men who have invaded my life/ taking away my right to inhabit this property/ and corrupt or destroy my future: DEMANDS MY DAY IN COURT. Answer the question or prove me wrong.

TO the department of human rights: the elemental task of defining and declaring for the people as their own lawyer in a courtroom of law: to establish FAIR PLAY. And accept the responsibility for defending those who cannot by whatever cause defend themselves FALLS UPON YOU. Is that not so? This is greater than age discrimination/ etc. This is liberty, the right of us all to declare, to those who invade our lives, and fail to respect our own needs as equal with your want. Or more simply: YOU have taken too much". This reality in terms of the composition of a common courtroom NOW represents potentially millions of dollars to contest for ourselves in a courtroom of law. DUE ENTIRELY to the extortion of lawyers. Because of this extortion, this stranglehold on the public and their need for justice: IT IS necessary and fair to say to the lawyers who do represent us as a state or nation. DO YOUR JOB!

TO, the dept of IL transportation; safety division: when a business turns into an industry and changes the town/ the environment/ the means and methods of

getting to grade school; as a consequence to their choices. IT IS necessary that someone intervenes for them: because industrial zones and small children who must cross the path of very large heavy, and fast moving machinery: commonly driven by people who are tired and in a hurry/ IS NOT SAFE. Someone will be killed. Is that not your job?

TO, the dept of IL environmental protection agency: due to, the expected construction of an ethanol production facility in this town a few years back. The reality of water consumption and protection rose to understand: what is being done just miles from us/ CAN greatly impact our lives and our future/ because tremendous amounts of water are being removed from under our feet. This ethanol production facility failed, because the reality of water consumption proved to be too high; among other things. Had it gone forward, thousands of people would have found themselves on property without water/ causing tremendous consequences for all. **THIS IS OUR DRINKING WATER, our ability to survive and sustain ourselves on this ground/ and NOT be required to move elsewhere or truck in water at a tremendous increase in price.** Established in this time period by the IL dept of natural resources: and their employees “George S. Roadcap & H. Allen Wehrmann” who established that the legal liabilities for stealing the public water supply for thousands in this area: would NOT be worth the proposed profits, when these matters came to trial. Their statement was: only one inch of water/ out of every fifty inches of rain/ ends to replenish the aquifer in this state. We get less than fifty inches of rainfall a year. Having avoided that

ethanol plant and its consequent environmental damage to our lives. It is clear that two or more ethanol plants in the area said to be draining the Mahomet aquifer: now represent a danger due to water seep. Our aquifer is higher than the Mahomet aquifer/ that means because water will seek its own level: that our aquifer can be drained anyway, even though the ethanol plant does not exist here, or pay us compensation in any possible way.

Further issues arise, when a larger picture is formed: **such as** the poisoning of the Mahomet aquifer, as in the dumping of toxic highly poisonous chemicals that is proposed over it, by garbage dumps in the Clinton area/ and Hoopeston, IL. While these may not sound consistent with the area I live in/ the reality is: **THAT IF THEIR WATER SUPPLIES** are destroyed, they must move, or take my water reserves; and that is consistent with an environmental catastrophe for them and potentially me. Do we not all need water.

Further issues arise, **SUCH AS:** the reality of our lives with any and all chemical elements that are used in this day is. The state or nation will cause them to be sold to us/ **BUT THERE IS NO PLACE** to remove what is unwanted, or unnecessary, or contaminated so as not to be useable, or other; in this state or nation. In other words, while the law is: **DON'T** throw it away. **THE REALITY IS WE CANNOT KEEP IT HERE INDEFINITELY/** and something must be done! Which then became: **IF THERE IS NO PLACE** to remove this too/ or it costs far too much for the average person to afford. **THEN IT IS GOING SOMEWHERE!** That fact led me to look at the various efforts to pump chemicals underground/

which led me to find a report written by an employee of the state of IL which inspected these sites/ to find her complaint filed: that this state was continuing to pump highly toxic chemicals into a site that was supposed to be shut down years ago. And more. That information was dispensed in trial 05-2038 I believe, with Carle Clinic a hospital/ BUT INCLUDED, in that case, because it didn't matter what the legal facts were/ the judge would rule against me anyway. Been there/ done that, with that judge: never lost a legal argument/ but never won a case due to a long list of frivolous and irrelevant excuses. Because that is how the legal system in IL works. Not a lawyer/ NOT a big money client: we don't care: GET OUT. Regardless, as the IL epa, it is your job to protect us all. It is our right to expect/ it is your duty to demand: that our water supplies SHALL be sustained for not only our future, but for every child that could hope to live here. THERE IS NO LIFE, without water. Do your job, and prove that water will be here and available to drink without poison MORE than one hundred years hence. Its your duty.

TO; the USA environmental protection agency: in this elevator in this town, which funnels millions of bushels of grain through here: close to where I live. The reality of genetically altered grains by the millions of bushels CANNOT be taken lightly or for granted that this is in fact in our best interest as people on this earth. **NONE HAVE PROVEN GENETIC MUTILATION IS SAFE.** **Because NONE have proven that every possible consequence to every possible life form, NOW, OR IN THE FUTURE.** Can be, or Is known!

That as fact, does not exist! The reality then is: as a citizen of this world, being invaded by the consequences of people who believe they can be gods themselves and redesign nature for their own purposes and desires: **I DEMAND TO SEE, EXACTLY HOW, WHERE, WHEN, AND WHY those who call themselves experts and who have committed our lives to the possibility of extinction or horrendous mutilation in everything alive:** “have proven we are safe”. Show me the truth, regarding your assault on the very nature that keeps us all alive. REMEMBERING THIS; in terms of “didn’t kill us yet”/ that means NOTHING. The risk, and the reality says “you CAN make us extinct and mutilate us into chaos”. In this REDRESS OF GRIEVANCES for a nation and a state; I demand “our right” to decide IF WE, are willing to assume this risk! Our lives/ our world/ our future/ our bodies and minds: EQUALS OUR DECISION/ not yours. We demand a trial/ I DEMAND MY VOTE. Prove we survive without destruction. Prove as did my teeth to me: just because I drank cola for thirty years, do to concerns over water/ that DIDN’T mean damage was not done to my teeth that entire time. In other words, “Can’t see the damage now”/ PROVES NOTHING! Genetic Chaos; like an earthquake/ can arise in a second or two, and change our world. Prove we are safe/ DO YOUR JOB. And understand we demand the final say by vote, through redress.

TO: OSHA, the issue of standards, and the reality even if the people dependant on the job are not instigating consequences on the business/ industry: that does not mean people are not being harmed. Standards are realities having

been decided: beyond this point, people do become harmed. That occurs to people at lower levels as well: in this area DUE TO farm grain bin fans; that run for weeks, and do damage individual lives by hearing loss and destruction: JUST BECAUSE a manufacturer has NOT been forced to use “best practice” and establish the tools that are honestly believed NOT to harm instead of whatever is cheap to manufacture. People are harmed. Standards respecting the nature and number of fans, etc as are used in any business concern: NEED to be met. People’s lives are affected. And they cannot know, how much this little bit more noise or whatever it is will cost: UNTIL ITS TOO LATE. I certainly did not know, “enduring to get the crop planted”: would in fact result in pain and numerous complications for the rest of my life. How is it not your job to make both people and manufacturing processes not aware/ and in compliance with the needs of life; rather than just money. Its your job. Do your duty.

TO; the IL dept of Agriculture: issues or complaints have been raised regarding numerous realities of agricultural business in this state. I leave it to you to sort out exactly which of the above you wish to participate in; as this is an agricultural area, town, and business involved. What is not up to your discretion in participation becomes the functioning reality of a question raised as to the re-wetting of grain. It is against the law/ as a fact it requires energy consumption/ pollution generation both to re-wet and then to potentially re-dry at factories or facilities which use the product. There is a question here, regarding the re-wetting of grain/ created as indicated, because my ears know when fans are running: not



intentional, I don't have a choice, but to move. When questioned years ago: I was told, "I can aerate all I want". When the operating manager was asked why do the fans turn on at various time during the night: he replied, because the computer is set to turn them on when the humidity goes above 70%. That has stopped/ but when the humidity is above ninety percent after harvest, they still do run for a time. That suggests re-wetting grain/ and because it directly affects my life/ and I warned the operator not to do it. I do expect you to simply check the moisture content of grain being sold/ and compare it if found high, to the moisture content of grain being taken in from farmers. It is not "a great task"/ nor is it unrealistic to ask the employees or look into the computer settings to determine, what, where, when, and why. It's the law.

Thereby we have addressed, and conceived of "short and plain statements" in personal jurisdiction; as required for court. I cannot do them myself. My government has agencies for protection of the people however, that are suppose to do them for me, without complaint/ by their own investigation: and certainly, once informed. Is that not so? **My amended complaint justifies the cause: whether I live or die/** these matters shall be addressed. Because they are within the needs of justice, for the people of this state and nation!

The cause of justice is real/ the foundations necessary to demand due process have been laid, and must be proven insufficient or unnecessary in terms sufficient to deny me my day in court. Or the failure to accept responsibilities in

terms of a pro se litigant: SO THAT REDRESS AND DUE PROCESS CAN GO FORWARD. Establishes not only contempt for the law/ but collusion and conspiracy to deny my guaranteed constitutional right. Our GUARANTEED RIGHT to constitutional law, called redress of grievances. As a nation and state; by individuals who have assumed an authority NOT given to them, or provided by the people. They seek then: to do us harm, by stealing our right to a courtroom. Do not criminal charges apply: **show me the law, which destroys my constitutional right! And I will show you treason!**

### **ARGUING FEDERAL LAW**

The need and the reality requiring the court to be able to do something with this complaint; that is within their legal rights of adjudication have been dealt with in large part already. Regardless, within this trial: the search for truth and justice is plain. The search for legal boundaries which we can then enforce, is literal and plain. The search for law enforcement by our agencies assigned to protect us, and present us with equal rights as job that every courtroom understands. The elements of constitutional law which demand redress of grievances are a public right: exist without cause for denial. The excuses laid before the court have now been dealt with: leaving the reality bare and naked. **Do you, as representatives of this people accept your responsibility under the law and our direction according to the preamble of both state and nation: OR do you not. Due**

**process is not a joke/ not a game. And will be freed from the extortion of lawyers, because that is our right.** Established as we: because I stand here demanding my guaranteed rights by the constitution which is our “government”, both state and nation/ as a citizen inheriting the duty, it is my job to complain and demand better. As the law and democracy allow. Show me my error/ OR I will show you as a traitor, to the cause called democracy: “the people rule themselves.”

The jurisdiction of us all/ is greater than your rules. A short and concise statement in opposition to your affidavits, supporting the rise of JUSTICE.

The service of process is a minimal creation of a lawsuit, and serves ONLY to insure the defendant is adequately informed of his or her need to appear in a courtroom to defend themselves or mediate a solution. These defendants ALL give affidavit they are truly informed of their participation in this trial, in a courtroom of law, **by their own testimony. And that constitutes service has been proven.** The issue raised is moot.

Even so, if the court provides the paperwork and the names for which I cannot properly acquire without the courts supervision and the defendants acceptance of due process in the matter of procedure. I cannot serve until I know who to serve/ and who will serve them in that area. ITS NOT my job/ its yours, you are employees of government; assigned to support and protect justice, through due process for both sides. Excuses arise only to thwart justice/ NOT serve it.

## **ARGUING ILLINOIS LAW**

The defense argues “he did not, leave a copy with the chairperson/ or clerk” in effect [defense memorandum page 6] . I did leave a summons and copy of the complaint: with the agencies of this state government/ according to addresses found in a state directory. How is that different/ are you special? Explain it.

Issue is made regarding who can serve process. That issue is moot: because as is revealed above by your stated reference to law: anyone can “leave a copy with the chairperson or clerk”. Prove me wrong.

Issue is taken with prima facie over the employees of this state government. We return to the IL constitutional preamble which directs the activities and duties of these employees under the government which hired them to do their jobs: it reads. *“in order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty to ourselves and our posterity -*

I ask you, what is inconsistent with your job: to provide justice/ to provide for the common defense/ to secure democracy: let the people rule. And so forth. Explain it to me?

*My due diligence in this trial, is not supplemented with taxpayer assisted*

*help/ or the legal education that provides for the endless rules used to extort or control people/ government/ industry/or other realities used to control the courtroom/ beyond the purpose of justice . As is consistent with a demand to control lawyers who deliberately disgrace the courtroom/ steal from a litigant with law/ defile the purpose of justice or any of the many troubles which plague this state and the search of these people for their own promised justice.*

The reality is: that we are not defended as citizens; in the consistency of justice. We are ruled by the atrocities of procedure, whereby justice is overruled/ through the courts feigned need for rules to bar and control the litigant and force them to use a lawyer. Thereby creating for themselves “a monopoly” over the law. I have been diligent/ it is the lawyers for the state who prove to be “obstructive, to the law/ by failure to comply with necessary names and addresses to accomplish what they ask”. That is a fact in this case. To accomplish what they require: I simply need the information which they refuse to share. That is contempt. Any other assumption that their own affidavits are not sufficient to prove duly and legally notified fall short. You were served!

### **ARGUING federal PERSONAL JURISDICTION**

The defense argues: we don't have to do our job because I did not go to the federal court 100 miles away to get a federal summons from them for the state defendants after they move the case from state court. NOT my job/ that was your decision and as a consequence it is in fact the courts job to initiate and send appropriate summons to each defendant because it is the state which move the case/ NOT me. Your job/ not mine. As to the affidavit: its your job/ not mine,

**because you chose to move the case/ and you brought each and every defendant with you.** Proving they know. Where is the affidavit that should have been sent to me? I do not remember it. Further issues are moot: because removal to this court was done without my discretion or consent or authority or knowledge. That in effect removes ALL legal responsibilities/ and places them upon the person(s) responsible for that legal process. **YOU!**

### **ARGUING state PERSONAL JURISDICTION**

BY THE RULES YOU APPLIED TO YOURSELF; governing the right to serve summons by delivering that summons to “the chairperson or clerk” I HAVE complied with all applicable rules to initiate service and summons to court. The refusal to establish a more specific summons is restricted by the lawyer for the defense: BECAUSE THEY REFUSE to supply the needed information. A charge of contempt is then issued by me/ along with obstruction of justice charges for failure to accept the responsibilities called JUSTICE, through the legitimate and real call for due process by a pro se litigant. You are assigned the duty: to aid and abet my needs/ and treat me with respect; rather than this ridicule. Perfect service is a myth/ an UNDUE and UNREASONABLE assertion of contempt and denial: for the legally guaranteed process of protection to this people/ and my day in court as is defined by due process. My demand IS: to be heard by a jury of my peers/ NOT a damn rule book. That is the sign of a dictator (shall we put your picture on Kadafi’s face/ it is not democracy.

By intentionally moving the trial beyond my own “environment”/ the defense intentionally makes it difficult or impossible for me to deliver a summons

a long distance away. The reality that these defendants do not live within a reasonable distance by which that process or those who would serve this process upon individuals: which the lawyer refuses to provide is moot. Because YOU have not made it “reasonably possible” for me to obey this rule. As you have yourselves declared page 4 defense memorandum “without which the court is powerless to proceed to an adjudication”. The same is true for me: without the proper information and reasonable access to the tools necessary for me to comply: YOU CHOOSE to obstruct justice/ DENY due process/ and create subversion in the courtroom. The intentional robbery of my right to trial, by creating impediments which destroy, or intend to destroy, the pursuit of justice: through DUE PROCESS/ a right guaranteed to be my law. A right: **NOT to be destroyed** by mere procedural rule. Show me my error.

By the use of affidavits, the defense proves he or she are indeed served; is this NOT a valid court document of notification/ thereby served. Prove me wrong with justice.

The defense argues: “they can throw me out of my home, with a piece of certified mail” page 9 defense memorandum. Yet they say to me: that including the people of this state or nation, in this trial; as is the purpose of the amended compliant. A simple notification. Is not valid because there are rules! They raise no legal issue regarding justice/ they raise the excuse: “we DON’T have to do our jobs/ cause we don’t want to; so there”/ GROW THE HELL UP.

The defense argues: that the mail was not properly received/ nor summons properly given. But the fact is, that in their own state directory, at least the one I used in the Champaign library only box numbers are provided. HOW can I send

proper service, when the agencies representing this state; ARE IN HIDING! And as clearly seen here/ RUNNING AWAY from their responsibilities, as fast as they can.

Again, without proper names and addresses: as must be obtained through this judicial process, thereby establishing exactly who shall be responsible for answering this legal action/ there requests and excuses fall short. The issue is moot/ until and unless such time exists as proper names and addresses are provided to me. If then I do not respond: IF IT IS REASONABLE for me to do so, only then can you complain. It is not reasonable for me to go to Joliet, IL. My ears do not travel well. Send the papers you want back/ with the names and addresses/ phone numbers/ costs, etc. Until then you have no case. Only then can you legally quash the summons and dismiss. Constitutional guaranteed rights control this action/ the obstruction of justice has been shown in relation to service and summons. It is the courts job to reprimand the defense. Do it now.

**ARGUMENT, against, dismissed as a improper party.**

Plaintiff argues: that I have NOT failed to comply with any appropriate law involved in this case. Rules of the court are not laws/ because they are not created by legislatures, and approved by our executives. Therefore they are merely considerations called rules/ and DO NOT achieve standing in court as law. The judiciary is NOT allowed to create its own law, it is demanded they will serve the law instead.

The constitutional law called redress of grievances for both state and nation/ are being trampled here with gross neglect/ by rules that do not apply. A rule is



not a law/ a rule is a demand for “courteous consideration”. While it is not my intent to be disrespectful in any way to the court, that does its job. Neither is it my intent to be removed from my guarantees of justice and democracy by irrelevant calls for “you didn’t do this right”. WHAT has that got to do with justice? The answer is nothing, if everybody knows they are called to court. They do! Further unlike any other defendant/ these are called to do their job for the people for which they are hired. The purpose of a courtroom simply identifies: WE DEMAND TO KNOW EXACTLY WHAT YOU FIND OUT. You are our employees/ this is our lives: we will know what you know in this situation/ because redress means. WE WILL DECIDE/ not you; about the evidence presented to us. That is democracy/ if the people choose it through the process started in this courtroom to establish IF THIS PEOPLE, either or both as state or nation will call for the legal trial that establishes us: as the owners here, and the fact WE RULE this nation and this state, NOT you. These are serious matters as indicated and expanded, in the supplemental brief filed 2/ 18/ 11. It is not up to this court to determine what the people choose to do with their legal right of redress. It is the legal duty of this court to obey the law, and create the process, or that beginning of process through this courtroom and its jurors who shall then decide for our “community area” if we demand trial and accountability or not.

### **CONCLUSION**

Democracy does not bow down to federal rule of procedure. It is the court that bows down to democracy/ recognizing our right as WE THE PEOPLE, to pursue the governing of ourselves as we see fit. It is the court who must “perfect

the service” unto these employees of state and nation/ whereby constitutional law is met, sustained, and established for the people. Anything less, is treason: because constitutional law governs every court in this land. That means every court has jurisdiction to do, what the constitution and this democracy demands. The court finds itself at this time, under the authority of constitutional law: and must answer accordingly.

Issues raised that do not respect the people, and their ownership of this land/ this state/ this court/ or this governing assembly of employees hired to do the work prescribed and determined by the constitution itself; or me. Are moot. There are no more excuses:

Take this case to redress trial: the beginning process whereby we the people declare and affirm/ **this is indeed our state and nation, and we are the owners here!**

**The defendant has been evading service long enough!**

The obstruction of justice, by denying due process, and counterfeiting rules as law; are over. Provide the information and declare who serves it as is necessary to proceed/ or quash the defense attempts to rule without law. A rule is not a law/ thereby it has no true substance in court. The court has no right to make a law, they must obey the law.

The refusal to obey the call for justice/ the obstructions placed in the courtroom by rules, and their consequence of extortion by limiting the call for justice to lawyers who use the rules to destroy/ defile/ and demean justice are proven in the court cases presented by the defense on page 13 defense memorandum. As is proven here: nothing I present in a courtroom is either

frivolous, or cannot be understood by a judge or lawyer/ instead rules have been used to consume democracy. I HAVE NEVER LOST A LEGAL ARGUMENT! Rather contempt in the court has ruled it/ or collusion/ or conspiracy to destroy the constitutional right of REDRESS OF GRIEVANCES. Rules and courts have assumed by their rules, they can own the courtroom through arrogance. Failure to abide in the truth that due process DOES MEAN: that I am owed a jury trial/ regardless of what this court or these lawyers say. Because that is the law. And each case presented by the defense proves treason instead. Because the law is not a toy/ and can or has been used by the defiant: in traitorous acts of sabotage, stripping justice and rights from WE THE PEOPLE.

Either the court works for this people/ or its judge defies this people, and their law. Make your decision.

## PROOF OF SERVICE

IN US DISTRICT COURT

CENTRAL DISTRICT OF ILLINOIS

100 N.E. Main street, Peoria IL 61602

dated: 2/ 28/ 11

Extending from Champaign county, Urbana IL

case 11-cv- 2023

trial# 10 MR 906

JAMES FRANK OSTERBUR

2191 COUNTY ROAD, 2500 E, ST. JOSEPH, IL 61873

the electronic file is at [www.justtalking3.info](http://www.justtalking3.info)

V.

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

box 19281 Springfield IL 62794-9276

**IL DEPT OF AGRICULTURE OVERSIGHT AND ENFORCEMENT.**

Box 19281 Springfield IL 62794-9281

**Environmental protection agency for the USA, Chicago office IL:**

US EPA region 5 Ralph Metcalfe Federal building 77 W. Jefferson blvd Chicago IL 60604

**Department of OSHA for this USA. Chicago area**

701 Lee st. Suite 950 Des Plaines IL 60016

**Department of traffic safety for IL**

box 19245 Springfield IL 62794-9245

**Department of human rights; 100 W. Randolph st. Chicago IL 60601-3218**

**added is**

*US ATTORNEY Gerard A. Brost 211 Fulton st. Suite 400, Peoria IL 61602*

*STATES ATTORNEY office Champaign county 101 E. Main st. Champaign IL 61801*

*IL ATTORNEY GENERAL 500 S. Second st. Springfield IL 62706*

*champaign county circuit clerk 101 E. Main st Urbana IL 61801*

**added is:**

*IGNACIA S. MORENO Lawyer for epa requesting electronic filing from court/ no address to me.*

*AMY J. DONA Lawyer for US dept of justice/ environmental and natural resources division/ environmental defense section box 23986 Washington DC 20026-3986*

**plaintiff response to: TO MOTION TO DISMISS FOR LACK OF PERSONAL**

**JURISDICTION.**

**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.