

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

**IN THE MATTER OF THE CONSERVATION OF  
NEXTLEVEL HEALTH PARTNERS, INC.**

Jacqueline Stevens, Intervenor, *Pro Se*

2020 CH 04431

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**REPLY TO NEXTLEVEL HEALTH PARTNERS INC.’S OPPOSITION MOTION TO  
INTERVENOR’S MOTION FOR RULING**

Introduction

NextLevel Health Partners Inc. (“NextLevel”) on June 24, 2022 filed an Opposition to Intervenor’s June 21, 2022 Motion (“Opp. Mot.”). NextLevel disregards the facts in the Jacqueline Stevens’ Intervenor’s Motion for Ruling on Relif Sought Pursuant to Motion to Declare Public Records in the Public Record” (“Mot. for Relief”). This Reply states the error in NextLevel’s Opp. Mot. and also provides additional authorities NextLevel disregards.

Proceeding History

On November 29, 2021, the Court issued an Order lifting the stay on ending sequestration and granting NextLevel’s motion to file exhibits under seal and replace the original Complaint of June 3, 2020 and order of June 9, 2020 with versions that had portions redacted (“Lift and Seal Order”). On December 6, 2021, the court issued an order granting Jacqueline Stevens Intervenor status for the purpose of making arguments about the “public nature of these proceedings.” Intervenor filed her Amended Motion on January 31, 2022. On March 14, 2022, NextLevel filed its opposition response. On March 21, 2022 the People of Illinois representing the Department

of Insurance filed its Opposition Response motion. Intervenor on April 4, 2022 filed a motion to obligate parties to notice all motions to Intervenor and to declare public all records for 2020 CH 04431 previously released by Chancery Division. On April 26, 2022, NextLevel filed its Sur-Reply. On June 8, 2022, Intervenor filed a motion for leave to file Supplemental Motion and attached as an exhibit a motion containing new evidence, a Sur-Sur Reply, and a motion for sanctions. Later that day, oral argument was held on the briefings and the Court announced an intention to issue the final judgment at 2 p.m. on June 13, 2022. On June 12, 2022, Intervenor filed a Motion to Postpone the Final Order. Following presentment at a hearing on June 13, 2022, the Court issued an order denying motions in the exhibit containing the supplemental motions with the exception of the motion for sanctions under Illinois Supreme Court Rule 137. The Court also denied the Motion for Postponement. In a written order issued later on June 13, 2022, the Court issued its final judgment on Intervenor's Amended Motion and denied the motion to vacate the seal and redaction orders November 29, 2021. On June 21, 2022, Intervenor filed a Motion for Ruling on Relief Sought Pursuant to the Motion to Declare Public Records in the Public Record ("Mot. Declare Public"). On June 23, 2022, Intervenor filed a Motion for Release to Intervenor of Court Communications with Opposing Counsel and Tolling of Briefing Schedule. On June 24, 2022, NextLevel filed the Opp. Mot. to Intervenor's Mot. for Relief.

#### Relief Requested Not Moot

Intervenor's Mot. for Relief is grounded in the fact that records the Court ordered sealed and redacted were released to the public. Intervenor's Mot. for Relief clearly explained the history and details distinguishing this motion from the relief requested in her Amended

Intervenor Motion filed on January 31, 2022. NextLevel offers no facts or analysis to dispute a single claim in Intervenor's Mot. to Declare Public that asks for ruling on this matter as *separate* from the Constitutionality of the 215 ILCS 181.1 (b)(4,5) or the order of November 29, 2021 to seal two exhibits and replace two documents with versions that had NextLevel's preferred redactions. NextLevel does not dispute that the records in question were in fact released to Intervenor and in the public record for several months.

#### Authorities and Analysis

NextLevel also disregards the precedents cited in Intervenor's Mot. to Declare Public that are part of well-established case law holding that publication of information obtained from public records cannot be criminally punished. *Smith v. Daily Mail Publishing Co.*, 443 U.S. 97, 103 (1979) ("We held that once the truthful information was 'publicly revealed' or 'in the public domain' the court could not constitutionally restrain its dissemination," citing *Oklahoma Publishing Co. v. District Court*, 430 U. S. 308 (1977).") Intervenor's Mot. to Declare Public also cited *Barnicki v. Vopper*, 532 U.S. 514, 527-28 (2001), a case finding that even information originally obtained unlawfully may be published without penalty to party who obtained information lawfully ("[T]his Court has repeatedly held that 'if a newspaper lawfully obtains truthful information about a matter of public significance then state officials may not constitutionally punish publication of the information, absent a need . . . of the highest order.'" *Id.*, at 103; see also *Florida Star v. B. J. F.*, 491 U. S. 524 (1989); *Landmark Communications, Inc. v. Virginia*, 435 U. S. 829 (1978).") Intervenor's request for the Court to acknowledge and declare that the Court is not permitted to invoke the Court's contempt power to punish the publication of information in the public record also is clearly affirmed in *Cox Broadcasting*

*Corp. v. Cohn*, 420 U. S. 469, 491 (1975), a case in which the name of a rape victim was published in violation of a statute prohibiting this and the newspaper was sued for making use of information that by law was prohibited from publication. (“...[W]hether the State may impose sanctions on the accurate publication of the name of a rape victim obtained from public records—more specifically, from judicial records which are maintained in connection with a public prosecution and which themselves are open to public inspection. We are convinced that the State may not do so.”) Insofar as the Court has held that even a state statute cannot authorize punishment against publication of information in the public record, it is reasonable to infer that this Court or any other lacks the inherent judicial power to impose penal power in this context. The alternative to a ruling on the Mot. to Declare Public is to wait for a party to publish information in the records released and have the issue relitigated in the future, a process that will cause a do-over on the case law and equities when the record is stale; this delay is required by NextLevel’s Opp. Mot. and is not in the interests of judicial efficiency.

Respectfully Submitted,  
/s/ Jacqueline Stevens  
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June 27, 2022

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.

A handwritten signature in blue ink, appearing to read 'J. Stevens', with a stylized flourish at the end.

Jacqueline Stevens

Certificate of Service

I certify that on June 27, 2022, I caused the foregoing document to be filed and served on all counsel of record.