

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
CHANCERY DIVISION

People of the State of Illinois ex rel DOI v. NextLevel Health Partners, Inc.

20 CH 4431

Jacqueline Stevens, *pro se*  
Petitioner

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REPLY TO THE PEOPLE OF THE STATE OF ILLINOIS, UPON RELATION OF DANA  
POPISH SEVERINGHAUS, ACTING DIRECTOR OF THE ILLINOIS DEPARTMENT OF  
INSURANCE

The State of Illinois by and through Attorney General Kwame Raul ("Attorney General") on behalf of the Acting Director of the Illinois Department of Insurance ("Director") seeks denial of petitioner Jacqueline Stevens' ("Stevens" or "petitioner" or "applicant") motion to intervene for purposes "beyond the limited purpose of vacating the Order of Sequestration." Petitioner herein points out that the Illinois statute on which Stevens relies for seeking intervenor status obligates orders of sequestration that have a binding effect on Stevens; that Stevens specified this in her petition; and that the Attorney General avers Stevens may proceed as an intervenor and objects only to the substantive purpose for her pursuing this status, a disagreement with Stevens that goes to the heart of her actual intervenor motion and thus provides grounds for granting her petition.

The Attorney General Disregards Petition and Intervenor Motion's Facts and Laws

The Attorney General offers three legal arguments for denying Stevens' petition. None of them dispute petitioner's facts or legal analysis alleging that the continuing sequestration of this

and other cases under **215 ILCS 5/188.1 (b) (4,5)** violate state and federal constitutional rights of the petitioner and the public to court records and hearings.

1. The Attorney General's states as the first argument, "Stevens has not identified any statute that confers any right to intervene into conservation proceedings to challenge their constitutionality." Response p. 2, Oct. 25, 2021. ("Response.")

This statement is false. In her petition, Stevens writes, "Stevens seeks permission to intervene in the matter of People of the State of Illinois ex rel DOI v. Next Level Health Partners, Inc. 20 CH 4431 on the grounds that the representation of her interests and those of the Illinois public are not adequate in the current proceedings and under the statute challenged. See 735 ILCS 5/2-408 (a) (2))." Petition, August 27, 2021 ("Petition") at ¶4. **735 ILCS 5/2-408 (a) (2)** is a statute and Stevens identified it in her petition to file her intervenor motion for the purpose of asserting equities of government accountability rooted in the constitutions and laws of the State of Illinois and the United States, insofar as these interests of hers are not represented by the parties allowed to open proceedings under **215 ILCS 5/188.1 (b) (4,5)**, in this or other cases.

2. "Second, in addition to failing to identify any statute, Stevens also cannot establish the remaining elements for intervention as a matter of right. Significantly, any resolution of this case will not have any binding effect on Stevens." Response 3. This claim misrepresents the statute. **736 ILCS 5/2-408(a)(2)** does not premise a right to intervene on "any resolution of [a] case," for instance, a final order for NextLevel Health Partners, Inc. ("NextLevel") payments to its creditors. The statute provides a right to intervene when an applicant's interest may be "bound by an **order or** judgment in the action..." (emphasis added). The judicial orders of sequestration in this and other insurance firm conservancy court proceedings have a "binding effect" on Stevens' right to access court records and hearings. Stevens averred this in her petition (¶5) and

the Attorney General does not dispute that the portion of the statute for which Stevens is seeking intervenor status is "binding on Stevens' and the public's ability to access court records and hearings.

3. "Third and finally, Stevens cannot establish permissive intervention because this action does not have a question of law or fact in common with the relief sought by Stevens, i.e. a declaration of unconstitutionality of section 188.1 of the Illinois Insurance Code." Here again the Attorney General paints in broad strokes, but does not dispute any of the facts or First Amendment equities that do indeed justify her petition.

If the court refuses to recognize petitioner's right to intervene, petitioner in the alternative requests that the court consider the equities of her constitutional pleadings, which vastly outweigh any potential complications the Attorney General speculates might occur. The Attorney General provides no facts much less evidence to indicate that granting Stevens intervenor status will "complicate this proceeding." Response, p. 4. NextLevel has indicated it will not be filing a motion in response to Stevens' petition to intervene, thus further raising questions about claims that granting intervenor status will lead to complications.

Second, the Attorney General offers only pro forma references to precedents obligating reliance on statutes if possible; there are no facts or refutations of Stevens' legal arguments and citations to case law that contravene the analyses of rights afforded by the constitutions of the state and federal governments, as well as common law, when restricting analysis to statutory text would require a violation of a constitutional right, as Stevens clearly details has occurred based on orders obligated by **215 ILCS 5/188.1 (b) (4,5)**. The Attorney General also indicates no other

remedy to Stevens' inability to access court records and hearings due solely to **215 ILCS 5/188.1 (b) (4,5)**.

Finally, the Attorney General states that the "Director does not object to Stevens intervening into this case for the discrete purpose of vacating the Order of Sequestration..." Response, p. 1. This statement indicates recognition that **735 ILCS 5/2-408 et seq.** permits Stevens' intervenor status for the purpose of challenging sequestration ordered under **215 ILCS 5/188.1 (b) (4,5)** . This further means that the sole legal question is not whether **735 ILCS 5/2-408 et seq.** allows Stevens to enter the case as an intervenor -- the Attorney General is allowing that her petition is permitted by the statute -- but whether an order ending sequestration in this case or declaratory relief is a proper remedy to Stevens' inability to access court records and hearings due to **ILCS 5/188.1 (b) (4,5)** . That question can be answered only after Stevens has her petition for intervenor status granted and a court reviews her motion and responses from opposing parties.

By: Jacqueline Stevens/s/  
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November 1, 2021

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VERIFICATION

I, the undersigned, swear under penalty of perjury, as provided by law under Section I-109 of the Illinois Rule of Civil Procedure, that the statements contained in this motion are true and correct to the best of my knowledge and belief, except where I lack sufficient knowledge to form a belief of the truth of the allegations, where so stated.



Jacqueline Stevens