

For the State of ILLINOIS
APPELLATE COURT, 4TH DISTRICT
201 W. Monroe st. Box 19206 Springfield IL 62794-9602

regarding GEN # 4-10-0679 THE APPEAL OF case 09LM1414 Champaign county

DATED: 12/10/10

JAMES FRANK OSTERBUR

V.

PROVENA COVENANT MEDICAL CENTER

added to the defendant listing on this day 3/01/10

DR. YOO Represented by SHEMAUGER EMERGENCY PHYSICIA (these represent the doctor billing, that came after filing; and as such are intimately connected to the outcome of this case). They should be legally bound as well, and have been fully informed by me, throughout.

**RE: Defendants, MOTION TO DISMISS undated apart from affidavit
Nancy Lischer**

The defendant asserts “she must defend the judiciary”/ they can’t do it for themselves. Obviously “DISRESPECTFUL of the court and the judiciary”. A matter of contempt, to state a judge cannot understand the law, or his or her authority under the law.

The defendant asserts; the principle of justice/ the disciplines of fair play/ and the protection of EQUAL STANDING; is held within the supreme court rules. When in fact; regarding a list of irrelevant detail that has nothing to do with the evidence at hand, or the purpose of the court to enforce the constitution and accept the duties of fair play and EQUAL participation within every courtroom in this state. As is the purpose of justice, the reason a courtroom exists for the people. It is not provided by the people to themselves; for frivolous rules/ that is fraud. In terms of pro se clients/ these are merely an obvious obstruction to justice and thereby cannot be considered culpable for the sake of justice/ rather they are used as is here the case, for injustice. Failure to abide in equal standing before the law, as is the demand of a jury: clearly stand discarded, in all pro se hearings/ as the legal profession uses rules to extort money, and functionally bury justice under those same rules. **Rules that become, “a barrier to the law”/ are forbidden where justice rules.** The defendant claims, an unnecessary burden to this people, and a method by which the legal profession corrupts justice, and condemns the innocent without a purpose called fair play/ equal standing/ or merit under the law.

The defendant claims: this appellate court has no factual understanding, or legal definition by which an understanding of the simple truth:

this plaintiff claims the right of redress of grievances according to the UNITED STATES CONSTITUTION and THE STATE OF ILLINOIS CONSTITUTION which provides that relief to this citizen and every citizen under the protection of law and due process within a courtroom of law, either state or federal. No possible excuse exists for legal denial/ no precedents exist to prove otherwise. It's the law. Not, "a judges' decision to make/ his or her duty to obey".

It is that simple: I DEMAND REDRESS OF GRIEVANCES/ it is the courts duty to provide this law to me. It is not a decision of the court/ it is constitutional law, **an authority above the court requiring the judge to do his or her duty and present that law to the people; as is their right.**

#1 What is inappropriate is the fact that I am in appeals court to claim what is mine under the law. The court has NO authority to deny the constitution, either state or federal. Prove it is not so! As to the claim of required sections under the rule. **THE FACT of this case is: I am in court demanding the law of redress shall be upheld!** And it is the court/ the previous judges in the circuit court/ and any cause for concern as can be directed at this appellate court that proves: it is the judiciary that refuses to obey the law of this state and this nation/ and are then found in contempt. As is true of all who blatantly and determinedly refuse to obey the law. In that sense, this is not a trial, because I merely demand the court does its duty. Rather instead of a trial, this is the beginning of documentation, that brings the judiciary to trial, at the appellate level. Should they refuse their oath and deny constitutional law. Just so you know: NO higher authority exists. Thereby no excuse exists as well.

As to any misconception of a date: I do not know if the date is correct or not/ BUT I DO KNOW that it was mailed at the time it was filed by US MAIL with postage prepaid. Regardless it is not an issue here, as it makes no difference to this demand for redress. Even so, I commonly copy and paste the heading from one document into the next and it is possible I forgot to change the date. "All done/ complaint is over". PROOF of time this document was received, must be provided by the alternate defendants office in Joliet, IL as to whether some consideration is due.

The defendant adds from the brief: "plaintiff states....this appeal

demonstrates and declares that two judges in the state of IL courthouse in Urbana IL have declared themselves to be rulers, NOT employees of the people”. Thereby she understands, this is about redress of grievances, as it applies to the judiciary/ complaint over. The failure to obey the law is a criminal offense, judge or not/ how did that escape your understanding? There is NO immunity for bad behavior; a constitutional reality. The fact that I ask for nothing more than the law SHALL be delivered to me: creates an entitlement/ because it is the law, the judiciary in question have refused and withheld from me. How is that not desertion of duty or a traitorous act: the constitution guarantees me this relief. Failure is prejudicial, and a corruption of law. No one is immune from constitutional law: least of all a judge! Traitor, Because YOU KNOW, and with intent: this refusal is the demand, “the people shall NOT have their law”. Is that not equivalent to a treason? Particularly at a time in this state and nation when critical consequences are pending; the need for speed clear/ because of the failure of our leaders?

The defendant argues: from plaintiff document “argument begins”: that democracy is not of the people. The defendant argues, this state is not a democracy, and that we the people are not the owners of this state or nation. The defendant argues that the failure by a judge to obey constitutional law, a constitution each judge is sworn to obey in order to accept the job; is irrelevant. By refusing the law/ demanding this law shall NOT be applied or held with respect for the people of this land: the judge declares themselves to be ruler. Because they in effect destroy the law that binds this nation together/ and that does participate as ruler, and not employee. How is that not tyranny? Prove it. I have participated in the games long enough: redress of grievances is my right within the law/ both state and nation: and YOU KNOW that is true. Therefore I need quote nothing/ you the judge took an oath claiming “I KNOW/ AND I WILL OBEY”. Refusal, or destruction of the oath; that gave you your job. The sworn statement, I will do as the people have declared that I must do, for this job: HAS CONSEQUENCES. Not a game, and there is no immunity for a judge, whose purpose is to break his or her oath.

The defendant claims; “He has vented his wrath”. When in fact, the only thing I have done is direct the court not to play with the law/ or be deceived by the fact, I no longer play your game. Today there are consequences; as the law allows/ and the people recognize this, is their decision to make. I remind you again: we the people own this state, and this nation/ it is NOT yours as an employee. It is ours, by blood/ sweat/ sacrifice/ tears/ and lots of hard work. NOT yours as an employee: YOUR JOB is to do what the law demands you to do. Our contract

with this state and nation is: for upholding the constitution/ and defending our lives, we will pay taxes, and accept limited failures along the way. To date, the judiciary has broken their contract with WE THE PEOPLE/ by failing to uphold and respect the constitution. It is clear the judiciary has conspired to remove redress of grievances from the constitution/ and that means a full and real rebellion against this democracy exists/ from bottom to top in the courtroom. That too has consequences, because this nation is called “we the people”/ not you the hierarchy”. You are equal to us/ not above. Your job can be removed. For the criminal trespass of withholding our laws from us: prison lurks. Should not the police arrest a lawbreaker, and bring them to trial?

#2 This entire case has been dissolved upon one primary issue/ the rest is now dependent upon that single issue being legally resolved, first. **THE JUDICIARY MUST OBEY THE LAW!** If the judge does/ then we return to court to work through the rest as provided by redress of grievances, “the people’s authority”; to govern their world, and their employees. To decide their future, their healthcare, their government, and their society. That is what is at stake/ and it DOES affect me personally/ has affected my life, and my living, and my money. And has/ does/ and will affected those I know.

These are the points of fact/ this is the nature of the issue/ jurisdiction as it regards WE THE PEOPLE represents the foundation: **WHAT COURT in this land is not required to obey the law, and provide DUE PROCESS to the people?** I am entitled to the guarantees of OUR constitution, both state and federal: Prove it is not so. The case presented is: **THE JUDICIARY MUST OBEY THE LAW!** What don’t you understand? Perhaps there is a grade school student I can send to help you “work it out”. This is a conclusion, based upon the poverty of the judicial record. The refusal to admit to justice, as is my right unto the law/ whether the judiciary, in a courtroom provided by this people; conspires to withhold that right or not: Is criminal contempt. Is that the case you wanted me to make for you?

The defendant supports the grand illusion: that references to constitutional law, do not count in a courtroom. She suggests the constitution is an irrelevant and worthless document; that only fools and failures and pro se plaintiffs rely upon. Or more simply the court need not obey anything the constitution says. The defendant argues the constitution is “no authority cited”. This is the smell of corruption/ a conspiracy within the legal profession to organize and refuse democracy; to establish their own criminal intent of control and its consequent

extortion. She is wrong, and in contempt against this state and nation: because the constitution both state and nation ARE THE ONLY AUTHORITIES to which the law itself shall bend/ and the courtroom MUST obey, every single one! WITHOUT interpretation beyond distinct and true limits.

The defendant asserts “she doesn’t understand sufficiently to make the case against me”! Reality however states she has no case at all/ and this trial has now been reduced to: whether the judiciary will or will not obey the constitution/ and provide redress of grievances to me, and to the people of this state or nation. That is the only question before the court today/ until this matter is resolved, the rest shall wait. The defendant has no case when instructed: this is about whether the judiciary, obeys the law or not! The defendant does not have the authority or claim to make that decision for these judges. It is their decision alone. The record proves, a judiciary in defiance of the law. This disease is being shown to the people themselves. The question is: WHO is diseased?

THE RULE OF LAW IS: as written, the law will be obeyed. As written, the constitution shall govern all law! Any assumption that I cannot simply testify in accordance with the fundamentals of evidence/ cannot simply demand obedience to the laws which govern our democracy: is a lie, and constitutes a rebellion against this people. That is the foundation of every jury trial/ and my claim for jury trial, is evidence this is the only legal demand that matters. If the jury finds me lacking, will they not prove that is so! Because these are OUR LAWS/ just as this is OUR STATE/ and these taxes we pay, represent the work, time, effort, and sacrifice of OUR LIVES. The failure to uphold your contract with this people, is cause for these people to withhold payment from you. It ain’t yours/ YOU are the employee; we, are the OWNERS. Step from behind the bench, and you become “one vote/ one citizen” same and equal for all. If justice, fair play and equality; is NOT the purpose of this courtroom/ then it is in defiance of the people and the law. It is for criminal purposes, not justice. Who then controls the courtroom, if not the constitution? Who then if not the law, decides for we the people; if we can be ruled, instead of owners, state, and nation: who live by the law? There are consequences for that, within democracy; because if you steal our law, and lie about our rights within democracy: is that not traitorous? Make your decision.

#3 the defendant asserts; I should point to the record and say beyond the facts, already stated; something her rules can deny. I refuse. This case is about constitutional law and the refusal of two circuit court judges to obey that law. The

fact I am in appeals, proves the verdict handed down by the judges. Nothing else is lacking: the foundation of evidence is clear. The defendant asserts “unsupportedrelevant legal authority” again: absolutely in DISRESPECT AND DENIAL, that the constitution of this state and this nation has anything to do with a courtroom. **The very foundation of law in our land**, held up to contempt/ a derision and the violence of legal contempt as is seen throughout this profession. The intent and purpose to say: the people themselves have no law/ “it is ours, to do with as we please; to sell or extort or abuse, because we control the courtroom for ourselves”. That is treason, an act of open rebellion by the legal profession, against the people of this state and nation. The defendant states “*impossible to determine what his claims are, what the facts giving rise to his claim are, or if there is any legal authority to support his claims...*” Again, these are merely frivolous/ while impossible states, “a destruction of the subject matter so vast/ that it is like; destroyed by fire/ nothing can be determined”. Yet this defendant proves she understands competently and with sufficient knowledge to write: “statement one of this motion to dismiss: this court should dismissbecause of plaintiffs statements regarding the judiciary.” She knows the judge did not obey the law/ yet fights against justice, due process, and equal standing in this court. Equal standing is not about rules, it is about the process of being heard without cowards in the court claiming “I don’t understand/ what the public clearly would”. That is failure, and a disease so common within the courtrooms of this state and nation it is a pandemic; the disgrace of legal bias, tyranny, and treason.

Conclusion: you understand.

REGARDING: MOTION STAY BRIEFING PENDING...

The defendant asserts, “six months is not enough time”/ between the filing of this appeal and its conclusion within the law, and my right to “a speedy trial”. She is denied.

#1 the defendant has no rights or legal claim to “guarding the judiciary”/ she is in contempt. (2) issue is removed regarding rules/ because this trial is about constitutional law. Whether the judiciary itself will or will not obey the constitution to which it has sworn obedience. (3) all legal grounds are exempt from a trial in which the actual case is a demand: **THE JUDGE MUST OBEY THE LAW!**

#2 the brief has been filed.

#3 In the interest of judicial economy, the defendant is instructed to use this response; the brief/ etc, already filed. Due process does not conceive of any need to further dismiss the law and the rule of “a speedy trial”; to further delay.

THE PLAINTIFF ASSERTS: this defendant sent to me two copies of
“ORDER”

clearly intending to illicit and illustrate, USING the heading of the appellate court, and its listing of judges; as her means to suggest, “that the court has made a declaration which can be assumed as denial.” **Plaintiff exhibit A**

THAT IS FRAUD: is it not the entire domain of the judiciary to present an order/ or its facsimile? Is this not, the intent of corruption (to use methods deliberately intending to interfere with justice)/ and its clear purpose is to suggest to me a pro se plaintiff (you lose) that this matter is already closed; go away. What other purpose does it serve?

This court is instructed to reprimand her, her employer, and other such relief as this court deems proper.