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ORIGINAL

Supreme Court, U.S.
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IN THE
SUPREME COURT
OF THE UNITED STATES OF AMERICA

Jacob I. Severson

Petitioner

v.

Dr. Shabnum Gupta, Sanford Health Network

North, and Sanford Medical Center Fargo

Respondents

On Petition For Writ of Certiorari To The

North Dakota Supreme Court

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether a state's application of an expert-affidavit requirement to dismiss a claim of extreme and obvious medical battery—where a doctor non-consensually destroyed healthy genital tissue with a cryogen—violates the Fourteenth Amendment's Due Process Clause by creating an arbitrary and insurmountable barrier to justice for indigent litigants.
2. Whether a state court's ruling that deliberate, catastrophic damage to a patient's genitals constitutes merely "treatment of the correct organ, the skin" violates the Equal Protection Clause by trivializing male sexual trauma and bodily integrity in a way that would be legally unthinkable for female patients.
3. Does the Fourteenth Amendment permit a state court to effectively grant hospitals and physicians immunity from battery claims by deeming any outcome, no matter how grievous or non-consensual, as per se compliant with an indefensible "standard of care"
4. Whether a state, through its judicial and medical actors, violates the Fourteenth Amendment's guarantee of due process and equal protection by systematically exploiting a patient's sexual humiliation—compelling the exhibition of intimate trauma as a precondition for justice, only to then dismiss that evidence as trivial—thereby inflicting a second, institutionalized injury and denying any meaningful remedy for severe bodily and dignitary harm.
5. Whether a state violates the Seventh Amendment right to a jury trial (as incorporated by the Fourteenth Amendment) by invoking a procedural rule to dismiss a claim of severe frostbite injury—a condition universally recognized as an obvious harm by laypersons—solely because the instrument of injury was wielded by a physician, thereby creating an unconstitutional physician-specific exception to the state's own "obvious occurrence" rule.

PARTIES TO THE PROCEEDINGS

Petitioner

Jacob I. Severson

Respondents

Dr. Shabnum Gupta

Sanford Health Network

Sanford Medical Center Fargo

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Jacob I. Severson petitions for a Writ of Certiorari to review the Judgement of North Dakota's Cass County District Court and the affirmation of this decision by North Dakota's Supreme Court.

OPINIONS BELOW

North Dakota's Supreme Court Opinion Affirming Cass County District Court's Summary Judgement and Denial to Amend, Docket No: 20240292, is published and appears in Appendix A.

North Dakota Cass County District Court's Summary Judgement and Denial to Amend is published and appears in Appendix B.

A Petition for a Rehearing with North Dakota's Supreme Court was Denied on June 27, 2025.

JURISDICTION

North Dakota's highest Court, the North Dakota Supreme Court was decided on May 22, 2025 and appears at Appendix A.

A timely Petition for a Rehearing by North Dakota's Supreme Court was thereafter Denied on June 17, 2025,

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. 8th Amendment to the United States Constitution.
2. 14th Amendment to the United States Constitution.
3. Section 1983.

All three to be expounded upon as to how they apply in the Statement Section.

STATEMENT OF THE CASE

(References to the Cass County, North Dakota “Register of Actions”, for case #: 09-2024-CV-00141, will be sighted using parentheses, for example: (R1: 1). Referencing to the Appeal to the N.D. Supreme Court, Docket No: 20240292, will use for example: (NDSC: page: paragraph:) or more simply (NDSC: p: para:) to locate and more fully explain what has been sighted in this Statement).

A. INTRODUCTION

On December 15, 2021, The Petitioner, hereinafter Severson, entered Sanford Southpointe Medical clinic in Fargo ND and had cryotherapy performed on his penis to remove 4 very small HPV warts on his penis shaft. The wart sizes were 4mm, 3mm, 3mm and 2 mm. (all under 0.5cm) See (R: 119) (R43). The Respondent Doctor, Dr. Shabnum Gupta, hereinafter Dr. Gupta, was assigned to do the cryotherapy. They had never met before. Very minimal conversation, only that liquid nitrogen is very effective in killing warts. There was no informed consent and only a verbal consent was given to freeze the 4 warts. No nurse was present, only Dr. Gupta and Severson.

After the procedure, even though he could barely walk, Severson didn't fully realize, but for all intents and purposes, he now had a nearly destroyed penis, which was very different than the penis he had, when he walked into that Sanford Southpointe Medical Clinic on December 15, 2021. (He could easily have been a beautiful/handsome uncircumcised model for Playgirl magazine). (NDSC: p.29: para. 35) There is a good chance Rod Serling could not have thought up such a

scenario for his “Twilight Zone” television series. (NDSC: p. 36: para. 45) The immediate aftereffects on his penis were ½ frozen solid white with the other half beet red and would become totally swollen comparable to the size of a 16-ounce Coca Cola can, but larger in circumference at over nine inches. It took months to fully realize the devastatingly unnecessary damage the cryotherapy Dr Gupta had inflicted onto his penis – large open wounds, black peeling skin (2nd and 3^d degree frostbite) and visibly still swollen over a month after the procedure (R51). Suffice to say, it’s not perfect anymore (heavily scarred), with nerve damage, chronic pain (phantom burning/itching over scars, making daily life miserable), and an erectile tissue damage where a bulging lump of scar tissue pops out underneath the largest scar. Simply put, his penis was frozen to the point of severe mutilation.

A lot of photographic evidence of Dr. Gupta’s cryotherapy procedure damage was submitted and is in the Record. Be warned that the photographic evidence is graphic. The photos were taken 5 days after the procedure, and each photo has a brief description of the location and sizes of the wart that had been treated/frozen and the size of the wounds created by Dr. Gupta’s liquid nitrogen application.

Photos also show the penis head, where there were zero warts and no consent was given to treat, but Dr. Gupta sprayed the head anyway in 3 places: (2 places on the head and 1 place on the foreskin). These 12 photos are in the Record at (R89-100). Another photo shows the damage where Dr. Gupta froze so deep, it damaged Severson’s erectile tissue (R102).

Another photograph (R101), taken 5 days after the cryotherapy procedure by dermatologist Dr. Burton Belknap, hereinafter Dr. Belknap, shows a similar sized wart to the 4 warts Dr. Gupta treated. This wart that Dr. Belknap treated was a single wart that Dr. Gupta had thankfully overlooked. He demonstrated to Severson how to do the procedure correctly and precisely sprayed **only** the wart. When the photo was taken the tiny wart is still visible but just a few hours later the wart fell off. Perfectly done, wart killed but not any skin or tissue death, and zero damage done to Severson's penis. Exactly how cryotherapy wart removal is to be done.

Because there was such a drastic difference directly tied to how each doctor applied liquid nitrogen using the identical Verruca Freeze applicator, with Dr. Gupta's 30 second constant spray, then with a brief thawing (15 to 30 seconds) and then 30 seconds and more of constant continuous over wide areas on the surface of his penis spraying for a minimum of 60 up 90 seconds and the same procedure was done on three areas of the penis head where there were no warts, (if the extremely excessive spraying of the penis shaft doesn't prove intentional harming, then the 3 places on the penis head does, as she sprayed the left glands for at least 30 seconds of constant spray. The right glans 30 to 45 seconds of constant spray and the foreskin 30 to 45 seconds of constant spray and there were no warts at any of the 3 locations, blatantly proving intent to harm, outright battery and wrong site surgery). Compare that to Dr. Belknap, of puff, puff, puff (not constant spraying) for at the very most 15 seconds and no damage to Severson's penis at all, except

that it killed the wart. Due to what virtually should constitute a criminal, on purpose difference, two exhibits were created entitled “Wartbusters, who you gonna call?”. (R24-25). It’s a name only takeoff on the popular so called “Ghostbusters” movie comedy, as what’s depicted in the “Wartbusters” photos are extremely graphic and serious, depicting cryotherapy as performed by Dr. Gupta, to the point of being torture (criminal assault) in nature, as almost everybody believes it to be and compared to a normal cryotherapy wart removal performed by Dr. Belknap. A few more photographic exhibits that help the reader in this regard. (R114-118).

B. INSTITUTIONAL SYSTEMIC GASLIGHTING AND SYSTEMIC COVERUP.

Throughout this whole experience, Severson has been finding there is an ongoing strong system in the medical industry to coverup the mistakes or wrongdoings of other medical personnel. Some refer to it as the “hidden curriculum” or the “code of silence”. It’s main attributes is that of gaslighting/lying to the patient and covering up whatever the misdeed was, as if it never really happened.

Gaslighting and coverup virtually started from day one. “Don’t look at it for a few days”, was Dr. Gupta’s way of telling Severson, that she had to pretty much destroy his penis to get those 4 very tiny warts on his penile shaft. The next day, Severson with his entire penis totally swollen (beyond recognition) larger than the size of a 16-ounce can of Coca Cola and not even recognizable as a penis and extremely painful, he called in not only to be seen but to be admitted to the hospital but was immediately denied and was told his cryotherapy procedure was normal

and he did not need to be seen or admitted. He was also literally begging for antibiotics due to evidence of serious infection yet was still denied. Severson, being a Type 1 diabetic, infection is very serious without antibiotics as it could be life threatening.

Because gaslighting and coverup in doctor's notes was so prevalent, a condensed short summary of what Severson experienced is provided below:

1. "Call ins" or "messaging", medical personnel all downplayed his badly wounded and infected penis and told Severson that it was normal to go through what he was going through (not yet seeing the damage)

2. At clinic appointments, medical personnel were shocked to see the wounds caused by Dr. Gupta and would have no choice but to acknowledge to Severson that what Dr. Gupta did to him was horribly wrong and was even encouraged to "speak up" about what happened to him, not just for himself but for the good of others. Disappointingly, some of these same Doctors would downplay what had transpired during the clinic appointment in their "doctor's notes". (systemic coverup).

3. Because Severson was finding out that "doctors notes" do not always honestly convey what had actually transpired and what was said in his clinic appointments, he felt he should begin to audio record all his medical appointments, just to provide for honesty. He was finding that some Doctors will mislead, omit and lie to help coverup a medical malpractice/battery when they recognize it, which is a crime in itself and Severson has proof of this.

4. In summary, Severson personally experienced (witnessed) gaslighting and coverup, not only within the Sanford facility, but even in other facilities as well, which can be proven by documentation comparing to what was said by doctors in audio recordings, which then lends to the fact that gaslighting and coverup of medical malpractice/battery misdeeds is institutional.

C. BRIEF HISTORY OF SIGNIFICANT EVENTS CONDENSED/SUMMARIZED, SEQUENTIALLY PRESENTED

1. December 15, 2021 through November 7, 2023. This a period of attending many medical appointments seeking help to remedy the injuries to his penis, but most to no avail. Therapy was also sought due to the severe trauma this had inflicted on him psychologically, leading to chronic depression and struggle to continue with life (thoughts of suicide for the first time in his life) Documentation is in the Record, but not referenced here.

2. Began audio recording all medical appointments starting with the appointment with Dr. Belknap on 2-18-22. (R53).

3. July 7, 2022 Severson contacted Lindsay Wilz, an attorney with the Maring Williams law firm in Fargo, ND to represent him in a medical malpractice lawsuit. 10 months passed and it appeared she may have not been working for Severson, so the relationship ended in May of 2023.

4. Diagnosed with PTSD, (post traumatic stress disorder), directly caused by Dr. Gupta's cryotherapy procedure on his penis and the resulting damage to it. (R111).

5. November 7, 2023 Severson met with Joel Vettel, senior patient outreach representative for Sanford Health, as he had heard of what had happened to Severson's penis by Dr. Gupta and thought it was so serious that Vettel asked Severson to write a letter to the Sanford Medical Board (Board of Trustees) describing what had happened to his penis, with photos as Vettel said the Medical Board would then set up a meeting with Severson to come up with some kind of settlement and to discuss how what happened to Severson would not happen to anyone else. (R38-40). Severson gave the 20 page long letter to Joel Vettel on November 28, 2023.

6. On December 6, 2023, Severson received a letter from Katie Lee Rizzo, Senior Corporate Council for Sanford Health, stating that the cryotherapy destruction procedure so horribly performed on Severson's penis was shockingly within Sanford's "Standard of Care". (R41). Apparently, Sanford's Board of Trustees after having read Severson's letter and viewed the photos of major damaged, infected, peeling skin on his penis that he submitted, which is in the Record and referenced above, decided not to meet with Severson and just call what Dr. Gupta did to Severson's penis as within their "Standard of Care", which a lot of people have called "frightening".

7. December 15, 2023 Summons and Complaint turned into Cass County Sheriff's department to be served on Defendants: Dr. Shabnum Gupta, Sanford Health Network North and Sanford Medical Center.

8. December 15, 2023, filed a police report and received a case number. The officer taking the case, commented that what Dr. Gupta did to Severson was “bizarre”.

9. Heard back from North Dakota Board of Medicine December 20, 2024, saying they were going to check with Dr. Gupta, and didn’t want any documentation, photos or anything from Severson, apparently relying solely on what Dr. Gupta had to say about it?

10. January 16, 2024 Defendant’s Answer filed by Randal S. Hanson and Megan J. Flom, lawyers of Camrud, Maddock, Olson & Larson Ltd of Grand Forks, ND, representing Dr. Gupta, Sanford Health Network and Sanford Medical Center.

11. April 8, 2024 Motion for Summary Judgment filed by Randall Hanson and Megan Flom due to Severson not submitting an expert opinion affidavit.

12. On April 23, 2024 Severson filed an Answer Brief for the Summary Judgement Motion.

13. On May 8, 2024 a Reply Brief for Summary Judgement was filed by Randall Hanson and Megan Flom.

14. On June 14, 2024 Severson filed a Motion to Amend Complaint to Medical Battery.

15. On June 28, 2024 Randall Hanson and Megan Flom filed a response to Plaintiff's Motion to Amend Complaint.

16. On July 16, 2024 a Hearing was held at the Cass County Courthouse, with Judge Cherie L. Clark officiating. Judge Clark makes the statement: "I have extensive medical surgery on the 30th (meaning July 30th) and I'll be out the month of August". (R134: 4: 2-3).

17. On September 6, 2024, Severson was served with a Petition for a Disorderly Conduct Restraining Order (DCOR). Sanford's legal team, Matt A. Paulson, Randall S. Hanson and Megan J. Flom had weaponized 3 statements, Severson said during his testimony at the Hearing of July 16th and turned and twisted them around to way out of context (and used them against him), so to provide (escalate) for seeking a DCRO and gathering signatures for the Petition, of which they gathered a total of 38 signatures. Note: People who know Severson have commented, that it would be like issuing a DCRO on Mother Teresa.

18. On September 6, 2024, Sanford's legal team, Matt A. Paulson, Randall S. Hanson and Megan J. Flom filed a "Demand from Removal from Judicial Referee to District Court Judge Cherie L. Clark", as she was presiding over this very same Medical Malpractice/Battery case #: 09-2024-CV-00141, stating that the DCRO is related to it.

19. The DCRO case was initiated on September 9, 2024 and a case number was issued: 09-2024-CV-03773.

20. On September 11, 2024, Judge Cherie L. Clark issued her Judgment granting Summary Judgment and Denying Motion to Amend. Matt A Paulson specializes in DCRO's and would know how to devise and twist and turn Severson's statements around to satisfy requirements to seek a Petition for DCRO and then get the very Judge in the case to see the Petition and to rule on it, whether the Judge approves the DCRO or not, it would seem to influence the judge. Legal? Perhaps. Honest? No. Legal trickery, for sure. Weaponization of Severson's non-threatening words, for sure. Because they have no defense of what Dr. Gupta did to Severson, they weaponize Severson's innocent words and statements.

21. On September 16, 2024, an Order denying Petition for Disorderly Conduct Restraining Order was issued, but Severson was never informed of this, until March 3, 2025.

22. On October 18, 2024, Severson filed a Notice of Appeal to the North Dakota Supreme Court. (R138).

23. On November 21, 2024, Severson filed a Motion for a 30 day Extension and was granted it.

24. On December 27, 2024 Appeal to the North Dakota Supreme Court was submitted for Cass County District Court Case: 09-2024-CV-00141 and was given the Docket number 202402692.

25. On January 27, 2025, Appellee's Brief submitted by Randall S. Hanson and Megan J. Flom.

26. On February 19, 2025 Notice of Oral Argument was filed by the Office of the Clerk of the North Dakota Supreme Court informing Appellant and Appellee that the Oral Argument would be by way of electronic means, which is “Zoom”.

27. On February 24, 2025, Severson filed a Motion for “in-person” Oral Argument and was received by the Court at 1:43 PM but at 4:42 PM, the Motion for “in-person” Oral Argument was Denied by an Individual Justice. This is second time the DCRO may have had an impact on Severson’s case, the first being the September 11th Judgement by Cherie L. Clark and now, by way of influencing the decision to not allow “in-person” oral argument at the North Dakota Supreme Court

28. On March 18, 2025 the Oral Argument was carried out using “Zoom”. The five North Dakota Supreme Court Justices in attendance were: Chief Justice Jon J. Jensen, Justice Daniel J. Crothers, Justice Lisa Fair McEvers, Justice Jerod Tufte and Justice Douglas A. Bahr.

29. On May 22, 2025 the North Dakota Supreme Court issued their Judgment Affirming Cass County District Court’s Summary Judgement and Denial of Motion to Amend. See Appendix A.

30. On June 6, 2025, Severson filed a Petition for a Rehearing with the North Dakota Supreme Court.

31. On June 17, 2025 Petition for Rehearing was Denied by the North Dakota Supreme Court. See Appendix C.

D. CRITIQUE/ANALYSIS OF NORTH DAKOTA'S SUPREME COURT

JUDGMENT OF MAY 22, 2025. DOCKET #: 20240292.

The format of this section of the statement will be by quoting exactly what is stated in the Judgment and identifying it as NDSC for North Dakota Supreme Court then noting the page number and then the paragraph number. For example (NDSC p. 4a, para. 1). Severson's response will be by using his last name, SEVERSON.

1. (NDSC, p. 4a, para. 2). NDSC: "In December 2021, Jacob Severson saw Dr. Gupta at a Sanford facility in Fargo for removal of four genital warts.

SEVERSON: Sizes were very small. (R2: 4: 12-14) (R119) (R43).

NDSC: "Dr. Gupta froze the warts using cryotherapy".

SEVERSON: A Verruca Freeze applicator was used to spray the - 320 degree Fahrenheit (colder than the dark side of the moon"-297") liquid nitrogen on the warts on his penis.

NDSC: "After the procedure, Severson experienced blistering and scarring to the genital area".

SEVERSON: They got this minimally right (sanitizing the super horror of what happened to him and how she used/utilized the liquid nitrogen) as Dr. Gupta massively over sprayed large areas of healthy skin (surface of his penis, freezing literal massive "holes" into his penis) surrounding each of the tiny warts on the penile shaft and even froze areas where there were no warts, the head of Severson's penis. (This area proves Dr. Gupta's cryotherapy damage was not by accident, as the 3 places she froze, (1). The left glans required 30 seconds of continuous spray. (2). The right glans required 45 to 60 seconds of continuous spray. (3). The foreskin as he is uncircumcised, required 45 to 60 seconds of continuous spray). In one place, she froze so deep she damaged his erectile tissue. (R43) (R119). All kinds of photographic evidence of this in the Record. (R24) (R25) (89-100) (R102).

NDSC: “In August 2022, Severson Sought professional help for mental health issues he claimed were related to the procedure”.

SEVERSON: He was diagnosed with Post-Traumatic Stress Disorder (PTSD)

directly as a result by Dr. Gupta’s psychologically traumatizing mutilation of his penis using liquid nitrogen. 11-22-23. (R111).

NDSC: “In February 2022, Severson went to a dermatologist for treatment of additional genital warts. Severson elected again to have the warts frozen using cryotherapy”.

SEVERSON: He went to see dermatologist Dr. Burton Belknap on 2-18-22 to seek answers and ask about the outlook/repairing all the damage that Dr. Gupta had done to his penis. Dr. Gupta overlooked one last wart (which Severson calls the “lucky wart”) so Dr. Belknap showed Severson how to perform cryotherapy correctly (just freeze the wart). The “lucky wart” was removed/frozen off his penis with zero damage done to his penis. Only the wart was the focus for freezing. (R53) (R54) (R55) (R56) (R101).

NDSC: “In December 2023, Severson was referred to the urology department at Sanford for concerns about a physical abnormality”.

SEVERSON: Urologist CNP Waddle confirms the bulge/lump and put in a request for an ultrasound of his penis, as well as for doppler, and she informed him that the penis was going to need to be erect (to see the lump). (82) (83). On 12-4-23 Sanford’s Dr. John Asleson refused to allow Severson to have an erection, so it made the ultrasound worthless/pointless at Sanford’s direction. (84) (and photo (R102)).

Note: The photo does not do it justice. It’s worse than that. Also the Doppler, which would record blood flow movements in the penis and detail Dr. Gupta’s damage,

Sanford refused to provide, so between not getting Doppler and not allowing Severson's penis to be erect for the ultrasound, they denied Severson his right to patient care.

2. (NDSC, p. 4a, para. 4). NDSC: "Whether the trial court properly granted summary judgement is a question of law which (this court) review(s) de novo on the entire record". Green v. Mid Dakota Clinic, 2004 ND 12, 5, 673 N.W.2D 257".

SEVERSON: For true transparency, it should be pointed out that the "trial court" in this case is Judge Cherie L. Clark. The use of the terms, trial court, district court, the court, can give the average person the impression that a number of people were involved in the decision/judgement making, (democratic) when in fact the decision/judgements may be made solely by one person (autocratic), allowing easily for bias in judgements under the shrouding term "trial court" etc. Also documentation should be made available publicly on how much time each Justice spent on this case to make a decision de novo honestly. It should be noted there is a vast amount of evidence by way of written, photographic and audio recording documentation/evidence is in the Record.

3. (NDSC, p. 5a, para. 5). "NDSC: "Rul 56, N.D.R.Civ.P., allows a court to grant summary judgement "for prompt and expeditious disposition without a trial if either party is entitled to judgment as a matter of law, and if no dispute exists as to either the material fact or the inferences to be drawn from the undisputed facts, or if resolving disputed facts would not alter the result". Green 2004 ND 12. 5."

SEVERSON: What the NDSC is saying ...In this somewhat convoluted legal jargon is, Rule 56 allows a District Court, which in this case is Cherie L. Clark can issue a Summary Judgment as she did in this case by stating that no dispute exists surrounding "facts" of the case! In other words she is saying there is no argument,

no legal case, no nothing, simply based on her supposed rational mental process.

Rule 56 is a good rule, but very open to bias, especially in a case like this, as there are a lot of dispute in the facts of the case.

4. (NDSC, p. 7, para. 8). NDSC: “This Court has explained the obvious occurrence exception as follows”: “Expert testimony is not required to establish a duty, the breach of which is a blunder so egregious that a layman is capable of comprehending it’s enormity. This “obvious occurrence” exception applies only to cases that are plainly within the knowledge of a layperson. In an “obvious occurrence” case, expert testimony is unnecessary precisely because a layperson can find negligence without the benefit of an expert opinion”. Johnson v. Bronson, 2013 ND 78, 12, 830 N.W. 2D 595 (cleaned up).

SEVERSON: This is the crux of the case, as it is that very obvious, that very egregious, to the average layman that Dr. Gupta severely and permanently injured Severson’s penis. Virtually everyone (including by all doctors) who knows of what happened to Severson, even without seeing his penis or photos of it, believe this to be an obvious case of medical malpractice (Skin destroyed, more than just the wart destroyed). For those who have seen his penis, or photos and especially the 5 day post-procedure photographs, believe that it is not only extremely obvious medical malpractice but think it should also be pursued under criminal law. (The appointment was for a wart removal, instead, massive chunks of penile skin were destroyed all over his penis, an act universally deemed nonconsensual and very non-medical and unnecessary. No reasonable person would consent to this freezing had they been properly informed).

NDSC cites Johnson v. Bronson but is not analogous to Severson's case, as that case surrounds the mental illness of Johnson and she didn't have an expert opinion to say she was not insane, even though she claimed that she was getting electronic messages through her skin. A tall order for an expert to say she was sane. (note: she didn't get an expert either). With Severson and his overwhelming documentation, anyone with eyes can visually see directly, the cause that led to the malpractice injury, which was where the liquid nitrogen was sprayed, making it extremely "obvious occurrence".

5. (NDSC, p. 6a, para. 9). NDSC: "Sanford contends the blistering and scarring are outcomes that do not show the treatment was outside the standard of care".

SEVERSON: This suggests their employees do no wrong. This of course is a lie.

Their cryotherapy protocols were violated by Dr. Gupta when she massacred Severson's penis.(The only sentence noted by The Court for Sanford's defense (because their stance is indefensible). Compare this bland argument to over the court DIY wart remover/freezer, Compound W (safe for kids 4+), which very clearly directs lay people to "freeze only the wart, not healthy skin," and even **warns** the user that:

"if you mistakenly use it on conditions that are not warts, it may cause serious burns and permanent scarring on the skin."

This extreme contradiction of this over-the-counter wart remover of the same exact procedure (cryotherapy) utterly proves Sanford's defense is negligence in this NDSC judgement. The fact that Sanford admitted this, indirectly admitted that they

froze/destroyed healthy skin, by their own logic, calling it “care” when FDA-approved Compound W proves that it is negligent.

NDSC: “The district court determined that, while lay people are aware of cryotherapy, they do not know of the intricacies of the procedure or any abnormal adverse results from the procedure” 18

SEVERSON: Again, for transparency, this is Judge Cherie L. Clark as she is the “District Court” in this case and she determined this. How? Is there a documented study of this? No. Warts are so well known and extremely common that they can affect up to more than 10% of the population at any one time. Knowledge of warts come at a young age (Compound W: “safe for kids 4+!) and are dealt with as a common cosmetic anomaly/affliction though out adulthood. There is a common knowledge amongst the populus of the various kinds of warts and the proper treatment of them (burning, cutting, freezing etc) and consequently lay people would instantly grasp that Dr. Gupta indiscriminately applied liquid nitrogen all over Severson’s penis, mutilating it in a way beyond any reasonable expectations. This determination by Judge Cherie L. Clark doesn’t just reek of bias, it is an absolute lie to cover up Dr Gupta’s extreme deviation from standards (freeze wart, preserve healthy skin).

NDSC: “The court (Judge Cherie L. Clark) also rejected Severson’s argument that the wrong organ exception applies because the correct organ, Severson’s skin, was the desired treatment location”.

SEVERSON: Wrong organ was never argued. Wrong site was. She performed 2 procedures: wart removal and new penis creation. (Appeal p. 28: para.33) Think about this, this female doctor with 18 years of experience at the time and specializes

in STD and HPV wart removal, all of sudden massacres a man's penis with liquid nitrogen. Most of her patients are women and so if she had been doing this to women, it's doubtful she would still be a doctor, because just think of this being sprayed, in kind, to a woman's clitoris (like a penis head), the vulva and labia with the amount sprayed on Severson. Cosmetically their vulva area, sure would not look the same with hair permanently gone, clitoris not giving pleasure anymore and possibly painful chronically and may have further effects affecting procreation as what happened to Severson. Why did she pick Severson to do this to? Both Judge Cherie L. Clark and North Dakota Supreme Court (Appeal P. 37, para. 47) were asked to help with the criminal side of this and basically the Sanford Board of Trustees was as well and it is their duty to report on these infractions of medical/civil law. Conclusion: Institutional systemic coverup.

NDSC: "Because Severson's claim does not involve an "obvious occurrence" of medical malpractice"

SEVERSON: If freezing healthy skin off of a patient's penis with liquid nitrogen until it is permanently wounded, scarred, and mutilated isn't obvious malpractice, what is? Again this is "the court", which is Cherie L. Clark, very subjectively deciding on her own that Severson's horrifyingly frozen mutilated penis is not medical malpractice. A very deliberate up-front move by Judge Cherie L. Clark to protect Dr. Gupta and Sanford et al. (R24) (R25). Everyone, which is now getting into the thousands, and growing, who know of what happened to Severson, agree that this overwhelmingly falls under "obvious occurrence" medical malpractice and

this includes all doctors, medical staff, police officers, friends, family and members of the general public.

NDSC: “and was not a procedure performed on the wrong organ, under NDCC; 28-01-46 Severson was required to provide an expert affidavit within three months of commencing the lawsuit”.

SEVERSON: He never claimed it was the wrong organ except to show and document that Dr. Gupta horrifyingly froze the entire length of his penis from base to tip. How could a medical Doctor with 18 years of experience, who specializes in STD's and HPV warts and their removal with liquid nitrogen, apply liquid nitrogen to his whole penis, traumatizingly, painfully damaging it permanently? Has she done this to others? Has she done this to women? Why did she not have a nurse attendant? (who could have saved Sevrerson). What Dr Gupta did is universally condemned by everybody and believe it should be criminally investigated, as what Dr Gupta did makes all doctors look like incompetent violators. (R2: 4: 12-14) (R119) (R43). He did not acquire an expert affidavit because he's poor and also figured he didn't need to have one, because spraying liquid nitrogen for prolonged periods onto healthy (penis) skin has no medical basis whatsoever, and every lay person understands this, and everyone said including, doctors, nurses, police, lawyers, family, friend and the general public that this easily exceeds (already stated above) the “obvious occurrence” threshold.

6. (NDSC, p. 6a, para. 10). NDSC: “Because the facts are not in dispute, and Severson failed to comply with the requirements in NDCC;28-01-46, the district court (Judge Cherie L. Clark) did not err in granting summary judgment in favor of the defendants”.

SEVERSON: The facts are very clearly in dispute right in plain sight to any average reader: The Court admits Severson's request: "Severson saw Dr Gupta for removal of four genital warts" but ridiculously conclude that "the correct organ, Severson's skin, was the desired treatment location." No, the desired treatment location was NOT the skin of his penis. It was the wart ON his penis (please, for the love of God, do NOT remove/damage the skin of the penis. Only destroy THE WART). The Court is clearly erasing the boundary between the "wart" and "skin" as if they are one in the same. The Court is defying common sense here and is so absurdly wrong that it risks faith in healthcare and the justice system. The message that The Court is sending here is that patient's cannot protest harm done to their genitals, unless they pay the "expert affidavit" ransom to explain what Compound W already tells lay people.

The facts are very much in dispute and he did not need an expert opinion affidavit, because his injuries are one of the most "obvious" of all time, a truly "one-of-a-kind penis mutilation" of a young man who wanted to use his penis to make babies. He did comply with NDCC;28-01-46. The NDSC should have reversed Judge Cherie L. Clark's Summary Judgment.

7. (NDSC, p. 6a, para. 11). "Severson argues the district court (Judge Cherie L. Clark) erred in denying his motion to amend the complaint changing his claim from medical malpractice to medical battery due to an alleged lack of consent".

SEVERSON: Dr. Gupta performed 2 procedures, the first being freezing and destroying the 4 tiny warts on his penis's shaft, which he consented to. What he DID NOT consent to, was removing massive chunks of penile skin with the warts,

recklessly spraying liquid nitrogen over large areas of his penis's shaft, excruciatingly painful while telling him this was "normal", turning the surfaces of his penis frozen solid white, and sprayed/mutilated the head of his penis where there were zero warts and far beyond the locations of the actual warts. This massively excessive application of the painfully cold liquid nitrogen severely wounded and permanently damaged large sections of his penis. This totally interrupted everything he had going on in his life. If Dr Gupta had just sprayed the warts with the few drops of liquid nitrogen that they needed, he probably would have a family and have made babies by now, but then Dr Gupta did this to him. Dr. Gupta with all her experience knew she was changing his perfectly normal, unaltered, uncircumcised penis with intent to damage it into a humiliatingly scarred and unattractive penis, killing all the nerve endings in those locations, and is chronically painful 24/7. Some have said: "She did a form of castration on him. A form of genocide, as she "attacked" his reproductive organ and didn't want him to reproduce." What she did is analogous to a Romanian Doctor who cut his patient's penis off during a fit of madness. (NDSC Appeal p. 33, para. 38). Another doctor compared Severson's penis mutilation comparable to what Ava Kor experienced as a survivor of Dr. Mengele's torture experiments. (R33:10: 17c) & (Audio recording 2A, Flash Drive A) For all intents and purposes, he now has, as some people have called it, a "Gupta Penis", very unlike the penis he had when he walked into Sanford's Southpointe Clinic and Dr. Shabnum Gupta's office on December 15, 2021.

8. (NDSC, p.6a, 7a, para. 12). NDSC: "This Court reviews an appeal of the denial of a motion to amend a complaint under the abuse of discretion standard.

Grandbois and Grandbois, Inc. v. City of Watford City, 2004ND 162,11, 685 N.W. 2D 129: "A motion to amend a complaint is governed under Rule 15(a), N.D.R.Civ.P, which provides, in part : (a) party's pleading may be amended once as a matter of course at anytime before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise a party's pleading may be amended only by leave of court or by written consent of the adverse party, and leave shall be freely given when justice so requires.

SEVERSON: "May be amended only by leave of court". This gives Judge Cherie L. Clark the legal power to allow/approve the Amendment to Medical Battery. Judges must ensure justice, not blindly defer to medical authority when harm is obvious.

"Leave shall be freely given when justice so requires". This case IS one that "justice so requires" and with examination civilly and criminally, exposed to the citizenry by way of a jury trial, which is what Severson is seeking, with full public exposure, and not hidden by the judiciary, which has happened so far in this case.

NDSC: "Id. (cleaned up). This Court has held: "Once a responsive pleading has been served, a complaint may be amended only by leave of court or by written consent of the adverse party. A motion to amend complaint under N.D.R.Civ.P.15(a) lies within the sound discretion of the trial court (Judge Cherie L. Clark), and we will not disturb the court's (Judge Cherie L. Clark) decision denying the motion absent (unless there is) an abuse of discretion. A trial court abuses it's discretion only when it acts arbitrarily, unconscionably, or unreasonably, or when its decision is not the product of a rational mental process leading to a reasoned determination".

SEVERSON: On July 16, 2024 a hearing was held at the Cass County Courthouse with Judge Cherie L. Clark officiating. Judge Clark makes the statement: "I have extensive medical surgery on the 30th (meaning July 30th) and I'll be out the month of August". (R134: 4: 2-3). She did not mention where her surgery was taking place, but statistically speaking because Sanford serves the greater majority of people in the area, that it probably was at Sanford, but even if it wasn't at Sanford, it would

be improper for a judge getting a major medical surgery operation and at the same time serving as the judge (decider) and judging a medical malpractice/battery lawsuit as most would consider her compromised. Do you think she is going to rule against Sanford or any hospital? No...she is going to automatically defer to being in favor of them, which is what she did. She should have recused herself and if she wouldn't, then the lead judge in Cass County should have taken her off the case. This needs to be checked out thoroughly and the entire case should be back in play. Judge Cherie L. Clark abused her discretion arbitrarily, unconscionably and unreasonably, forcing Severson to pay for an expert to prove what any lay person can see: **freezing healthy skin for no medical reason is wrong**. Extreme bias by Judge Clark, turning a blind eye to all of Severson's documentation which is vast, and totally honest.

9. SEVERSON'S summary of the critique/analysis of North Dakota's Supreme Court Judgment of 5-22-25.

The Court and Sanford Health's interpretation retroactively redefines Severson's scope of consent in a way no reasonable patient would ever agree to. For a wart removal procedure, a reasonable patient hears "*we will freeze your warts*" and understands: "*You will apply a damaging agent directly to these four small spots to destroy them.*"

The Court's/Sanford's redefining of a genital wart procedure means: "*You have consented to us applying a damaging agent to your genital skin. If we destroy more than just the warts – even healthy skin on the head of your penis – then that's fine because we were in the right 'location.'*" This transforms consent from a shield

protecting patient autonomy into a defense doctors and hospitals can use to justify any outcome, no matter how destructive. It is a total betrayal of medical ethics and informed consent, which is to ensure the patient understands what will be done to them. The court allowed Sanford to redefine what was done to him after the fact to fit their defense.

There are people in many fields of endeavor that the public feels should be above reproach all the time. What Severson has discovered since his living nightmare began on December 15, 2021, is a systemic coverup system and zealous protection of Sanford when one of their doctors are sued for malpractice/battery. He found some doctors in their written documentation of clinic appointments, can mislead, omit and lie (audio recording of appointments show clear proof of this, with a stark contrast from the written doctor's notes and what was said during appointments). Lawyers, they add "exaggerate" to the list of "omitting", "misleadin"g and "lying" and there is documented proof of Sanford's legal team of Randall S. Hanson, Matt A Paulson and Megan J. Flom doing a fair amount of this. What Severson did not expect was to be able to have to question a District Court Judge's behavior/reasoning and especially not any of North Dakota Supreme Court Justices, but Severson is. Judge Cherie L. Clark was compromised due to her extensive medical surgery and if not compromised, 100% biased to Sanford as she gave no merit to Severson's easy to see documentation. Contrast that to multiple doctors telling Severson, that what Dr. Gupta did was obviously very wrong and injured Severson's penis unnecessarily, and that he has to speak up about what happened

to him so it doesn't happen to anybody else ever again. Audio proof of this at (R105), plus related documentation. The North Dakota Supreme Court Justices, Chief Justice Jon J. Jensen, Justice Daniel J. Crothers, Justice Lisa Fair McEvers, Justice Jerod Tufte and Justice Douglas A. Bahr, like Judge Cherie L. Clark's judgement, gave no mention or credence to Severson's overwhelming amount of documentation (injury documented by Sanford's own staff and medical records) in the de novo review of the malpractice even though it is a clear obvious occurrence and the amendment to battery where they used the "abuse of discretion standard", you'd think, with the vast amount of documentation which they were supposed to have thoroughly reviewed de novo, that it would have raised some red flags about Judge Cherie L. Clark's denial of the amendment. But did not? Why? Excessively freezing healthy skin on the penis clearly equals battery. (almost correlates with the Romanian Doctor, except he went further and cut his patient's penis off). It's like when discussing with police what Dr. Gupta did to Severson's penis, the conclusion was: "the only thing that makes sense is that she did it on purpose". What appears on purpose here, is the judiciary actions, starting with Judge Cherie L. Clark and then the rubber stamping by the North Dakota Supreme Court Justices, is the judiciaries' earnest effort at protecting Sanford from accountability and preventing this case from being heard by a jury. What is worthy of mention is the judiciary is in lockstep with Sanford's legal team's documentation (motions/arguments/litigation), with no original thoughts on their own, except to use the terms "summary judgment", "deny" and "affirm".

10. SEVERSON'S CONCLUSION: CIVIL RIGHTS VIOLATIONS:

1. The 8th Amendment of the United States Constitution addresses issues related to prisoners specifically prohibiting cruel and unusual punishments. While it is not typically invoked in civil cases like medical malpractice/battery, there are instances where it can be invoked, such as this case.

Furman v. Georgia, 408 U.S. 238 92 S. Ct. 2726, 33 L. Ed. 2d 346, 1972 U.S. LEXIS 169.

Four basic principles were derived from this case governing cruel and unusual punishment and all 4 principles have merit in this case. Each principle will be cited sequentially with a concurring statement describing what Severson experienced making it analogous to it. Due to space limitations, elaborations will be brief.

(1). "Any punishment that is so severe as to degrade human dignity, including torture". (Pouring liquid nitrogen all over a patients genitals causing preventable harm is) is dehumanizing and degrades the patient, while humiliating with the forced exhibition of his private trauma and wounded penis being forced to submit as evidence to the world and many times in the record it's documented Dr. Gupta's vast amount of unnecessary freezing of his penis to be objective torture because of the horrifying pain it caused, physically and emotionally (-320 F liquid nitrogen poured all over a human beings healthy genitals, in this case, Severson's penis, is visceral objective torture, plain and simple. The Court and Sanford Health gaslight otherwise, saying it is within their standard of care).

(2). “Any punishment that is inflicted solely in an arbitrary manner”. Severson’s vulnerability with Dr Gupta: pants down, genitals exposed on the examination chair/table with not an ounce of distrust in doctors or healthcare, believing every doctor he came into contact with would never harm him and have him in their best interest. Arbitrary defined: Determined by chance, whim, or impulse and not by necessity, reason or principle, or as some have said in this case “a fit of madness”. It was a first time encounter with Dr. Gupta. They had never met before and she had simply been assigned to do the cryotherapy.

(3). “Any punishment that is, or would be, wholly rejected by society”.

This is understood and confirmed by doctors and citizens, everyone (now in the thousands, probably soon to be in the millions) who knows of what was done to Severson’s penis unnecessarily and on purpose. Some have even suggested that it may be an example of domestic medical terrorism. Note: Prisoners of war (POW’s) are protected by the Geneva Convention Rules. Animals are also protected against cruelty/torture by state laws in all 50 states, in North Dakota NDCC 36-21.2-03, for example unnecessarily damaging a dog’s penis, so it would inhibit his chances of reproducing, would be a class C felony. The damage to Severson’s penis may require him to use “in vitro” fertilization and a surrogate to have children due to:

(1). No desired woman would want him and his humiliatingly scarred and painful, damaged penis. (2). The uncomfortable feeling his penis would have during intercourse due to the cryotherapy damage (phantom burning/phantom itching when there’s friction over scars).

(4). “Any punishment that is clearly or blatantly unnecessary”. Freezing healthy skin is ALWAYS blatantly unnecessary. Compound W and lay person’s common sense know this. Severson’s appointment was for the freezing/destruction of four very small genitals warts. NOT for preventable penile destruction/wounding in the process. All of the documentation submitted in this case, which is vast, point directly to this principle, “clearly or blatantly unnecessary”. Everyone is encouraged to read, see and hear all of Severson’s documentation and imagine that happening to yourselves.

2. The 14th Amendment of the Constitution of the United States.

(1). Denied due process: 1. Denied a common/routine cryotherapy procedure as performed by Dr. Belknap, (R24) (R25). 2. Denied patient due process by Sanford’s Board of Trustees when they declined the promised meeting with Severson. (R38) (R39) (R40) (R41) 3. Declined naming who determined Severson’s penis mutilation was in their standard of care. 4. Denied due process due to bias as discussed earlier in this document by Judge Cherie L. Clark. 5. Denied due process by the North Dakota Supreme Court as discussed earlier in this document.

3. Section 1983 violation. The officer taking the police report of Dr. Gupta’s mutilation of Severson’s penis requested that we also make a complaint to the North Dakota Board of Medicine, which Severson promptly did with a 600-word graphic description and informing them that he has a lot of documentation and

graphic photographs to back it all up. Beth Ripplinger responds by email on 12-20-23, stating they were going to contact Dr. Gupta regarding the “allegations”. (wouldn’t that be like asking the pedophile if he molested the child?) On 12-21-23, Severson asks if they will want his documentation. A few hours later Beth Ripplinger responds with: “We will let you know if we need further information from you”. On 4-26-24 Severson is informed by way of letter mail, that they had done a thorough investigation and found Dr. Gupta had done no wrong, case dismissed. In summary, they did not want to see, read or hear the evidence Severson had, even after Severson asked them pointedly if they wanted it and it was a “no”. Patient/complainant barred from submitting evidence of harm is a civil rights issue denying due process.

11. FORCED EXHIBITIONISM

To seek justice, Severson was forced into the role of an exhibitionist against his will.

To medical providers, he had to repeatedly return to doctors to show his injured genitals such as NP Gresh and many other clinicians (still receiving care).

To lawyers, he had to repeatedly describe the injury in depositions and legal meetings, and provide humiliating photographic evidence of his injured penis.

To The Court, his most private physical details were converted into cold, public legal documents. The description of his penis—his HPV warts, blisters, wounds, swelling, and bulge in his erection—is now permanently etched into a published state Supreme Court opinion, No. 20240292, available for anyone to read. To the

public, now, in discussing this case, his private trauma is being laid bare for analysis by strangers.

Severson was forced to expose the most intimate part of himself not for healing or empathy, but for the purpose of being argued against. Sanford's lawyers used the details of his intimate injury as evidence to defeat him (while also weaponizing the stigma of STDs and genital injury). The court then used those same details to write an opinion explaining why his humiliation didn't matter. This is the core violation: **Severson's private trauma was made public to serve the system that caused it.**

12.. HEALTH CARE ACCOUNTABILITY, LOOSE OVERSIGHT:

John Hopkins University 2016 study found that doctors/medical staff kill 250,000 patients a year, due to medical errors or whatever. (third leading cause of death). Potentially 750,000 or more are maimed or injured annually. Very "under-reported," very "covered up" and the main overseer of all this, is the institution's Board of Director's or Board of Trustees and they are notoriously known for hiding, shifting things around so events like a doctor making a mistake and killing a patient or maybe a patient gets his penis almost froze off due to over application of liquid nitrogen, well the hospital's board of directors wouldn't want that to get out to the public as the hospital doesn't want any bad news coverage that would shine a dark light on the hospital and Severson personally experienced this firsthand, which has been discussed earlier in this document.

13. JUDICIARY BIAS IN FAVOR OF THE HEALTH CARE SYSTEM.

A. This bias has been a public concern for some time as it is inherently flawed in possibly many ways. What stands out first is, everybody wants and needs health care, and some may need more than others depending on many factors, age occupation etc. There is that old saying: “don’t bite the hand that feeds you or you won’t get fed”. That old saying could be analogous to “don’t rule against a medical doctor or hospital that keeps you well or we won’t keep you well”. The judiciary could very well be affected by this line of thinking and potential coercion and very possibly influenced Judge Cherie L. Clark’s Judgment of 9-11-24 in favor of Dr. Gupta and Sanford Health as she was having extensive medical surgery just 2 weeks, after the hearing of 7-16-24 and she was out of service for the month of August, 2024.

B. To cross compare for fairness in the judiciary, ideally there should be no conflict of interest. No favoring of one over the other in a two choice system. For example a sole judge may be considered the fairest, if for example, one man physically assaults another man resulting in injuries and the judge involved does not know either man. The decision made by this judge statically speaking should be pretty fair with no undue influence either way. Compare that scenario with judging medical malpractice/battery cases by the judiciary. Right from the word go, if it’s not direct bias for the medical facility, there could be fear to rule against it, for themselves personally or their family, friends etc. Sanford Health is a big powerful non-profit entity set up by Denny Sanford of Sioux Falls, South Dakota. He's a

billionaire who made his billions as owner of First Premier Bank, which specializes in issuing subprime credit cards. He built a significant fortune by providing financial services to high-risk borrowers, which often involves higher interest rates and fees, so basically poor people made Denny Sanford rich and more than likely Sanford Health uses his business model to run the operation. Sanford Health has a very large presence in Fargo, ND, where the Cass County District Court is located and basically dominates the area and Bismarck, ND where the Supreme Court is domiciled and Sanford Health has 5 facilities there, so all five Justices may get their care at Sanford, if not maybe their family members do. Also possibly their family members and or friends may work for Sanford Health, so you see, right from the start for the judiciary, there is an unfairness against the lowly North Dakota citizen and a potential civil right violation as it denies the 14th amendment's due process clause.

14. A PATTERN OF GASLIGHTING: HOW SEVERSON'S CASE EXPOSES SANFORD'S SYSTEMIC DECEPTION

If Sanford Health and the North Dakota judiciary could brazenly dismiss the obliteration of a man's genital tissue as "proper treatment of skin" – despite photographic evidence of necrotic wounds and universal medical standards proving otherwise – then no patient's claim of harm is safe from their institutionalized gaslighting. The cruelty inflicted on Jacob Severson was not an anomaly; it was a warning. When a healthcare system can look at third-degree chemical burns and

call them standard care, every patient becomes vulnerable to their dangerous deception. People have said RFK Jr. should be informed of this, maybe Trump.

Severson's case proves Sanford operates on a simple, sinister formula: deny the undeniable, then weaponize bureaucracy against victims. They first denied the objective reality of his injuries – the necrotic craters where healthy tissue once existed. Then they weaponized legal technicalities to avoid scrutiny. If this can happen for harm as visually obvious and viscerally horrifying as genital necrosis, imagine how easily they must be dismissing less immediately visible harms: surgical errors concealed beneath stitches, misdiagnoses buried in charts, or medication overdoses lost in paperwork. The affidavit rule that blocked Severson's case serves as Sanford's perfect smoke screen – allowing them to demand impossible proof from victims of subtler but equally devastating malpractice.

This institutional gaslighting follows a predictable pattern. First, medical professionals violate standards of care, whether through recklessness or outright malice. Then, when confronted, they reframe the harm as either “normal” or the patient's own fault. Finally, they exploit legal loopholes like North Dakota's affidavit requirement to silence objections. For Severson, the harm was too grotesque to hide – but for countless others, their suffering is being dismissed through the same playbook, just with more plausible deniability. A cancer misdiagnosis becomes “an unfortunate misunderstanding.” A botched surgery becomes “an expected complication.” In each case, the truth – that a healthcare

provider caused preventable, life-altering harm – gets buried beneath layers of bureaucratic obfuscation.

REASONS FOR GRANTING THE WRIT: A PERFECT STORM OF INJUSTICE DEMANDING THIS COURT'S INTERVENTION

Sanford's argument doesn't just affect Severson—it threatens every patient's bodily autonomy. The public will see this as a violation of human rights (the right to safety and consent). A betrayal of medicine's core purpose (healing vs. harming) and a warning to never trust doctors or hospitals blindly.

The Petition for a Writ of Certiorari should be granted because this case presents a catastrophic failure of the state justice system that violates principles of bodily autonomy, gender equality, and due process. The decision below is not just a mere legal error but serves as a blueprint for institutionalized medical cruelty that threatens every American's right to be safe in a doctor's care.

1. The Decision Creates a “Genital Torture” Loophole and Sanctions Non-Consensual Procedures.

The North Dakota Supreme Court redefined the very nature of consent. Jacob Severson consented to the destruction of warts. Dr. Gupta performed the destruction of healthy genital tissue. By rubber-stamping this bait-and-switch under the Orwellian phrase “treatment of the correct organ, the skin,” the court has effectively greenlit non-consensual genital procedures. This logic would justify any

deviation from consent: a patient agreeing to a mole removal has tacitly consented to an amputation, so long as the doctor was “aiming at skin.” This precedent eviscerates the fundamental right to informed consent and bodily integrity, turning every American’s body into a potential playground for medical experimentation, as how Dr Gupta treated Severson’s penis with liquid nitrogen.

2. The State-Sanctioned Sexual Humiliation and Forced Exhibitionism Violates Core Constitutional Liberties.

The judiciary’s handling of this case inflicted a second, profound injury: state-compelled humiliation. Mr. Severson was forced to litigate the most intimate details of his mutilated penis in public, only to have his trauma mocked as “not pretty” by defense counsel during Court hearings and dismissed by The Court (Judge Cherie L Clark). This is a direct violation of the constitutional rights to privacy (*Whalen v. Roe*, 1977) and bodily integrity (*Washington v. Glucksberg*, 1997). The state cannot force a victim to become an exhibitionist of his own sexual trauma as the price of seeking justice. This conduct “shocks the conscience” (*County of Sacramento v. Lewis*, 1998) and demands this Court’s correction.

3. The Affidavit Rule, As Applied, Is an Unconstitutional Wealth-Based Barrier to Justice.

North Dakota’s affidavit statute was weaponized to create an insurmountable barrier for an indigent, pro se plaintiff. To demand a \$10,000 expert affidavit to prove that necrotic genital wounds constitute harm is a Kafkaesque absurdity that

violates due process and equal protection (*M.L.B. v. S.L.J.*, 1996). This rule systematically protects medical institutions by ensuring that only the wealthy can hold them accountable for even the most blatantly obvious atrocities, creating a two-tiered system of justice.

4. The Decision Perpetuates a Dangerous and Unconstitutional Trivialization of Male Sexual Trauma.

The court's dismissal of this injury reflects a pervasive and unconstitutional gender bias. It is inconceivable that a court would describe an equivalent, deliberate destruction/freezing of female genitalia as mere "skin treatment." This double standard—trivializing male sexual pain while rightly recognizing female sexual trauma as profound violation—denies men equal protection of the laws under the Fourteenth Amendment. The state may not designate one gender's bodily integrity as less worthy of legal protection.

5. North Dakota's "Deny and Defend" Model Stands in Stark, Damning Contrast to National Best Practices.

While states like Michigan have pioneered the ethical "Disclose, Apologize, and Compensate" model (dramatically reducing litigation and improving patient safety), North Dakota has chosen a path of institutional gaslighting and brutal legal warfare. This Court should not endorse a state's right to adopt a medieval system of "justice" that protects torturers and re-victimizes patients. This deepening divide among the states on a matter of fundamental rights requires this Court's guidance.

6. The Implications for Every American Are Chilling and Immediate.

This case is a warning to every patient in America and if this precedent stands, then doctors would be encouraged to deviate from standards of care, knowing courts will redefine consent to cover their easily preventable errors. Patients will also lose the right to bodily autonomy, as the scope of any medical procedure can be unilaterally expanded by the provider. Hospitals are also empowered to retaliate against patients who complain, cutting them off from essential care.


This Court has a duty to intercede when a state judiciary so thoroughly abandons its role as a protector of rights and becomes an enabler of harm. The questions presented are of profound and recurring national importance and strike at the core of the Fourteenth Amendment's promise that no state shall deprive any person of life, liberty, or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws. There is an old farmers tale: If you see one rat, there is fifty more. What Severson experienced and what John Hopkins University found, prevalence of harm and worse may be quite prevalent.

For the integrity of the Constitution and the safety of every patient in America, this Writ must be granted.

CONCLUSION:

For the reasons stated, Petitioner respectfully prays that this Honorable Court grant the Writ of Certiorari. Thank you for your time and consideration in reviewing this appeal of a matter of profound importance to individual liberty and

bodily integrity. All Americans would be greatly appreciative for this Court to look at this case, as its outcome will either reaffirm or erode the fundamental right of every person to be secure from non-consensual harm and to seek justice in our nation's courts. Thank you,

 August 20, 2025

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