

SUPREME COURT OF PENNSYLVANIA WESTERN DISTRICT

Joe Myers, **Appellant**

vs.

Timothy F. McCune, Joseph H. Chivers, John/Jack Murtagh Jr., Graydon Brewer, Carl V. Nanni, Jack Lewis, Jim Gallagher, Hank Leyland, Greg Loverick, Edward Tasse, AK Steel (*now Cleveland Cliffs*) et al, UAW (formerly Butler Armco Independent Union) et al, Angelo Papa, William Cunningham, Michael Lettrich, Maria Milie Jones, Dennis Roman, Nicholas Koch, Adam Hobaugh, John T. Bender, Alice Beck Dubow, Carolyn H. Nichols, Joseph D. Seletyn, **Appellees**

Appellant's Dispositive Motions / Writ of Mandamus / Extraordinary Jurisdiction

Notice is hereby given that Joe Myers, Appellant above named, hereby appeals to the Supreme Court of Pennsylvania from the **Non-Precedential Decision** entered in this matter on the 25th day of June, 2020.

CIVIL DIVISION
No. 1892 WDA 2019

Joe Myers
12137 Emerald Green Court
Jacksonville, Florida 32246

RELATED CASES

Joseph Myers, (Plaintiff)

v.

*AK Steel Corporation and Butler Armco
Independent Union, U.A.W. (Defendants)*

and

*Joseph G. Myers, (Plaintiff) v. Joseph
Chivers, (Defendant)*

Court filings:

- ***Complaint – Jury Trial Demanded*** dated 4-23-04 but Time/Date Stamped the day before 4-22-04
- ***Complaint For Legal Malpractice Breach Of Contract, Failure To Timely File/Breach Of Contract, No Justification Of Fee Charged To Plaintiff*** dated 6-1-04 but not Time/Date Stamped until 6-17-04
- ***Conflict of Interest*** dated 11-20-07

A.D. No. 04-10707

Joe Myers, (**Plaintiff**)

v.

Timothy F. McCune, Joseph H. Chivers,
John/Jack Murtagh Jr., Graydon Brewer, Carl
V. Nanni, Jack Lewis, Jim Gallagher, Hank
Leyland, Greg Loverick, Edward Tasse, AK
Steel et al, UAW (formerly Butler Armco
Independent Union) et al, Angelo Papa,
William Cunningham, Michael Lettrich, Maria
Millie, Jones, Dennis Roman, Nicholas Koch,
Adam Hobaugh, (**Defendants**)

Court filings:

- **Complaint** dated 5-29-19
- **Response to SCHEDULING ORDER**
dated 9-19-19
- **All Defendants are in Contempt of
Court and Obstructing Justice** dated 9-28-
19
- **Legal Notice and Violation Warning
of Denial of Rights Under Color of Law**
dated 10-16-19
- **Amended Legal Notice and Violation
Warning of Denial of Rights Under Color
of Law** dated 10-18-19

- ***Amended Court Filing Adding Defendants and For Continued Violation of Plaintiff's Constitutional Rights*** dated 10-28-19
- ***Response to Motion To Strike by Defendant Koch and to Any Future Court Filings By Any Defendant Trying to Violate Plaintiff's Constitutional Rights*** dated 11-25-19
- ***Notice of Appeal*** dated 12-18-19
- ***Concise Statement of Matters Complained of on Appeal*** dated 2-4-20

NO. A.D. No. 19-10516

Joe Myers, (Appellant)

v.

*Timothy F. McCune, Joseph H. Chivers,
John/Jack Murtagh Jr., Graydon Brewer, Carl
V. Nanni, Jack Lewis, Jim Gallagher, Hank
Leyland, Greg Loverick, Edward Tasse, AK
Steel et al, UAW (formerly Butler Armco
Independent Union) et al, Angelo Papa,
William Cunningham, Michael Lettrich, Maria
Millie, Jones, Dennis Roman, Nicholas Koch,
Adam Hobaugh, (Appellees)*

Court filings:

- ***Superior Court of Pennsylvania
Docketing Statement*** dated 1-7-20
- ***Motion For Relief, Motion For
Extension For Rule 1925(b) Order***
- ***Response To Rule 1925(b)
Fraudulent/Illegal Order Time/Date
Stamped 2-4-20***
- ***Response to Supreme Court Order
dated 2-18-20, Writ Of Mandamus,
Extraordinary Jurisdiction, Request For
Extension For Filing Brief***
- ***Appellant's Brief*** dated 4-20-20
- ***Appellant's Reply To All Appellee's
Brief's*** dated 6-5-20

- **Appellant's Demur Of Recent Orders**
dated 6-8-20
- **Appellant's Demur To Non-
Precedential Decision And WARNING To
The Court** dated 7-2-20

Case No.: 1892 WDA 2019

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TABLE OF AUTHORITIES

1. Declaration of Independence
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6. **42 Pennsylvania Consolidated Statutes § 2522 - Oath Of Office § 2522. Oath of office:**

Before entering upon the duties of his office, each attorney at law shall take and subscribe the following oath or affirmation before a person authorized to administer oaths:

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity, as well to the court as to the client, that I will use no falsehood, nor delay the cause of any person for lucre or malice."

Any person refusing to take the oath or affirmation shall forfeit his office.

7. U.S. Code: Title 18 Section 241 / Conspiracy Against Rights

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same).

It further makes it unlawful for two or more persons to go in disguise on the highway or on the premises of another with the intent to prevent or hinder his/her free exercise or enjoyment of any rights so secured.

8. Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be subjected any person to different punishments, pains, or penalties, than those prescribed for

punishment of citizens on account of such person being an alien or by reason of his/her color or race.

Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws, statutes ordinances, or customs.

9. **U.S. Code: Title 18 Section 245 / Federally protected activities (1)(b):**

This statute prohibits willful injury, intimidation, or interference, or attempt to do so, by force or threat of force of any person or class of persons because of their activity as:

b) a participant in any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

10. **U.S. Code: Title 18 Section 35559/Sentencing classification of offenses (2)(C)**

(2) Definitions.-For purposes of this subsection-

(C) the term "extortion" means an offense that has as its elements the extraction of anything of value from another person by threatening or placing that person in fear of injury to any person or kidnapping of any person;

11. **Marbury v. Madison, 5 U.S. 137 (1803)** *"All laws which are repugnant to the Constitution are null and void."*

12. **Norton v. Shelby County, 118 U.S. 425 (1886)** *"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."*

13. **Boyd v. U.S., 116 U.S. 616** *"The court is to protect against any encroachment of Constitutionally secured liberties."*

14. **Brady v. U.S., 397 U.S. 742, 748** *"Waivers of Constitutional Rights, not only must they be voluntary, they must be knowingly intelligent acts done with sufficient awareness." "If men, through fear, fraud, or mistake, should in terms renounce or give up any natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being a gift of ALMIGHTY GOD, it is not in the power of man to alienate this gift and voluntarily become a slave."*
—Samuel Adams, 1772

15. **Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958)**
"No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it."
16. **Cohens v. Virginia, 19 US (6 Wheat) 264, 404, 5 L.Ed 257 (1821)** *"When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason."*
17. **Williamson v. U.S. Department of Agriculture, 815 F.2d. 369, ACLU Foundation v. Barr, 952 F.2d. 457, 293 U.S. App. DC 101, (CA DC 1991).** *"It is the duty of all officials whether legislative, judicial, executive, administrative, or ministerial to so perform every official act as not to violate constitutional provisions."*
18. **U.S. v. Prudden, 424 F.2d. 1021; U.S. v. Tweel, 550 F. 2d. 297, 299, 300 (1977)** *Silence can only be equated with fraud when there is a legal and moral duty to speak or when an inquiry left unanswered would be intentionally misleading. We cannot condone this shocking conduct... If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately.*
19. **Norman v. Zieber, 3 Or at 202-03 Fraud.** *An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact... which deceives and is intended to deceive another so that he shall act upon it to his legal injury. ... It consists of some deceitful practice or willful device, resorted to with intent to deprive another of his*

right, or in some manner to do him injury... (Emphasis added) –Black’s Law Dictionary Fifth Edition, page 594. Then take into account the case of McNally v. U.S., 483 U.S. 350, 371-372, Quoting U.S. v Holzer, 816 F.2d. 304, 307 Fraud in its elementary common law sense of deceit... includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public,... and if he deliberately conceals material information from them he is guilty of fraud.

20. **Taylor v. Books A Million, Inc., 296 F.3d 376, 378 (5th Cir.2002) (quoting Miller v. Stanmore, 636 F.2d 986, 988 (5th Cir.1981))** *“It is well-established that ‘pro se complaints are held to less stringent standards than formal pleadings drafted by lawyers.’”*
21. **McCartney v. First City Bank, 970 F.2d 45, 47 (5th Cir.1992)** *“In considering a motion to dismiss for failure to state a claim under Rule 12(b)(6), the court must accept all well-pleaded facts as true and view them in the light most favorable to the plaintiff.”*
22. **Miranda vs. Arizona, 384 US 436 p. 491** *“Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.”*

Jurisdictional Statement

Appellant filed the **Notice of Appeal** originally to the Supreme Court of Pennsylvania since that Court had jurisdiction because of the **Judicial Misconduct** of Appellee Cunningham and the **Attorney Misconduct** by all Appellees with a law license in the Commonwealth Court but the case was UNJUSTIFIABLY transferred back to the Superior Court of Pennsylvania.

NOW, in light of the **Judicial Misconduct** of the Superior Court judges **that are now** APPELLEES John T. Bender, Alice Beck Dubow and Carolyn H. Nichols that rendered the **UNCONSTITUTIONAL Non-Precedential Decision** and UNLAWFULLY recorded by Joseph D. Seletyn is CONFIRMATION as to why this case MUST have been transferred back to the **Supreme Court of Pennsylvania** initially.

The **Supreme Court of Pennsylvania** must make a **Mandamus Order** to STRIKE all court decisions by the **Superior Court of Pennsylvania** for being part of the **CONSPIRACY** against Appellant's Constitutional Rights.

Appellant WARNED the Superior Court APPELLEES John T. Bender, Alice Beck Dubow and Carolyn H. Nichols that rendered the **UNCONSTITUTIONAL Non-Precedential Decision** in Appellant's **APPELLANT'S DEMUR TO NON-PRECEDENTIAL DECISION AND WARNING TO THE COURT** dated 7-2-20 but the Appellees never replied and is WHY this court filing is before the **Supreme Court of Pennsylvania** so the **Constitutional Substantive and Civil Law Rights** of Appellant are protected.

Under Section 722 **Direct appeals from courts of common pleas** Appellant has questioned the following points regarding ALL JUDICIAL APPELLEES and APPELLEES with a law license:

The Supreme Court shall have exclusive jurisdiction of appeals from final orders of the courts of common pleas in the following classes of cases:

(1) Matters prescribed by general rule.

(3) Matters where the qualifications, tenure or right to serve, or the manner of service, of any member of the judiciary is drawn in question.

(7) Matters where the court of common pleas has held invalid as repugnant to the Constitution, treaties or laws of the United States, or to the Constitution of this Commonwealth, any treaty or law of the United States or any provision of the Constitution of, or of any statute of, this Commonwealth, or any provision of any home rule charter.

(8) Matters where the right to practice law is drawn in direct question.

Appellee McCune former Butler County District Attorney does not have Sovereign Immunity when he committed **LEGAL MALPRACTICE** and a **CRIME** for failing to honor his SWORN OATH to uphold the **Constitution of the United States** and investigate the criminal actions perpetrated against Appellant by Appellee AK Steel et al (*now Cleveland-Cliffs*).

This also includes APPELLEES John T. Bender, Alice Beck Dubow, Carolyn H. Nichols, William Cunningham and Joseph D. Seletyn for their role in the **CONSPIRACY** against Appellant.

8522. Exceptions to sovereign immunity.

(a) **Liability imposed.** – “The General Assembly, pursuant to section 11 of Article I of the Constitution of Pennsylvania, does hereby waive, in the instances set forth in subsection (b) **only and only** to the extent set forth in this subchapter and within the limits set forth in section 8528 (relating to limitations on damages), sovereign immunity as a bar to an action against Commonwealth parties, for damages arising out of a negligent act where the damages would be

recoverable under the common law or a statute creating a cause of action if the injury were caused by a person not having available the defense of sovereign immunity.”(emphasis added)

APPELLEES John T. Bender, Alice Beck Dubow, Carolyn H. Nichols and William Cunningham have usurped their directives of We The People under the **Constitution of the United States of America** by trying to impart their “**Opinion**” as “**law**” when they know they can only enforce the **CONSTITUTION** which is the **SUBSTANTIVE LAW**.

APPELLEES John T. Bender, Alice Beck Dubow, Carolyn H. Nichols and William Cunningham know only Congress has the power to make CONSTITUTIONAL LAWS that they have **taken an oath to uphold and enforce** and they know the **Constitution of the United States of America** is the **SUPREME SUBSTANTIVE LAW** that **ALL OTHER LAWS** have to follow or they are **NOT ENFORCEABLE**.

Article 1 The Legislative Branch, Section 1 – The Legislature: All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. (Emphasis added)

Additionally ALL APPELLEES have violated **Title 18 Section 241 Conspiracy Against Rights, Section 242 Deprivation of Rights Under Color of Law** and **Section 245 Federally Protected Activities** against Appellant and only the **Supreme Court of Pennsylvania** has the jurisdiction to demand ALL of Appellant's **CONSTITUTIONAL SUBSTANTIVE LAW RIGHTS** be upheld.

The **Supreme Court of Pennsylvania** MUST under the **WRIT OF MANDAMUS** filed by Appellant in **Appellant's Brief** bring sanctions against **ALL APPELLEES**, direct current Butler County District Attorney Goldinger to honor his **Constitutional OATH** to investigate the criminal activity of Appellee's against Appellant and prosecute the crimes and if he chooses to in a criminal act not perform his duties then the **Supreme Court of Pennsylvania** must transfer the case for criminal investigation

to the Pennsylvania Attorney General and if he chooses to in a criminal act not perform his duties then **Supreme Court of Pennsylvania** must transfer the case to the United States Attorney General for a full investigation of ALL Appellees and prosecutions.

The **Supreme Court of Pennsylvania** has **EXTRAORDINARY JURISDICTION** filed by Appellant in **Appellant's Brief** to order an injunction to investigate the CRIME committed against Appellant when the Stake Truck rolled over with Appellant inside after Appellant was illegally verbally directed to not secure the pinion gear as well as the illegal and unsafe practices of hauling grossly overloaded trailers pulled by tractors not rated for the weight of the trailers and defective heavy equipment Appellant and co-workers were routinely verbally ordered to operate that not only violated Appellee AK Steel's (now Cleveland-Cliffs) written directives that are **PUBLIC POLICY LAW** and then the ILLEGAL TERMINATION of Appellant when Appellant was again verbally directed to violate Appellee AK Steel's (now Cleveland-Cliffs) written directives that are **PUBLIC POLICY LAW** even after Appellant reminded Appellee

Tassey that the conversation with the Pennsylvania Attorney General's office.

Appellant called and spoke to **David Devries** from the **PA Attorney General's** office prior to Appellant's ILLEGAL TERMINATION in 2001 and **Devries warned** Appellant that if Appellant or co-workers operated any equipment in violation of PUBLIC POLICY LAW that not only could Appellant and co-workers be held criminally and civilly liable but could go to jail as well.

This illegal practice violated OSHA mandates as well and Appellee AK Steel et al (now Cleveland-Cliffs) was warned by Appellant's then legal counsel, Dennis Moskal, in a letter Moskal sent via **U.S. Certified Mail** to Appellee AK Steel et al (now Cleveland-Cliffs) so there is **NO legal argument** on behalf of ANY APPELLEE!

APPELLANT'S DISPOSITIVE MOTIONS

Appellant contends that the **Superior Court of Pennsylvania** *erred* and *committed a crime* by dismissing and denying the Appellant's Complaint and Appeal. Secondly and more importantly by denying the Appellant's CONSTITUTIONAL RIGHTS and specifically Appellant's RIGHT to a JURY TRIAL. Under the **SUCCESSIVE FOUNDING DOCUMENTS** of the Declaration of Independence, Article 1 – Section 10, Article IV – The States Section 4, Article. VI. – Debts, Supremacy, Oaths, 7th, 9th, 10th and 14th Amendments of the Bill of Rights to the Constitution of the United States of America and the Constitution of the Commonwealth of Pennsylvania the **Appellant has the enforceable right to truthful information** from Appellee AK Steel (now Cleveland-Cliffs) and ALL Appellees.

The following excerpts from the Declaration of Independence starts the SUCCESSIVE DETAILS for the protection of **INDIVIDUAL RIGHTS:**

*"We hold these truths to be self-evident, that all men are created equal, that they are **endowed by their Creator with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.— That to secure these rights, Governments are instituted among Men, **deriving their just powers from the consent of the governed...***

*But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, **it is their duty**, to throw off such Government, and to provide new Guards for their future security...*

Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government.

***The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States.** To prove this, let Facts be submitted to a candid world.*

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

*He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, **a right inestimable to them and formidable to tyrants only.***

*He has dissolved Representative Houses repeatedly, for opposing with manly firmness **his invasions on the rights of the people.***

*He has obstructed the **Administration of Justice***

*He has affected to render the Military independent of and superior to the **Civil power.***

*He has combined with others to subject us to a jurisdiction foreign to our constitution, and **unacknowledged by our laws;** giving his Assent to their Acts of **pretended Legislation:***

For depriving us in many cases, of the benefits of Trial by Jury:

*For taking away our Charters, **abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:** For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.*

*In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. **A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.** Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred **to disavow these usurpations,** which, would inevitably interrupt our connections and correspondence.*

They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of

mankind, Enemies in War, in Peace Friends. We, therefore, the Representatives of the united States of America, in General Congress, Assembled, **appealing to the Supreme Judge of the world** for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor." (emphasis added) **The Declaration of Independence**

The following excerpts from the Constitution of the United States of America continue the SUCCESSIVE DETAILS for the protection of **INDIVIDUAL RIGHTS:**

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the

Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." (emphasis added) **PREAMBLE to the Constitution of the United States of America**

Article I – Section 10 – Powers prohibited of States "*No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.*" (emphasis added)

Article IV - The States Section 4 - Republican government
"*The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.*"
(emphasis added)

Article. VI. - Debts, Supremacy, Oaths *"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."*
(emphasis added)

The following excerpts from the *Bill of Rights of the Constitution of the United States of America* continue the
 SUCCESSIVE DETAILS for the protection of **INDIVIDUAL**

RIGHTS:

"THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution." *(emphasis added)* **PREAMBLE to the Bill of Rights of the Constitution of the United States of America**

Amendment 7 - Trial by Jury in Civil Cases. Ratified

12/15/1791 *"In Suits at common law, where the value in controversy shall exceed twenty dollars, **the right of trial by jury shall be preserved**, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law."* (emphasis added)

Amendment 9 - Construction of Constitution. Ratified

12/15/1791 *"The enumeration in the Constitution, of certain rights, **shall not be construed to deny or disparage others retained by the people**."* (emphasis added)

Amendment 10 - Powers of the States and People. Ratified

12/15/1791 *"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, **are reserved** to the States respectively, **or to the people**."* (emphasis added)

Amendment 14 - Citizenship Rights. Ratified 7/9/1868 "1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. **No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**" (emphasis added)

The following excerpts from the Constitution of the Commonwealth of Pennsylvania, Pennsylvania Code and Court

Opinion further PROVE the SUCCESSIVE DETAILS for the protection of **INDIVIDUAL RIGHTS:**

"WE, the people of the Commonwealth of Pennsylvania, grateful to **Almighty God for the blessings of civil and religious liberty**, and humbly invoking His guidance, do ordain and establish this Constitution."

(emphasis added) **PREAMBLE to the Constitution of the Commonwealth of Pennsylvania**

Section 10 – Judicial administration “...if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant.”

Section 1. Inherent rights of mankind. “All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.”
(emphasis added)

Article I, Section 6: “Trial by jury shall be as heretofore, and the **right thereof remain inviolate.**” (emphasis added)

42 Pa.C.S.A. § 5104(a) General rule. “Except where the right to trial by jury is enlarged by statute, **trial by jury shall be as heretofore, and the right thereof shall remain inviolate.**” (emphasis added)

“The legislature may not, under guise of extending injunction to new situation, interfere with right of jury trial in cases covered by Constitution.” (emphasis added) Com. v. Dietz, 132 A. 572 (1926)

FACTUAL EVIDENCE

All Appellees **KNEW** the stated **FACTS** of this case that are detailed in Appellant’s **Concise Statement** dated 2-4-20:

- Appellee AK Steel et al (now Cleveland-Cliffs) entered into a CIVIL CONTRACT with Appellant that if Appellant obeyed company directives and the LAW that Appellee would compensate Appellant with future wages, benefits, pension, etc.
- Appellee AK Steel et al (now Cleveland-Cliffs) provided an ON-PLANT union hall and paid the salaries and overtime that the Appellee UAW officers did not have to work for which makes ALL actions

that Appellee AK Steel et al (now Cleveland-Cliffs) and Appellee UAW et al were a conspiracy against Appellant which is was a FRAUD!

- ALL Appellees KNEW the FACT that Appellee AK Steel et al (now Cleveland-Cliffs) gave Appellant a UNLAWFUL verbal directive to haul the pinion gear on the Stake Truck and not chain down the pinion gear that resulted in the Stake Truck rolling over with Appellant inside when Appellee AK Steel et al (now Cleveland-Cliffs) had pictures of the pinion gear rolling to the side of the Stake Truck raising the rear axle off the ground when co-worker, Dan Redick, was given the same directive. After Appellant's accident Appellant visually was shown the pictures YET Appellee AK Steel et al (now Cleveland-Cliffs) NEVER informed Appellant of the pictures prior to the truck rolling over on Appellant which was a CRIMINAL ACT!

- ALL Appellees KNEW the FACT that Appellant spoke with David Devries from the PA Attorney General's Office regarding the illegal activity at Appellee AK Steel et al (now Cleveland-Cliffs) Butler plant and that Appellant had informed Appellee Tassej yet NOTHING was done by Appellee AK Steel et al (now Cleveland-Cliffs) to correct the ILLEGAL and CRIMINAL activity.
- ALL Appellees KNEW the FACT that Appellant's then legal counsel, Dennis Moskal, sent a letter to Appellee AK Steel et al (now Cleveland-Cliffs), PRIOR to Appellant's ILLEGAL TERMINATION, warning Appellee AK Steel et al (now Cleveland-Cliffs) of the illegal activity yet again NOTHING was done to correct the ILLEGAL and CRIMINAL activity.
- ALL Appellees KNEW the FACT that Appellant contacted Appellee McCune (then Butler County District Attorney) after Appellant's ILLEGAL termination and the CRIMINAL ACTIVITY yet

Appellee McCune REFUSED to investigate the CRIMINAL ACTIVITY. The FACT that Appellee McCune refused to do his job as a District Attorney is a CRIME and LEGAL MALPRACTICE!

- ALL Appellees KNEW the FACT that Appellant Certified Mailed a 300 page document to then **U.S. Attorney General Ashcroft in 2003** that provided ALL the INCULPATORY EVIDENCE that not ONE APPELLEE has provided any EXCULPATORY EVIDENCE to prove their innocence in ANY court.
- ALL Appellees KNEW the FACT that Appellees Chivers and Papa committed LEGAL MALPRACTICE when they refused to use the INCULPATORY EVIDENCE that Appellant provided them.
- All Appellees attempted to use rules of procedure to usurp Appellant's CONSTITUTIONAL SUBSTANTIVE LAW RIGHTS.
- Superior Court judges by John T. Bender, Alice Beck Dubow and Carolyn H. Nichols had all INCULPATORY

EVIDENCE and refused to apply SUBSTANTIVE LAW and ILLEGALLY used rules of procedure by filing the NON-PRECEDENTIAL DECISION to usurp Appellant's CONSTITUTIONAL SUBSTANTIVE LAW RIGHTS.

- Prothonotary Joseph D. Seletyn ILLEGALLY filed the NON-PRECEDENTIAL DECISION when he KNEW the court filing usurped Appellant's CONSTITUTIONAL SUBSTANTIVE LAW RIGHTS.
- ALL Appellees KNEW the FACT that they ALL received the **Violation Warning** letters for **Denial of Rights Under Color of Law** that specifically warned them about CONSPIRING against Appellant's CONSTITUTIONAL SUBSTANTIVE LAW RIGHTS.

Furthermore, the **Superior Court of Pennsylvania** DID NOT nor **ANY Appellee** reply to the following questions of Appellant's Appeal Brief:

1. Will Appellee Cunningham and ANY COURT be allowed to continue to usurp and violate the Constitutional Inalienable/Unalienable Rights of Appellant since the Supreme Court has already

ruled the Bill of Rights are IN FACT RIGHTS that no government can give or take away from Appellant/Anyone, specifically a RIGHT to a JURY TRIAL that Cunningham has denied Appellant repeatedly and continues to harm Appellant by denying compensatory and punitive restitution awarded by a JURY?

2. Will this Court continue to allow the unconstitutional use of statute of limitations/time bar to be used against Appellant by Appellees which violates all the RIGHTS of Appellant in the Bill of Rights and specifically Amendments 7, 9, 10 and 14 Section 1?
3. Will Appellee Cunningham and ALL other Appellees continue to be allowed to conspire to violate Appellant's Rights under Title 18 Section 241 **Conspiracy Against Rights**, 242 **Deprivation of Rights Under Color of Law** and 254 **Federally protected activities** and continue to harm Appellant by denying compensatory and punitive restitution?
4. Will Appellee AK Steel (*now Cleveland-Cliffs*) continue to be allowed to harm Appellant by the continued violation of Appellant's Constitutional Inalienable/Unalienable Rights and CONSTITUTIONAL LAWS and continue to harm Appellant by denying compensatory and punitive restitution?

5. Will Appellee McCune go unpunished and not be required to pay restitution to Appellant for NOT investigating the CRIME committed against Appellant when the truck rolled over with Appellant inside the truck after Appellee AK Steel (now Cleveland-Cliffs) verbally ordered Appellant to haul the pinion gear without securing the load even after Appellee AK Steel (now Cleveland-Cliffs) had pictures of the truck almost rolling over on co-worker, Dan Redick, as well as the continued illegal activity against Appellant?

6. Will the Court protect Appellant's property of Appellant's labor and because Appellant's INALIENABLE/UNALIENABLE RIGHTS are guaranteed by the Declaration of Independence and Constitution/Bill of Rights? Butcher's Union Co. v. Crescent City Co., (111 U.S. 746)(1884)

7. Will the Court allow the continued FRAUD of Appellee AK Steel (now Cleveland-Cliffs) and Appellee UAW because Appellee AK Steel (now Cleveland-Cliffs) OWNS Appellee UAW through paying the Appellee UAW officers' salaries and paying the average overtime to the officers' without the officers working the overtime and for providing an on AK Steel property union hall to Appellee UAW validating Appellee UAW is not a union at all at the Appellee AK Steel (now Cleveland-Cliffs) plant in Butler Pennsylvania?

8. Will the Court allow Appellee Koch to go unpunished for not apprising the Court and

Appellant that Appellee AK Steel was being acquired and now owned by Cleveland-Cliffs?

9. Will this Court transfer this case back to the Superior Court of Pennsylvania for a full investigation and prosecutions of all Appellees to enforce the **Writ of Mandamus** and afford Appellant ALL legal remedies mandated by the Constitution of the United States of America?

One of the principal goals of the **Constitution of the Commonwealth of Pennsylvania** is to assure that a just mechanism exists to remedy all unlawful corporation acts harming employees. To that end, it embraces both an expansive understanding of the conduct which constitutes a violation in the CIVIL SUBSTANTIVE LAW RIGHTS of the Appellant, and awarding of damages.

As aforementioned, the Appellee's are using rules of procedure procedural which IS NOT LAW AT ALL to side step the substantive law, and thus deny the Appellant's RIGHTS under the 7th, 9th, 10th and 14th Amendments in the

Constitution of the United States and the supporting LAW from the Constitution of the Commonwealth of Pennsylvania.

There is little question, as the Appellant notes, that Appellee AK Steel et al (now Cleveland-Cliffs) failed to answer the Appellant's Complaint. Then ALL Appellees continually and repeatedly used procedural law to deny the Appellant's CONSTITUTIONAL SUBSTANTIVE LAW RIGHTS.

The Appellant has repeatedly contended that Appellee AK Steel et al (now Cleveland-Cliffs) has used procedural law so that their argument does not fall within the aegis of the issue. The Appellant has treaded carefully in analyzing this issue, as the Original Court and succeeding Superior Court has failed to engage the Appellant.

The **TABLE OF AUTHORITIES** clearly condemns ALL Appellees!

The Superior Court has explicitly refrained:

1. From addressing the issue of workplace violations safety, and
2. The damages to the Appellant.

CONCLUSION

The Appellant's contention is that Appellee's conduct does not fall within the bounds of the CONSTITUTIONAL SUBSTANTIVE CIVIL RIGHTS of the Appellant.

Therefore this court only has the following options;

- A. Grant Appellant's Complaint, and Award the Appellant Damages as stated, execute the attached ORDER, execute the Writ of Mandamus for the prosecution of ALL Appellees, or
- B. Remand back to the Original Court for a Jury Trial.

In short ALL APPELLEES:

1. UNLAWFULLY and BLANTANTLY ignored the real CIVIL and CRIMINAL issues,
2. UNLAWFULLY and BLANTANTLY ignored the real parties of interest and
3. UNLAWFULLY and BLANTANTLY ignored the enormous damages due the Appellant,
4. Lost all views of the damage to the company(s) repetition,
5. Lost their counsels position before the Bar, honesty and with it integrity.
6. Lost the District Court and Superior Courts ability to interpret the Constitution of the State of Pennsylvania and the United States of America all showing that indeed our State and Nation is in serious trouble.

Appellant references all the following court filings that are on the flash drive TO BE ADDED as part of this COURT FILING:

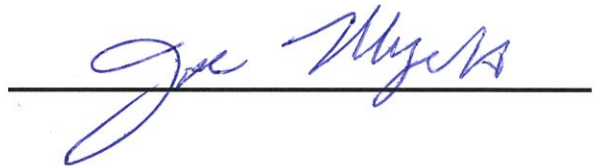
- **ALL DEFENDANTS ARE IN CONTEMPT OF COURT AND OBSTRUCTION OF JUSTICE** dated 9-28-19
- **NOTICE TO BUTLER COUNTY, NOTICE OF JUDICIAL MISCONDUCT, NOTICE OF ATTORNEY MISCONDUCT** dated 10-11-19
- **AMENDED LEGAL NOTICE AND VIOLATION WARNING OF DENIAL OF PLAINTIFFS RIGHTS UNDER COLOR OF LAW OF THE UNITED STATES OF AMERICA** dated 10-18-19
- **AMENDED COURT FILING ADDING DEFENDANTS AND FOR CONTINUED VIOLATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS OF THE UNITED STATES OF AMERICA** dated 10-28-19
- **CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL** dated 2-4-20

- **RESPONSE TO RULE 1925(a)**
FRAUDULANT/ILLEGAL ORDER TIME/DATE
STAMPED 2-4-20 dated 2-13-20
- **RESPONSE TO SUPREME COURT ORDER DATED**
2-18-20, WRIT OF MANDAMUS,
EXTRAORDINARY JURISDICTION, REQUEST
FOR EXTENSION FOR FILING BRIEF dated 2-26-
20
- **APPELLANT'S BRIEF** dated 4-20-20
- **APPELLANT'S REPLY TO ALL APPELLEE'S**
BRIEFS dated 6-5-20
- **APPELLANT'S DEMUR OF RECENT ORDERS** dated
6-8-20
- **APPELLANT'S DEMUR TO NON-PRECEDENTIAL**
DECISION AND WARNING TO THE COURT dated
7-2-20

The entirety of this writ should issue and the full weight of the Constitution must be followed to the prosecution of ALL Appellees and the compensatory and punitive damages restored to Appellant.

This **Supreme Court of Pennsylvania** has only one duty of **JUSTICE** and that is to follow the **United States Constitution** and **STRIKE** all **ORDERS** from this LOWER COURTS and execute the attached **ORDER**.

Dated this 21st day of July, 2020



Joe Myers

12137 Emerald Green Court

Jacksonville, FL 32246

Phone: 904-254-6472

Email: 1776ToTyranny@gmail.com

CERTIFICATE OF COMPLIANCE

I hereby certify that filing complies with the requirements of the Court to the best of my ability as a **SOVEREIGN** of the United States of America. **ALL SOVEREIGNS** have supreme authority that is established clearly in the Founding Documents.

Dated this 21st day of July, 2020

/s/ Joe Myers

Joe Myers pro se

12137 Emerald Green Court

Jacksonville, FL 32246

Phone: 904-254-6472

Email: 1776ToTyranny@gmail.com

IN THE SUPREME COURT OF PENNSYLVANIA WESTERN DISTRICT

Docket No. 1892 WDA 2019

Joe Myers

APPELLANT

vs.

Timothy F. McCune, Joseph H. Chivers, John/Jack W. Murtagh Jr., Graydon Brewer, Carl V. Nanni, Jack Lewis, Jim Gallagher, Hank Leyland, Greg Loverick, Edward Tasse, AK Steel et al, UAW et al (formerly Butler Armco Independent Union), Angelo Papa, William Cunningham, Michael Lettrich, Maria Milie Jones, Dennis Roman, Nicholas Koch, Adam Hobaugh,

APPELLEES

ORDER

AND NOW, this _____ day of _____ 2020, upon the facts and evidence provide by Appellant, it is hereby ORDERED by the Superior Court that:

- (a) All ORDERS by the Superior Court related to this case to date are hereby STRIKEN from the record as well as ALL Briefs filed by Appellees as the Appellees perverted the LAW and did not honor their sworn oath to the Constitution;

- (b) Appellant is awarded either the full punitive and compensatory damages requested of \$100 Million from Appellee AK Steel et al (now Cleveland-Cliffs) and \$10 Million per each other Appellee **OR** a JURY TRIAL is scheduled;
- (c) Because of the **WRIT OF MANDAMUS** Appellant filed in Appellant's Brief this Supreme Court of Pennsylvania **ORDERS** that ALL Appellees with a law license are stripped of their license and NEVER allowed to practice law in the United States;
- (d) Because of the **WRIT OF MANDAMUS** Appellant filed in Appellant's Brief regarding the CRIMINAL ACT of the truck rolling over with Appellant inside this Supreme Court of Pennsylvania **ORDERS** an **investigation** and **prosecution** of ALL Appellees involved in the **CONSPIRACY** against Appellant and punitive damages awarded to Appellant;
- (e) Because of the **EXTRAORDINARY JURISDICTION** Appellant filed in Appellant's Brief this Supreme Court of Pennsylvania that an injunction is so **ORDERED** to be imposed on Appellee AK Steel et al (now Cleveland Cliffs) Butler plant for the continued criminal activity of hauling the coils on grossly overloaded trailers coming down a steep hill with a 90 degree bend in it to an intersection Appellee allows the public at large to enter their property to purchase material from Hocketts Slag a public company which violates their written directives which is PUBLIC POLICY LAW.

BY THE COURT

_____J.

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

JOE MYERS,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
v.	:	
	:	
TIMOTHY F. MCCUNE, JOSEPH H.	:	No. 1892 WDA 2019
CHIVERS, JOHN/JACK W. MURTAGH	:	
JR., GRAYDON BREWER, CARL V.	:	
NANNI, JACK LEWIS, JIM	:	
GALLAGHER, HANK LEYLAND, GREG	:	
LOVERICK, EDWARD TASSEY, AK	:	
STEEL ET AL, UAW (FORMERLY	:	
BUTLER ARMCO INDEPENDENT	:	
UNION).	:	

Appeal from the Order Entered November 21, 2019
 In the Court of Common Pleas of Butler County Civil Division at No(s):
 A.D. No. 19-10516

BEFORE: BENDER, P.J.E., DUBOW, J., and NICHOLS, J.

JUDGMENT ORDER BY DUBOW, J.: **FILED JUNE 25, 2020**

Appellant, Joe Myers, appeals *pro se* from the November 21, 2019 Order entered in the Butler County Court of Common Pleas sustaining the Preliminary Objections filed by all defendants, and dismissing Appellant's Complaint with prejudice. We affirm.

On May 29, 2019, Appellant filed *pro se* a Complaint against the defendants arising from his April 10, 2001 termination by his prior employer

AK Steel.^{1, 2} The defendants filed Preliminary Objections, and, on October 22, 2019, the trial court held oral argument on them. Following oral argument, on November 21, 2019, the trial court sustained the Preliminary Objections and dismissed the case with prejudice.

On January 7, 2020, the trial court issued an Order directing Appellant to file a Concise Statement of Errors Complained of on Appeal pursuant to Pa.R.A.P. 1925(b) within 20 days of entry of the Order. The Order stated that “the failure of [Appellant] to timely file a concise statement means that he has not preserved any issues for appellate review.”³ Order 1/7/20. Accordingly, the trial court’s order required Appellant to file his Rule 1925(b) statement by January 27, 2020.

On February 4, 2020, the trial court issued its Rule 1925(a) Opinion indicating that Appellant had failed to file a Rule 1925(b) Statement and had,

¹ In its November 21, 2019 Opinion in support of its Order sustaining the defendants’ Preliminary Objections, the trial court characterized Appellant’s Complaints as “largely indecipherable in terms of presenting a factual or legal basis for a claim against any of the [d]efendants.” Opinion, 11/21/19, at 1.

² In 2004, Appellant unsuccessfully pursued claims arising from his termination in both the state and federal courts.

³ The trial court docket indicates that the trial court’s Rule 1925 Order was dated January 2, 2020, filed on January 6, 2020, and served on January 7, 2020.

thus, failed to preserve any issues for appellate review. Two days later, on February 6, 2020, Appellant filed an untimely Rule 1925(b) Statement.⁴

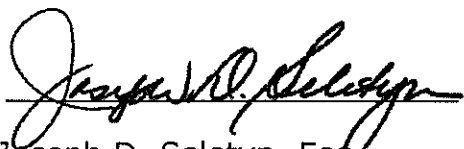
We conclude that Appellant waived any issues on appeal when he failed to file a timely Rule 1925(b) Statement. **See, e.g., Greater Erie Indus. Devel. Corp. v. Presque Isle Downs, Inc.**, 88 A.3d 222, 227 (Pa. Super. 2014) (*en banc*) (finding appellate issues waived were appellant failed to file timely Rule 1925(b) statement).

Order affirmed.⁵

⁴ Appellant's sprawling 55-page Rule 1925(b) Statement is an inarticulate reiteration of the claims he advanced in his prior pleadings.

⁵ In light of our disposition, we deny Appellant's June 10, 2020 "Application for Relief" requesting that this Court reschedule oral arguments and "Appellant's Demur of Recent Orders."

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn". The signature is written in a cursive style with a horizontal line drawn through the middle of the letters.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 6/25/2020

**IN THE SUPERIOR COURT OF PENNSYLVANIA
WESTERN DISTRICT**

Joe Myers, **Appellant**

vs.

Timothy F. McCune, Joseph H. Chivers,
John/Jack W. Murtagh Jr., Graydon
Brewer, Carl V. Nanni, Jack Lewis, Jim
Gallagher, Hank Leyland, Greg Loverick,
Edward Tasse, AK Steel et al, UAW
(formerly Butler Armco Independent
Union) et al, Angelo Papa, William
Cunningham, Michael Lettrich, Maria Milie
Jones, Dennis Roman, Nicholas Koch,
Adam Hobaugh, **Appellees**

Superior Court Docket No. 1892 WDA 2019

**Appellant's Demur to Non-Precedential
Decision and WARNING to the COURT**

Notice is hereby given that Joe Myers, Appellant above named,
hereby files a Demur to the UNCONSTITUTIONAL order entered in
this matter on the 25th day of June, 2020.

CIVIL DIVISION

Joe Myers
12137 Emerald Green Court
Jacksonville, Florida 32246
904-254-6472

RELATED CASES

Joseph Myers, (Plaintiff)

v.

*AK Steel Corporation and Butler Armco
Independent Union, U.A.W. (Defendants)*

and

*Joseph G. Myers, (Plaintiff) v. Joseph
Chivers, (Defendant)*

Court filings:

- ***Complaint – Jury Trial Demanded*** dated 4-23-04 but Time/Date Stamped the day before 4-22-04
- ***Complaint For Legal Malpractice Breach Of Contract, Failure To Timely File/Breach Of Contract, No Justification Of Fee Charged To Plaintiff*** dated 6-1-04 but not Time/Date Stamped until 6-17-04
- ***Conflict of Interest*** dated 11-20-07

A.D. No. 04-10707

Joe Myers, (Plaintiff)

v.

*Timothy F. McCune, Joseph H. Chivers,
John/Jack Murtagh Jr., Graydon Brewer, Carl
V. Nanni, Jack Lewis, Jim Gallagher, Hank
Leyland, Greg Loverick, Edward Tasse, AK
Steel et al, UAW (formerly Butler Armco
Independent Union) et al, Angelo Papa,
William Cunningham, Michael Lettrich, Maria
Millie, Jones, Dennis Roman, Nicholas Koch,
Adam Hobaugh, (Defendants)*

Court filings:

- **Complaint** dated 5-29-19
- **Response to SCHEDULING ORDER**
dated 9-19-19
- **All Defendants are in Contempt of
Court and Obstructing Justice** dated 9-28-
19
- **Legal Notice and Violation Warning
of Denial of Rights Under Color of Law**
dated 10-16-19
- **Amended Legal Notice and Violation
Warning of Denial of Rights Under Color
of Law** dated 10-18-19

- ***Amended Court Filing Adding Defendants and For Continued Violation of Plaintiff's Constitutional Rights*** dated 10-28-19
- ***Response to Motion To Strike by Defendant Koch and to Any Future Court Filings By Any Defendant Trying to Violate Plaintiff's Constitutional Rights*** dated 11-25-19
- ***Notice of Appeal*** dated 12-18-19
- ***Concise Statement of Matters Complained of on Appeal*** dated 2-4-20

NO. A.D. No. 19-10516

Joe Myers, (Appellant)

v.

*Timothy F. McCune, Joseph H. Chivers,
John/Jack Murtagh Jr., Graydon Brewer, Carl
V. Nanni, Jack Lewis, Jim Gallagher, Hank
Leyland, Greg Loverick, Edward Tasse, AK
Steel et al, UAW (formerly Butler Armco
Independent Union) et al, Angelo Papa,
William Cunningham, Michael Lettrich, Maria
Millie, Jones, Dennis Roman, Nicholas Koch,
Adam Hobaugh, (Appellees)*

Court filings:

- ***Superior Court of Pennsylvania
Docketing Statement*** dated 1-7-20
- ***Motion For Relief, Motion For
Extension For Rule 1925(b) Order***
- ***Response To Rule 1925(b)
Fraudulent/Illegal Order Time/Date
Stamped 2-4-20***
- ***Response to Supreme Court Order
dated 2-18-20, Writ Of Mandamus,
Extraordinary Jurisdiction, Request For
Extension For Filing Brief***

Case No.: 1892 WDA 2019

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• COURT ORDER	
• VIOLATION WARNINGS – DENIAL OF RIGHTS UNDER COLOR OF LAW	

**APPELLANT'S DEMUR TO NON-PRECEDENTIAL
DECISION AND WARNING TO THE COURT**

Appellant files this **DEMUR** to the recent UNCONSTITUTIONAL decision rendered by John T. Bender, Alice Beck Dubow and Carolyn H. Nichols and unlawfully recorded by Joseph D. Seletyn.

Appellant provides the appended **Violation Warning Letters for Denial of Appellant's Rights Under Color of Law** as part of this court filing to WARN *John T. Bender, Alice Beck Dubow, Carolyn H. Nichols and Joseph D. Seletyn* that if the appended **ORDER** is not executed by the Court Appellant will add the *John T. Bender, Alice Beck Dubow, Carolyn H. Nichols and Joseph D. Seletyn* as **Appellees** to this ongoing case for aiding and abetting to **Conspiracy Against Appellant's Rights** that are protected by the **United States Constitution** and the **Pennsylvania Constitution** affirms the SUPREME LAW OF THE LAND. Additionally the **Pennsylvania Constitution** CLEARLY STATES the Court cannot use rules of procedure to usurp **SUBSTANTIVE LAW**.

"...if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant" – Pennsylvania Constitution

It is very clear this Court is attempting to usurp the **SUBSTANTIVE RIGHTS** of Appellant by abridging and modifying Appellant's RIGHTS!

SUBSTANTIVE LAW: *"That part of the law which the courts are established to administer, as opposed to the rules according to which the substantive law itself is administered. That part of the law which creates, defines, and regulates rights, as opposed to adjective or remedial law, which prescribes the method of enforcing rights or obtaining redress for their invasion."* - Black's Law Dictionary

"What is JUDGE?: A public officer, appointed to preside and to administer the law in a court of justice." - Black's Law Dictionary

It is quite evident the judges of this Court have no idea what **LAW** and **JUSTICE** are if they do not execute the appended **ORDER!**

Regarding to the UNCONSTITUTIONAL **NON-PRECEDENTIAL DECISION** Appellant challenges the following points:

- This Court affirmed the dismissal of Appellant's Complaint in the lower court which violated Appellant's **Constitutional RIGHTS** of **DUE PROCESS, JURY TRIAL** and **EQUAL PROTECTION of the LAWS** since Appellant filed a **SUBSTANTIVE LAW** Complaint and Appellant **DEMANDED a JURY TRIAL** and this case was NEVER to be heard before a corrupt judge and corrupt attorneys. This Court also KNOWS that rules of procedure CANNOT EVER usurp **CONSTITUTIONAL SUBSTANTIVE LAW!**

- This Court affirmed that on November 21, 2019 the trial court dismissed Appellant's Complaint which this Court KNOWS that ACT was UNCONSTITUTIONAL and UNLAWFUL. This Court DOES NOT acknowledge that Appellant provided a **VALID SUBSTANTIVE LAW** argument and **INCULPATORY EVIDENCE** and that Appellant NEVER agreed to rules of procedure that has nothing to do with **CONSTITUTIONAL SUBSTANTIVE LAW!**
- Per footnote (1) this Court stated the trial court's "**OPINION**" stated that Appellant's Complaints as "largely indecipherable". Appellant states this Court and the trial court obviously cannot and could not decipher a true legal argument if it bit them in the ARCE because they THINK procedural rules can usurp **CONSTITUTIONAL SUBSTANTIVE LAW** when **IN FACT** even the **Pennsylvania Constitution** states this Court or any court CANNOT!

- This Court affirmed on May 29, 2019 that Appellant filed a Complaint against Appellee AK Steel et al for Appellant's termination on April 10, 2001 which this Court KNOWS the termination was UNLAWFUL and Appellant has PROVED with **INCULPATORY EVIDENCE** that not one Appellee has REFUTED but has only tried to argue rules to usurp Appellant's CONSTITUTIONAL PROTECTED RIGHTS!
- Per footnote (2) this Court states "Appellant unsuccessfully pursued claims arising from his termination in both state and federal courts." This Court fails to state that Appellant has provided **INCULPATORY EVIDENCE** to PROVE the **FRAUD** and **CONSPIRACY** that has taken place by ALL APPELLEES since the time of Appellant's UNLAWFUL termination that has even become **CRIMINAL** and this Court refuses to acknowledge and follow the **RULE OF LAW** on Appellant's FACTS and EVIDENCE that would dismiss ALL Appellees court filings if this

Court followed the **CONSTITUTIONAL SUBSTANTIVE LAW!** This Court knows Appellant's case in 2001 should have been tried before a JURY and NEVER went to federal court but because of the legal malpractice of Appellees Murtaugh, Chivers and Papa against Appellant, Appellant has had his **CONSTITUTIONAL SUBSTANTIVE LAW RIGHTS USURPED!**

- This Court affirmed Defendants/Appellees filed Preliminary Objections on October 22, 2019 and the trial court held oral argument on them. This Court KNEW the Preliminary Objections were UNLAWFUL as Appellant **DEMANDED** a **CONSTITUTIONAL SUBSTANTIVE LAW JURY TRIAL** and ALL proceedings from that point forward HAD to be held before a JURY and not the CORRUPT Appellee Cunningham and ALL Appellees with a law license!
- This Court affirmed that on January 7, 2020 the trial court issued an Order directing Appellant to file a

Concise Statement of Errors Complained of on Appeal and then trial court filed Rule 1925(a) "**OPINION**" stating the Appellant failed to timely file a Rule 1925(b) Statement. Per footnote (3) this Court states "The trial court docket indicates that the trial court's Rule 1925 was dated January 2, 2020, filed on January 6, 2020 and served on January 7, 2020." What this Court DOES NOT admit on record is Appellant filed the Concise Statement on February 4, 2020 that was time/date stamped at 9:01 AM yet Appellee Cunningham did not file his 1925 Order until February 4, 2020 and was NOT time/date stamped until 9:36 AM and Appellant never received the 1925 Order in the mail until February 11, 2020 which was 7 days AFTER Appellant filed the Concise Statement. This Court knew Appellant validated this evidence in Superior Court filing by Appellant "**RESPONSE TO 1925(a) FRAUDULENT/ILLEGAL ORDER TIME/DATE STAMPED 2-4-20**"

Appellant further explained in the aforementioned court filing that Appellant had a very close friend and relative pass away and why the Concise Statement was a couple days late YET this COURT ignores that EVIDENCE to further CONSPIRE against Appellant!

- This Court concludes that Appellant waived any issue on appeal when Appellant failed to timely file Rule 1925(b) Statement and then relied on Pa. Superior Court OPINION ***Greater Erie Indus. Devel Corp. v. Presque Isle Downs, Inc.*** YET this Court KNOWS a court can only RENDER an OPINION and if it is UNCONSTITUTIONAL the OPINION can be overruled and is what Appellant intends to do by filing all the way to the Supreme Court of the United States if need be because this Court has failed to state in their UNCONSTITUTIONAL NON-PRECEDENTIAL DECISION that Appellant has REPEATEDLY spelled out that Appellee Cunningham allowed Appellees Koch, Hobaugh and Papa to IGNORE the rules yet

want to hold Appellant to the rules which is
CRIMINAL on the part of this Court and Appellant as
the Sovereign over this Court will not let that stand.

- Per footnote (5) this Court states that "In light of our
disposition, we deny Appellant's June 10, 2020
"Application for Relief" requesting that this Court
reschedule oral arguments and "Appellant's Demur of
Recent Orders." YET this Court KNOWS that
Appellant provided PROOF that Appellee Papa LIED
and YET the Court is trying to impose
UNCONSTITUTIONALLY applied rules to DENY and
USURP Appellant's **CONSTITUTIONAL**
SUBSTANTIVE RIGHTS!

If the *Superior Court of Pennsylvania* chooses to ignore the **LAWFUL** argument of Appellant then Appellant has no choice but to hold the *Superior Court of Pennsylvania* in **CONTEMPT OF COURT** for **OBSTRUCTION JUSTICE** of the Appellant.

In light of Appellant's FACTUAL STATEMENT this Court and specifically *John T. Bender, Alice Beck Dubow, Carolyn H. Nichols, Joseph D. Seletyn* and the Superior Court of Pennsylvania must STRIKE all Appellees court filings and this Court's recent UNCONSTITUTIONAL decisions or consider yourselves **SERVED** with appended **Violation Warning** letters for **Denial of Rights Under Color of Law** with your names on each letter for your continued conspiracy against Appellant.

The entirety of this writ should issue and the full weight of the Constitution must be followed to the prosecution of ALL Appellees and the compensatory and punitive damages restored to Appellant.

This **Court** has only one duty and that is to follow the **United States Constitution** and **STRIKE** all **ORDERS** from this COURT and execute the attached **ORDER**.

Dated this 2nd day of July, 2020

A handwritten signature in cursive script that reads "Joe Myers". The signature is written in black ink and is positioned above a solid horizontal line.

Joe Myers pro se

12137 Emerald Green Court

Jacksonville, FL 32246

Phone: 904-254-6472

Email: 1776ToTyranny@gmail.com

IN THE SUPERIOR COURT OF PENNSYLVANIA WESTERN DISTRICT

Superior Court Docket No. 1892 WDA 2019

Joe Myers

APPELLANT

vs.

Timothy F. McCune, Joseph H. Chivers, John/Jack W. Murtagh Jr., Graydon Brewer, Carl V. Nanni, Jack Lewis, Jim Gallagher, Hank Leyland, Greg Loverick, Edward Tasse, AK Steel et al, UAW et al (formerly Butler Armco Independent Union), Angelo Papa, William Cunningham, Michael Lettrich, Maria Millie Jones, Dennis Roman, Nicholas Koch, Adam Hobaugh,

APPELLEES

ORDER

AND NOW, this _____ day of July 2020, upon the facts and evidence provide by Appellant, it is hereby ORDERED by the Superior Court that:

- (a) All ORDERS by the Superior Court related to this case to date are hereby STRIKEN from the record as well as ALL Briefs filed by Appellees as the Appellees perverted the LAW and did not honor their sworn oath to the Constitution;

- (b) Appellant is awarded either the full punitive and compensatory damages requested of \$100 Million from Appellee AK Steel and \$10 Million per each other Appellee or a JURY TRIAL is scheduled;
- (c) That part of this case to be transferred BACK to the Supreme Court of Pennsylvania so that ALL Appellees with a law license are stripped of their license and NEVER allowed to practice law in the United States;
- (d) That part of this case to be transferred back to the Supreme Court of Pennsylvania so an injunction is imposed on Appellee AK Steel et al (now Cleveland Cliffs) Butler plant for the continued criminal activity of hauling the coils on grossly overloaded trailers coming down a steep hill with a 90 degree bend in it to an intersection Appellee AK Steel et al allows the public at large to enter their property to purchase material from Hocketts Slag a public company;
- (e) That part of this case to be transferred back Supreme Court of Pennsylvania so the Court can contact Cleveland-Cliffs the new owner of Appellee AK Steel et al to inform them of this legal issue.

BY THE COURT

_____J.

Form **COL**

**Violation Warning
Denial of Rights Under Color of Law**

▶ Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of Citizen

Joe Myers
12137 Emerald Green Court
Jacksonville, Florida 32246

Name and address of Notice Recipient

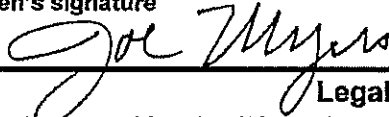
Alice Beck Dubow
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297

Citizen's statement:

Violation of my RIGHTS under The United States of America Constitution of a JURY TRIAL, DUE PROCESS and EQUAL PROTECTION of the LAWS
Violation of U.S. Codes, Title 18 Section 241, Section 242, Section 254, Section 35559 / Title 15 Section 2087 / Title 29 Section 654 / Title 42 Section 1983

I certify that the forgoing information stated here is true and correct.

Citizen's signature

▶ 

Date ▶ July 2, 2020

Legal Notice and Warning

Federal law provides that it is a crime to violate the Rights of a citizen under the color-of-law. You can be arrested for this crime and you can also be held personally liable for civil damages.

Attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law, may be a felony.

18 USC §242 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States ... shall be fined under this title or imprisoned not more than one year, or both.

18 USC §245 provided that Whoever, whether or not acting under color of law, intimidates or interferes with any person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [or] applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; shall be fined under this title, or imprisoned not more than one year, or both.

42 USC §1983 provides that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Warning, you may be in violation of Federal Law and persisting with your demand may lead to your arrest and/or civil damages! Also understand that the law provides that you can be held personally responsible and liable, as well as your company or agency.

You are advised to cease and desist with your demand and to seek *personal* legal counsel if you do not understand the law.

Notice of Service:

I, Joe Myers certify that I personally delivered this notice to above named recipient and address on July 2, 2020 at As part of Superior Court filing

Form **COL**

**Violation Warning
Denial of Rights Under Color of Law**

▶ Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of Citizen

Joe Myers
12137 Emerald Green Court
Jacksonville, Florida 32246

Name and address of Notice Recipient

John T. Bender
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297

Citizen's statement:

Violation of my RIGHTS under The United States of America Constitution of a JURY TRIAL, DUE PROCESS and EQUAL PROTECTION of the LAWS
Violation of U.S. Codes, Title 18 Section 241, Section 242, Section 254, Section 35559 / Title 15 Section 2087 / Title 29 Section 654 / Title 42 Section 1983

I certify that the forgoing information stated here is true and correct.

Citizen's signature

▶ 

Date ▶ July 2, 2020

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Denial of Rights Under Color of Law**

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Name and address of Citizen

Joe Myers
12137 Emerald Green Court
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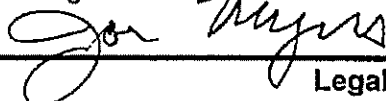
Joseph D. Seletyn
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297

Citizen's statement:

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Name and address of Citizen

Joe Myers
12137 Emerald Green Court
Jacksonville, Florida 32246

Name and address of Notice Recipient

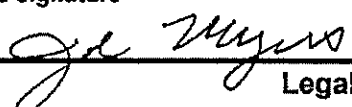
Carolyn H. Nichols
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297

Citizen's statement:

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Violation of U.S. Codes, Title 18 Section 241, Section 242, Section 254, Section 35559 / Title 15 Section 2087 / Title 29 Section 654 / Title 42 Section 1983

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Citizen's signature

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Notice of Service:

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CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing **APPELLANT'S DEMUR TO NON-PRECEDENTIAL DECISION AND WARNING TO THE COURT** was served on the following via U.S. Mail, First-Class, this 2nd day of July, 2020.

Erie County Courthouse
Att: William Cunningham
140 West 6th Street
Erie, PA 16501

Frost Brown Todd LLC
Union Trust Building / Att: Nicholas J. Koch
501 Grant Street, Suite 800
Pittsburgh, PA 15219

JonesPassodelis PLLC
Gulf Tower /Att: Ms. Jones & Mr. Letterich
707 Grant Street, Suite 3410
Pittsburgh, PA 15219

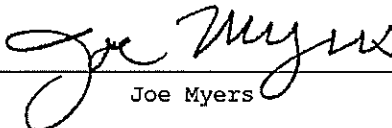
Angelo Papa
318 Highland Ave
New Castle, PA 16101

Graydon Brewer
48 Crystal Drive
Oakmont, PA 15139-1051

Murtagh, Hobaugh & Cech
Att: Adam Hobaugh
P.O. Box 816
Wexford, PA 15090

Murtagh, Hobaugh & Cech
Att: Adam Hobaugh
110 Swinderman Road
Wexford, PA 15090

Marshall Dennehey Warner Coleman & Goggin
Union Trust Building / Att: Dennis Roman
501 Grant Street, Suite 700
Pittsburgh, PA 15219



Joe Myers

CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing APPELLANT'S DISPOSITIVE MOTIONS / WRIT OF MANDAMUS / EXTRAORDINARY JURISDICTION was served on the following via U.S. Mail, First-Class, this 21st day of July, 2020.

**Erie County Courthouse
Att: William Cunningham
140 West 6th Street
Erie, PA 16501**

**Superior Court of Pennsylvania
Att: John T. Bender
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297**

**Frost Brown Todd LLC
Union Trust Building / Att: Nicholas J. Koch
501 Grant Street, Suite 800
Pittsburgh, PA 15219**

**Superior Court of Pennsylvania
Att: Alice Beck Dubow
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297**

**JonesPassodelis PLLC
Gulf Tower /Att: Ms. Jones & Mr. Letterich
707 Grant Street, Suite 3410
Pittsburgh, PA 15219**

**Superior Court of Pennsylvania
Att: Carolyn H. Nichols
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297**

**Angelo Papa
318 Highland Ave
New Castle, PA 16101**

**Superior Court of Pennsylvania
Att: Joseph D. Seletyn
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297**

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48 Crystal Drive
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Wexford, PA 15090**

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Joe Myers