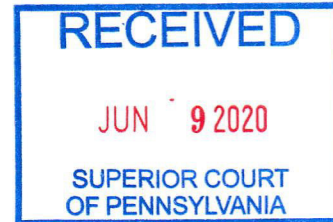


**IN THE SUPERIOR COURT OF PENNSYLVANIA
WESTERN DISTRICT**

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 Reply To ALL Appellee's Briefs

Notice is hereby given that Joe Myers, Appellant above named, hereby appeals to the Superior Court of Pennsylvania from the order entered in this matter on the 5th day of June, 2020. This order has been entered in the docket as evidenced by the attached copy of the docket entry.

CIVIL DIVISION

Joe Myers
12137 Emerald Green Court
Jacksonville, Florida 32246

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
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Union) et al, Angelo Papa, William
Cunningham, Michael Lettrich, Maria Milie
Jones, Dennis Roman, Nicholas Koch,
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Superior Court Docket No. 1892 WDA 2019

Appellant's Reply To ALL Appellee's Briefs

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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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• AMENDED LEGAL NOTICE AND VIOLATION WARNING OF DENIAL OF PLAINTIFF'S RIGHTS UNDER COLOR OF LAW OF THE UNITED STATES OF AMERICA filed 10-21-19	
• AMENDED COURT FILING ADDING DEFENDANTS AND FOR CONTINUED VIOLATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS OF THE UNITED STATES OF AMERICA filed 10-29-19	
• Exhibit – Certificate Of Merit filed 6-17-04	

**ALL APPELLEES HAVE FAILED TO PROVIDE A LAWFUL
ARGUMENT AND ALL REPLY BRIEF'S MUST BE STRICKEN
FROM THE RECORD**

Not **ONE APPELLEE** addressed ONE POINT of SUBSTANTIVE LAW that Appellant raised in the Appellant's Brief or the Concise Statement appended to said Brief. All Appellees argue Rules of Procedure yet that is not a lawful argument as the following definition from Black's Law Dictionary states for **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."

ALL Appellees have willfully **DEFRAUDED** the court by attempting to us PROCEDURE to supersede **SUBSTANTIVE LAW!**

All Appellees arguments fly in the face of the **Constitutional RIGHTS** of Appellant and specifically the 14th Amendment! ALL Appellees knew the lower court has dismissed the Rules of Procedure as the following evidence proves:

- The lower Court threw out the Rules of Procedure when the Court allowed **Appellee Koch** to file his Notice of Appearance filed on 6-21-19 AFTER Koch filed his Preliminary Objections and Brief in Support of Preliminary Objections to Plaintiff's Complaint on 6-19-20.
- The lower Court threw out the Rules of Procedure when the Court, almost FOUR MONTHS after Appellant's initial Complaint (**appended**) was filed on 5-29-19, allowed **Appellee Hobough** to file his Notice of Appearance, Preliminary Objections and Brief in Support of Preliminary Objections to Plaintiff's Complaint on 9-24-20.

- The lower Court threw out the Rules of Procedure when the Court, almost FIVE MONTHS after Appellant's initial Complaint (**appended**) was filed on 5-29-19, allowed **Appellee Papa** to file his Limited Special Appearance Preliminary Objections on 10-22-20.
- On 10-16-19 Appellant filed Notice to Butler County, Notice of Judicial Misconduct, Attorney Misconduct. This **appended** court filing called into question the illegal acts of **ALL Appellees** with a law license and specifically Appellee Cunningham.
- **All APPELLEES** were warned when on 10-21-19 Appellant filed Amended Legal Notice & Violation Warning of Denial of Plaintiff's Rights Under Color of Law of the United States of America.

The **appended** court filing had the Color of Law Violation Warning letter for every **Appellee** as part of the filing.

- On 10-29-19 Appellant filed Amended Court Filing Adding Defendants & for Continued Violation of Plaintiff's Rights Under Color of Law of the United States of America. The **appended** court filing adds **ALL Appellees** with a law license as **DEFENDANTS** which at that point **Appellee Cunningham** was prohibited from any further judicial actions and lawfully had to recuse himself from Appellant's case INSTEAD Appellee Cunningham went ahead and filed his unlawful OPINION on 11-21-19.
- **Appellee Koch** filed a Motion to Strike on 11-19-19 against Appellant's Amended Court Filing Adding Defendants & for Continued Violation of Plaintiff's Rights Under Color of Law of the United

States of America again siting Appellant must follow *Rules of Procedure* YET APPELLEES DID NOT HAVE TO FOLLOW THE SAME RULES or the LAW!

Appellees willfully **DEFRAUDED** the courts because Appellant's Brief or the Concise Statement appended to said Brief are very clear **Appellee UAW et al** is a fraud at Appellee AK Steel plant in Butler PA because **Appellee AK Steel et al** provides an on property Appellee UAW et al union hall and pays the salaries of the officers as well which is a violation of **National Labor Relations Act (NLRB) Section 8 (a)(2)** **and** makes it an unfair labor practice for an employer:

"...to **dominate or interfere** with the formation or administration of any labor organization **or contribute financial or other support to it.**" (emphasis added)

Appellees fail to respond to the legal issue of **FRAUD** committed by **Appellee AK Steel et al** as well as **Appellee**

UAW et al spelled out very clearly again in Appellant's Brief and the Concise Statement appended to the said Brief.

Appellees AK Steel et al and **UAW et al** committed **FRAUD** by telling Appellant that Appellant had to attend a fraudulent arbitration and then unlawfully removed Appellant's **CIVIL CONTRACT** claim to United States District Court for the Western District of Pennsylvania **which DEFRAUDED the court.**

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.*

Appellees do not address the **CRIMINAL ACT** by **Appellee AK Steel et al** of directing Appellant to haul a pinion gear unsecured on a Stake Truck to haul the pinion gear that rolled over with Appellant inside the Stake Truck even though **Appellee AK Steel et al** had pictures of the Stake Truck almost rolling over on former co-worker Dan Redick and NEVER informed Appellant of the incident with Redick.

Appellees do not address the **CRIMINAL ACT** by **AK Steel et al** of directing Appellant and co-workers to haul an overloaded unsecured coil trailer of coils by a tractor **not rated** to haul the weight of the trailer down and extremely steep hill with an approximate 90 degree bend in the road to an intersection that **Appellee AK Steel et al** allows the public at large and vendors to enter their property to purchase slag from an onsite company called Hocketts Slag. **This criminal activity still continues today!**

ALL Appellees knew Appellant had **DEMANDED A JURY TRIAL** in every court filing by Appellant or filed by **Appellee Papa** on Appellant's behalf and Appellant NEVER ONCE willfully relinquished Appellant's Constitutional Rights!

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

NO COURT has the right to deny Appellant any Constitutional Right because the PEOPLE are the SOVEREIGNS and NOT those in elected and appointed positions of government – the PEOPLE hold ALL THE POWER.

FURTHERMORE because the PEOPLE knew the oppression of **King George** even after the **Constitution** was ratified they became concerned the **Constitution** was not restrictive enough so the **PREAMBLE to the Bill of Rights** and the first **Ten Amendments** were ratified **FURTHER RESTRICTING**

those in elected and appointed positions of the government to prevent misconstruction and abuse of its powers which

Appellee Cunningham has clearly usurped against Appellant.

"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." **Bill of Rights PREAMBLE** (Emphasis added)

"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." – **Cohens v. Virginia, 19 US (6 Wheat) 264, 404, 5 L.Ed 257 (1821)**

Appellee Cunningham must have his law license revoked for his treasonous acts and no longer be allowed in the court room in ANY JUDICIAL CAPACITY or to practice law.

Those in elected and appointed positions serve at the WILL OF THE PEOPLE and the PEOPLE ordained our country's **Founding Documents.**

Appellee AK Steel et al unlawfully removed Appellant's case to the United States District Court for the Western District of Pennsylvania. This FACT was a violation of Appellant's RIGHT to a trial by jury under the **Pennsylvania Constitution** and the **United States Constitution.**

At the time of unlawfully **EXTORTING** Appellant's property THEN Appellee AK Steel legal counsel, Appellee AK Steel et al, Appellee UAW et al, Appellee Murtagh, Appellee Chivers and Appellee Papa knew this case was a state criminal and civil matter and ALL APPELLEES knew they were violating all of Appellants **Constitutional Rights** to a jury trial, due process and equal protection of ALL the laws.

Appellant has provided a host of **inculpatory evidence** of the guilt of ALL Appellees yet **NOT ONE** of the Appellees

have provided ONE piece of **exculpatory evidence** to prove their innocence – they are only relying on procedures of the courts and not following **SUBSTANTIVE LAW**.

ALL Appellee are well aware that **NO Court** can use procedure to usurp Appellant's Constitutional Rights of Trial by Jury and Equal Protection of ANY LAW, specifically Appellant's property (labor).

"Among these unalienable rights, as proclaimed in the great document, is the right of men to pursue their happiness, by which is meant the right to pursue any lawful business or vocation, in any manner not inconsistent with the equal rights of others, which may increase their prosperity or develop their faculties, so as to give them their highest enjoyment. The common business and callings of life, the ordinary trades and pursuits, which are innocuous in themselves, and have been followed in all communities from time immemorial, must therefore be free in this country to all alike upon the same conditions...The property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable." – **Butcher's Union Co. v. Crescent City Co., 111 U.S. 746 (1884)**

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

"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." – **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).**

"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." – **McCartney v. First City Bank, 970 F.2d 45, 47 (5th Cir.1992)**

The following definition from ***Black's Law Dictionary*** is very clear that a judge is required to preside and administer LAW and JUSTICE and it must be **CONSTITUTIONAL LAW**.

"What is JUDGE?: A public officer, appointed to preside and to administer the law in a court of justice"

Appellant explained CLEARLY too ALL Appellees in the Appellant's Brief that there are only 3 points of LAW:

1. **Constitutional Laws** which are enforceable
2. **Unconstitutional Laws** which are unenforceable
3. **Constitutional Laws** that are **UNCONSTITUTIONALLY APPLIED** to impede

the RIGHTS of any Sovereign Citizen which are unenforceable

In ***Appellee Koch's Brief of Appellees, AK Steel***

Corporation and Edward Tasse Koch makes Appellant's case when he quotes the Pennsylvania Constitution as it states "if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant" – Appellant's case proves ALL Appellees are using procedure that **ARE NOT CONSISTENT** with the **Constitution** and the **RULES** most certainly **ABRIDGE** Appellant's **SUBSTANTIVE RIGHTS.**

Appellant has argued **REPEATEDLY** that ALL APPELLEES have used procedure UNCONSTITUTIONALLY to usurp the CONSTITUTIONAL RIGHTS of Appellant and there is **no statute of limitations that can be enforced that abridges privileges, liberty or property** – the 14th Amendment is very clear on this point!

SUMMARY TO REBUTT ALL APPELLEE ARGUMENTS

All the ***FOUNDING DOCUMENTS*** of our country are ***SUCCESSIVE*** and build upon each other to make sure that ***INDIVIDUAL RIGHTS*** are protected and establish and those RIGHTS are given by our Creator and no government officials can give RIGHTS or take RIGHTS away.

The ***Declaration of Independence*** declares our God given RIGHTS and the usurpations of King George violated those RIGHTS and the following are some specific usurpations:

- ***He has refused his Assent to Laws, the most wholesome and necessary for the public good***
- ***He has made Judges dependent on his Will alone***
- ***For depriving us in many cases, of the benefits of Trial by Jury***
- ***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**

Our representatives that signed the Declaration of Independence declared the following:

"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 British 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."

The Constitution **establishes** and **mandates** the **framework** and **restrictions** of the federal and state government elected and appointed positions.

The **Preamble** to the **Constitution** establishes **We The People** ordain and establish the **Constitution** which clearly states the **People** are the ultimate authority. The **Preamble** to the **Bill of Rights** mandates more declaratory and restrictive clauses by ratifying the first 10 Amendments.

The 14th Amendment ratified some 70 years later further restricts the states by declaring:

"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."

There is no ***statute of limitations*** that can be applied to impede Appellant from recovering ***punitive and compensatory damages*** because the ***SUCCESSIVE Founding Documents*** validate Appellant has RIGHTS that NO COURT can give or take those RIGHTS away. ***The 14th Amendment validates the State cannot deprive Appellant of Appellants PROPERTY (labor).***

Every Appellee is using procedure UNCONSTITUTIONALLY to try to deprive Appellant of Appellant's CONSTITUTIONAL RIGHTS!

As Appellant stated in the ***Appellant's Brief*** a LAW is perverted if it plunders/infringes on another's RIGHTS and that is exactly what any ***Appellees*** arguments do is PLUNDER the RIGHTS of Appellant and that is UNCONSTITUTIONAL.

The following statement from John Adams validates that a ***TRIAL BY JURY*** by the ***PEOPLE*** is an ***ABSOLUTE CHECK*** to the ***COURTS***.

"As the Constitution requires that the popular branch of the legislature should have an absolute check, so as to put a peremptory negative upon every act of the government, it requires that the common people, should have as complete a control, as decisive a negative, in every judgement of a court of judicature." – **John Adams Federalist Paper #78**

Appellant and **Appellee AK Steel et al** entered a **civil contract**, the basis being if Appellant follows Appellee AK Steel directives and the law that Appellee AK Steel would provide Appellant wages, pension, benefits, etc.

Appellant has been damaged by **ALL Appellees** for conspiring against Appellant's Constitutional Inalienable/Unalienable RIGHTS and the CONSTITUTIONAL LAWS that protected Appellant then and now.

NOT ONE TIME in the course of the legal battle that Appellant has had with **ALL Appellees** have the **Appellees** claimed, themselves or those they are representing, were

innocent. The **Appellees** sole defense has only been procedural rules that they KNOW are NOT LAWFUL to supersede SUBSTANTIVE LAW and the **Appellees** actions are **FRAUD**.

Appellant numerous times warned Appellee Cunningham and ALL Appellees with a law license for violating the Constitutional Inalienable/Unalienable RIGHTS of Appellant yet they continued their conspiracy against Appellant.

Appellant even mailed EVERY Appellee the **Violation Warning** letter for **Denial of Rights Under Color of Law** and added all the Violation Warning letters for each Appellee to the **appended** court filing **Amended Legal Notice and Warning for Violation of Rights Under Color of Law** dated 10-18-19.

When **Appellee Cunningham** ignored Appellant's lawful warning Appellant filed **Amended Court Filing Adding Defendants** dated 10-28-19 naming **ALL Appellees** with a law license as Defendants as well as then **Defendant**

Cunningham. Appellant filed this court filing almost one month prior to **Appellee Cunningham** UNLAWFULLY and UNCONSTITUTIONALLY dismissing Appellant's case.

ALL Appellees violated **USC Title 18 Sections 241, 242 and 245** and committed a **CRIME** against Appellant which is **CONSTITUTIONAL SUBSTANTIVE LAW** and allows for civil compensatory or punitive damages to be awarded to Appellant.

In **Brief of Appellees, AK Steel Corporation and Edward Tasse**y and **Appellee's Brief And Petition For Joinder Of Argument** Appellees Koch and Hobaugh have no argument because it **fails substantively** as Appellant has proved in every court filing of Appellant.

The fact the **Appellee Hobaugh** and his clients want to use the argument of **Appellee Koch** proves the point of Appellant that **Appellee UAW et al** is an agent of **Appellee AK Steel et al**.

In ***Appellee's Petition To Strike Angelo Papa From Caption & For MisJoinder Of Brief and Argument*** Appellee Papa **LIES** to the court by stating "never including this particular defendant" Papa was referring to himself yet Appellant stated Papa committed legal malpractice in the **appended** Complaint filed on 5-29-19 on point 24 of the court filing.

Application To Correct Case Caption And For Ancillary Relief and Brief Of Appellee Joseph H. Chivers must also be STRICKEN as ***Appellee Roman*** and **ALL Appellees** were warned when Appellant filed the **appended** court filings in the lower court. **All Appellees** were all given fair LAWFUL NOTICE by Appellant of their **Conspiracy Against Appellant's Rights. Appellee Cunningham** nor **ANY Appellee** can use the nonsensical procedural argument of "leave of court" for Appellant to be able to file against their criminal activity!

Additionally Appellant has appended **Exhibit – Certificate Of Merit** that is the Complaint filed on behalf of Appellant by **Appellee Papa** for Legal Malpractice and Breach of Contract against **Appellee Chivers** so that IN FACT is a **Certificate of Merit** that **Appellee Roman** knew about and DERAUDED the court when he filed his **Notice of Intention for Judgement of Non Pros** which was UNCONSTITUTIONAL.

Appellant argues that a **Certificate of Merit** is not needed though because it is UNCONSTITUTIONAL when first the BAR is a fraternity of attorneys that will protect themselves instead of clients and secondly when evidence is available like Appellant has provided a person does not need the testimony of another fraternity lawyer that are sworn to uphold the Constitution when the evidence proves the legal malpractice.

Appellant further argues the rules of court are not for the benefit of **JUSTICE** but instead for the benefit of the

judges and attorneys that want to SCREW people like Appellant has proven in this case WHICH IS UNCONSTITUTIONAL!

Appellee McCune and his legal team of **Appellees Lettrich and Jones** cannot lawfully argue in the **Brief Of Appellee Timothy J. McCune** that McCune has "high public official immunity" as that argument flies in the face of his oath and duty to uphold the Constitution! The argument of immunity is UNCONSTITUTIONAL because that opens the **Pandora's Box** that **Appellee AK Steel et al** or **ANY Appellee** could pay off **McCune** so he did not prosecute those committing criminal acts against Appellant.

The entire argument of **Appellees Lettrich and Jones** are DEBUNKED by the entire Constitution that restricts those in government positions as well as the 14th Amendment.

The courts have held legislative, judicial and executive officials CANNOT violate the Constitution nor violate the

RIGHTS of ANY CITIZEN nor ANYWHERE is IMMUNITY granted to ANY OFFICIAL:

"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."

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).

Marbury v. Madison, 5 U.S. 137 (1803) is very clear the Constitutional MANDATES that EVERY OFFICIAL must OBEY the CONSTITUTION and the following quotes from the legal opinion validate that point:

- "If courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply."
- "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an injury. One of the first duties of government is to afford that protection."

- "In the third volume of his Commentaries, page 23, Blackstone states two cases in which a remedy is afforded by mere operation of law.
"In all other cases," he says, "it is a general and indisputable rule that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded."
"It cannot be presumed that any clause in the Constitution is intended to be without effect, and therefore such construction is inadmissible unless the words require it."
- "Certainly all those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the Legislature repugnant to the Constitution is void."
- "Here. the language of the Constitution is addressed especially to the Courts. It prescribes, directly for them, a rule of evidence not to be departed from. If the Legislature should change that rule, and declare one witness, or a confession out of court, sufficient for conviction, must the constitutional principle yield to the legislative act?"

From these and many other selections which might be made, it is apparent that the framers of the Constitution contemplated that instrument as a rule for the government of courts, as well as of the Legislature.

Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies in an especial manner to their conduct in their official character. How immoral to impose it on them if they were to be used as

the instruments, and the knowing instruments, for violating what they swear to support!

The oath of office, too, imposed by the Legislature, is completely demonstrative of the legislative opinion on this subject. It is in these words:

"I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States."

Why does a judge swear to discharge his duties agreeably to the Constitution of the United States if that Constitution forms no rule for his government? if it is closed upon him and cannot be inspected by him?

If such be the real state of things, this is worse than solemn mockery. To prescribe or to take this oath becomes equally a crime."

- "It is also not entirely unworthy of observation that, in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned, and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank.

Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written Constitutions, that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument."

“The first ten amendments in the Constitution, adopted as they were soon after the adoption of the Constitution, are in the nature of the bill of rights, and were adopted in order to quiet the apprehension of many, that without some such declaration of rights the government would assume, and might be held to possess, the power to trespass upon those rights of persons and property which by the Declaration of Independence were affirmed to be unalienable rights.” –

United States v. Twin City Power Co., 350 U.S. 222 (1956)

“Inalienable rights: Rights which are not capable of being surrendered or transferred without the consent of the one possessing the rights.” – ***Morrison v. State, Mo., App., 252 S.W.2d 97, 101***

“The Due Process Clause protects the unalienable liberty recognized in the Declaration of Independence rather than the particular rights or privileges conferred by specific laws or regulations.” – **SANDIN v. CONNOR 1995**

Appellant was injured financially and WHY this case is before the court. Appellant’s injury was what started this whole process so the Appellees cannot use procedure or any law to protect their liability when they cause it or now are part of the USC Title 18 Section 241 **Conspiracy Against Rights** of Appellant and violations USC 242 and 245.

In light of the evidence provided by Appellant ALL Appellees **Reply Briefs** must be STRICKEN FROM THE RECORD!

WRIT OF MANDAMUS

Appellant Myers files this Writ of Mandamus as there has been the final Order dated 11-21-20 and the Supreme Court of Pennsylvania must demand that Appellee Cunningham is removed as a judge since he is an Appellee and that Appellee Cunningham is reported to the Disciplinary Board of the Supreme Court of Pennsylvania to have his law license revoked for his blatant violation of not honoring his sworn oath to uphold the Constitution of the United States of America and his sworn oath of office as an attorney and his part in the conspiracy against Appellant.

The Supreme Court of Pennsylvania must report Appellee McCune to the Disciplinary Board of the Supreme Court of Pennsylvania to have his law license revoked for his blatant violation of not honoring his sworn oath to uphold the Constitution of the United States of America and his sworn oath of office as an attorney and his part in the conspiracy

against Appellant. Specifically for not investigating the criminal act committed by Appellee AK Steel when the truck rolled over with Appellant inside the truck even after Appellant sent Appellee McCune a detailed letter (**Exhibit 28 from Appellant's Brief**) of the criminal activity while Appellee McCune was the Butler County District Attorney.

The Supreme Court of Pennsylvania must report ALL other Appellees with a law license to the Disciplinary Board of the Supreme Court of Pennsylvania to have their law license revoked for their blatant violation of not honoring their sworn oath to uphold the Constitution of the United States of America and their sworn oath of office as attorneys and their part in the conspiracy against Appellant.

The Supreme Court of Pennsylvania must demand that the current Butler County District Attorney Richard Goldinger investigate the criminal activity against Appellant by ALL Appellees and the continued unsafe use of grossly overloaded

tractor-trailers with UNSECURED loads traveling the extremely steep hill with an approximate 45 degree bend in the hill at the Appellee AK Steel plant in Butler Pennsylvania that allows the public and vendors to travel the on the same Appellee AK Steel roads. Appellant notified Goldinger on 8-12-19 via a time/date stamped email (**Exhibit - Investigation and prosecution – from Appellant’s Brief**). If Goldinger does not honor his sworn oaths then the court must mandate his investigation and prosecution and forward the investigation of Appellant’s case to the Pennsylvania Attorney General Josh Shapiro If Shapiro does not honor his sworn oaths then the court must mandate his investigation and prosecution and forward the investigation of Appellant’s case to U.S. Attorney General Barr.

EXTRAORDINARY JURISDICTION

In light of the evidence in the **Appellant's Brief** and the **Writ of Mandamus** this case must be transferred back to the Supreme Court of Pennsylvania. Appellant has proven through the Constitution of the United States of America, Title 42 and the Pennsylvania Constitution and because 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** by conspiring against Appellant's Rights that only the Supreme Court of Pennsylvania has jurisdiction.

Additionally, this case must also be transferred to the Supreme Court of Pennsylvania for the violation of Appellant's Constitutional Inalienable/Unalienable RIGHTS and only the Supreme Court of Pennsylvania can demand a full investigation regarding the conspiracy of ALL Appellees against Appellant but specifically the Appellees with a law license.

The Supreme Court of Pennsylvania only has the jurisdiction to enforce an injunction against Appellee AK Steel to have a full investigation of the CIVIL and CRIMINAL ACTS and CONSPIRACY that Appellee AK Steel has perpetrated against Appellant and the fraud between Appellee AK Steel et al and the fraudulent Appellee UAW et al.

When Appellee AK Steel provides Appellee UAW a union hall on AK Steel property as well as pays the salaries and overtime that the fraudulent Appellee UAW officers do not have to work for and then defrauds the court when Appellees AK Steel and fraudulent UAW have the civil case of Appellant in 2004 transferred to Federal Court claiming it is an NLRB case the Supreme Court of Pennsylvania must investigate and call for the prosecution of ALL Appellees involved in this continued fraud against Appellant.

CONCLUSION

“Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.” – **UNITED STATES of America v. Horton R PRUDDEN**

“The enforcement of any “law” or policy contrary to the Constitution is criminal and morally reprehensible.” – **Sheriff Mack**

The following are quotes by our Forefathers that our elected and appointed official have either forgotten or chose to usurp against We the People. I would encourage ALL Justices to pay attention to why a JURY TRIAL is so valuable to our Constitutional Republic for LIBERTY and FREEDOM and that the People are SUPERIOR SOVEREIGNS to the Executive, Legislative and Judicial SERVANTS:

- "In free governments the rulers are the servants, and the people their superiors and sovereigns." – **Benjamin Franklin**
- Every word of (the Constitution) decides a question between power and liberty." – **James Madison**
- "Government is instituted to protect property of every sort...This being the end of government, that alone is a just government, which *impartially* secures to every man, whatever is his own." – **James Madison**
- "The friends and adversaries of the plan of the (Constitutional) convention, if they agree on nothing else , concur at least in the value they set upon the trial by jury; or if there is any difference between them it consist of this: the former regard it as a valuable

safeguard to liberty, the latter represent it as the very palladium of free government.”

– **Alexander Hamilton**

- “It is not only his (the juror’s) right but his duty...to find the verdict according to his own best understanding, judgement, and conscience, though in direct opposition to the directions of the court.” – **John Adams**
- “I consider trial by jury as the only anchor yet imagined by man by which a government can be held to the principles of its Constitution.” – **Thomas Jefferson**
- “The jury has the right to judge both the law as well as the fact in controversy.” – **John Jay**

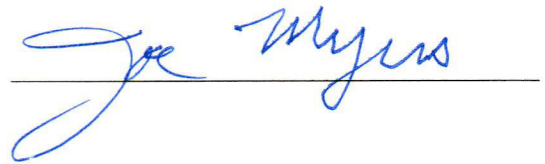
"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." – **Preamble to the Constitution of the United States of America**

All courts are mandated to follow the SUPREME LAW of the land which is the Constitution of the United States of America and hold the **LAW as ORGANIZED JUSTICE**, in Bastiat's words from the book, THE LAW, referenced in the Appellant's Brief. Courts cannot allow **UNCONSTITUTIONAL LAW** to continue as **ORGANIZED CRIME** and allow Appellant to be illegally plundered!

Appellant is seeking \$100 million from Appellee AK Steel and \$10 million from EACH other Appellee in compensatory and punitive damages for the conspiracy.

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.

Dated this 5th day of June, 2020



Joe Myers pro se

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 Citizen of the United States.

Dated this 5th day of June, 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 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 Milie Jones, Dennis Roman, Nicholas Koch, Adam Hobaugh,

APPELLEES

ORDER

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

- (a) All Briefs filed by Appellees are STRICKEN from the record as the Appellees perverted the LAW and did not honor their sworn oath to the Constitution;

- (b) Appellant is awarded either the full damages requested 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 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.

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, PENNSYLVANIA**

JOE MYERS,	)	Case No.: No.
)	
Plaintiff,	)	CIVIL DIVISION
)	
vs.)	
	)	Type of Pleading:
TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, JACK)	
	)	COMPLAINT: VIOLATION OF U.S.
W. MURTAUGH JR., GRAYDON BREWER, CARL V.	)	CONSTITUTIONAL RIGHTS, VIOLATION OF
	)	PENNSYLVANIA CONSTITUTIONAL RIGHTS,
NANNI, JACK LEWIS, JIM GALLAGHER, HANK	)	VIOLATION OF PUBLIC POLICY, FRAUD,
	)	MATERAIL FRAUD, FRAUDULANT
LEYLAND, GREG LOVERICK, EDWARD TASSEY, AK	)	MISREPRESENTATION, LEGAL MALPRACTICE,
	)	LEGAL NEGLIGENCE, BREACH OF CONTRACT
STEEL et al, UAW (formerly Butler Armco)	
)	
Independent Union) et al)	
)	
Defendants	)	FILED BY:
)	
	)	Joe Myers, pro se
	)	12137 Emerald Green Court
	)	Jacksonville, FL 32246

Plaintiff DEMANDS A JURY TRIAL immediately and waives all preliminary game playing through Preliminary Objections, etc that violates Plaintiff's U.S. Constitutional Rights and Pennsylvania Constitutional Rights to a TRIAL BY JURY. The Plaintiff has the RIGHT to be heard by a jury and the Defendants can plead their case at that time. The jury can also NULLIFY any past legal rulings against the Plaintiff.

Plaintiff has provided all evidence at www.1776ToTyranny.com that is available to view or download by Defendants or anyone. A video can be viewed that is presented by former New Jersey Supreme Court Justice Andrew Napolitano explaining JURY NULLIFICATION which is why Plaintiff has a Constitutional RIGHT to be heard by a jury.

"The power under the constitution will always be in the people. It is intrusted for certain defined purposes, and for a certain limited period, to representatives of their own choosing; and, whenever it is executed contrary to their interest, or not agreeable to their wishes, their servants can and undoubtedly will be recalled." -

GEORGE WASHINGTON, letter to Bushrod Washington, Nov. 10, 1787

Violation of U.S. Constitutional Rights - Violation of Pennsylvania Constitutional Rights

U.S. Constitution, Article VI

"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, anything in the Constitution or laws of any State to the contrary notwithstanding."

U.S Constitution, Bill of Rights Amendment VII

"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."

The Constitution Of Pennsylvania, Article 1 Declaration of Rights § 6. Trial by jury

"Trial by jury shall be as heretofore, and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused. (May 18, 1971, P.L.765, J.R.1; Nov. 3, 1998, P.L.1328, J.R.2)"

inviolable - If something is inviolable, it has not been or cannot be harmed or affected by anything. <https://www.collinsdictionary.com/us/dictionary/english/inviolable>

This means no Rules of Civil Procedure, no statute of limitations, no case law, etc. can impede Plaintiff from being heard before a JURY!

See "JURISPRUDENCE" paper on www.1776ToTyranny.com to reference the following.

16th American Jurisprudence, 2nd Section 177:

The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it ... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

16th American Jurisprudence 2d, Section 177 late 2nd, section 256:

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it. The general rule is that an unconstitutional statute, though having the form and the name of law, is in reality no law, but is wholly void, and ineffective for any

purpose, since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it."

Plaintiff's U.S. Constitutional Rights and Pennsylvania Constitutional Rights were violated when Plaintiff was NEVER PERMITTED to plead Plaintiff's case to a jury. Plaintiff seeks all remedies afforded him as of Plaintiff's illegal termination date of April 10, 2001. Plaintiff will PROVE through the evidence that can be viewed or downloaded at www.1776ToTyranny.com that Defendants violated Plaintiff's U.S. and PA Constitutional Rights thereby committed fraud, material fraud, fraudulent misrepresentation, legal negligence, breach of contract or have been complicit as well as they have violated the law and public policy. Defendants knew the law or should have known the law when they committed fraudulent acts and there is NO EXCUSE FOR NOT KNOWING THE LAW.

VIOLATION OF ALL THE FOLLOWING: PUBLIC POLICY - FRAUD - MATERIAL FRAUD - FRAUDULENT MISREPRESENTATION - LEGAL MALPRACTICE - LEGAL NEGLIGENCE - BREACH OF CONTRACT

PUBLIC POLICY The policies that have been declared by the state that covers the state's citizens. These laws and policies allow the government to stop any action that is against the public's interest. There may not be a specific policy that an action pertains to but if it is not deemed good for the public it will be quashed. - Black's Law Dictionary

UNCONSTITUTIONAL That which is contrary to the constitution. The opposite of "constitutional." See State v. McCann, 4 Lea (Tenn.) 10; In re Rahrer (C. C.) 43 Fed. 558, 10 L. R. A. 444; Norton v. Shelby County, 118 U. S. 425, 6 S. Ct 1121, 30 L. Ed. 178. - Black's Law Dictionary

IGNORANTIA LEGIS NON EXCUSAT a Latin phrase meaning that the ignorance of the law is not an excuse. - Black's Law Dictionary. Cases to substantiate *Lambert v. California* and *Barlow v. United States*

Fraud 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 an injury. As distinguished from negligence, it is always positive, intentional. *Maher v. Hibernia Ins. Co.*, 67 N. Y. 292; *Alexander v. Church*, 53 Conn. 501, 4 Atl. 103; *Studer v. Elestein*, 115 N.Y. 316, 32 N. E. 243, 7 L. R. A. 702; *Moore v. Crawford*, 130 U. S. 122, 9 Sup. Ct. 447, 32 L. Ed. 278; *Fechheimer v. Baum* (C. C.) 37 Fed. 167; *U. S. v. Beach* (D. C.) 71 Fed. 160; *Gardner v. Ileartt*, 3 Denio (N. Y.) 232; *Monroe Mercantile Co. v. Arnold*, 108 Ga. 449, 34 S. E. 176. Fraud, as applied to contracts, is the cause of an error bearing on a material part of the contract, created or continued by artifice, with design to obtain some unjust advantage to the one party, or to cause an inconvenience or loss to the other. Civil Code La. art. 1847. Fraud, In the sense of a court of equity, properly includes all acts, omissions, and concealments which involve a breach of legal or equitable duty, trust, or confidence justly reposed, and are injurious to another, or by which an undue and unconscientious advantage is taken of another. 1 Story, Eq. Jur. - Black's Law Dictionary

Fraudulent Act, an act that has been with bad faith and dishonesty. - Black's Law Dictionary

Material Fraud, the term that is applied to tricking a person to enter a contract or agreement that without trickery they wouldn't have considered. - Black's Law Dictionary

Fraudulent misrepresentation is very serious. Fraudulent misrepresentation occurs when a party to a contract knowingly makes an untrue statement of fact which induces the

other party to enter that contract. Fraudulent misrepresentation also occurs when the party either does not believe the truth of his or her statement of fact or is reckless as regards its truth. A claimant who has been the victim of alleged fraudulent misrepresentation can claim both rescission, which will set the contract aside, and damages. - Black's Law Dictionary

NEGLIGENCE The omission to do something which a reasonable man, guided by those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do. It must be determined in all cases by reference to the situation and knowledge of the parties and all the attendant circumstances. Nitroglycerin Case, 15 Wall. 536, 21 I* Ed. 206; Blythe v. Birmingham Waterworks Co., 11 Evch. 784. Negligence, in its civil relation, is such an inadvertent imperfection, by a responsible human agent, in the discharge of a legal duty, as immediately produces, in an ordinary and natural sequence, a damage to another. - Black's Law Dictionary

Breach of Contract Failure to live up to the terms of a contract. The failure may provoke a lawsuit, in which an aggrieved party asks a court to award financial compensation for the loss brought about by the breach. A legal cause of action in which a binding agreement or bargained-for exchange is not honored by one or more of the parties to the contract by non-performance or interference with the other party's performance. If the party does not fulfill his contractual promise, or has given information to the other party that he will not perform his duty as mentioned in the contract or if by his action and conduct he seems to be unable to perform the contract, he is said to breach the contract. - Black's Law Dictionary

1. On May 16th 2019 Plaintiff was informed in a phone conversation with Jerry Erhman (former AK Steel employee) that Defendant Loverick told Defendant Tassej to assign Plaintiff to the truck that required overloading knowing it would put Plaintiff in conflict with then PA Attorney General David Devries directive to Plaintiff that he

would be held criminally and civilly liable operating defective mobile cranes, heavy equipment and overloaded tractor trailers that was against Defendant AK Steel et al's own WRITTEN POLICY which made the order against the LAW and PUBLIC POLICY which ultimately led to Plaintiff being illegally terminated from AK Steel. Plaintiff had no knowledge of this discovery until May 16th 2019.

2. Defendant McCune in Exhibit 31 states "I have no opinion regarding your employment claims with AK Steel." His "opinion" does not hold water as he is sworn to uphold the CONSTITUTION (LAW and PUBLIC POLICY) and responsible for not investigating AK Steel via the information I gave him or that he could find on his own like the Plaintiff did on his own that is available at www.1776ToTyranny.com What happened to Plaintiff is a crime as McCune was responsible to INVESTGATE and prosecute those that had part in the fraud and fraudulent acts! Maybe if McCune had done his job Keith Ekenrode would still be alive who was killed at AK Steel about a year after Plaintiff's illegal termination from AK Steel. McCune committed fraud by turning a blind eye to the criminal acts of all other Defendants which makes him complicit! McCune violated the Rules of Professional Responsibility as District Attorney and FAILED and REFUSED to investigate the Plaintiff's civil and criminal liabilities when Plaintiff was directed to McCune from a higher office former, PA Attorney General David Devries. In light of ALL the evidence provided by Plaintiff all prior judgements that have negatively affected the Plaintiff regarding ALL DEFENDANTS ARE NULL VOID! This court must also start disbarment proceedings against Defendant McCune for his involvement in the fraud perpetrated against Plaintiff. Disbarment proceeding need to start against all Defendants that have a law license.

➤ *Unlike any private attorney, the local prosecutor—be he district attorney, county attorney, or criminal district attorney—is an elected official whose office is constitutionally mandated and protected. Prosecutors are still subject to the Rules of Professional Responsibility, but they must police themselves at the trial court level because of their status as independent members of the judicial branch of*

government. Such a holding is not tantamount to making the fox guardian of the henhouse or letting the wolf keep watch on the flock, because a prosecutor who violates ethical rules is subject to the disciplining authority of the State Bar like any other attorney. Perhaps even more importantly, as mentioned above, his violation of the rules will subject his cases to reversal on appeal when his unprofessional conduct results in a denial of due process to a defendant. Lastly, he, like all elected public officials, must regularly answer to the will of the electorate. Should his conduct create too much appearance of impropriety and public suspicion, he will ultimately answer to the voters. - State ex rel. Eidson v. Edwards, 793 S.W.2d 1 (Tx. 1990)

3. All the Defendants specifically Murtaugh, Chivers, Papa, Nanni, Lewis, Gallagher, Leyland, Loverick, Tassej, AK Steel et al and UAW et al knew that this case was NEVER a labor law issue but IN FACT a CRIMINAL AND CIVIL matter as evidenced by the letter Exhibit 9 sent by Plaintiff's legal counsel on March 1, 2001 prior to Plaintiff's illegal termination and Murtaugh and the Arbitrator's in their own words that will be referenced in the following.
4. 29 U.S. Code § 411 - Bill of rights; constitution and bylaws of labor organizations: "(4)Protection of the right to sue No labor organization shall limit the right of any member thereof to institute an action in any court ... And provided further, That no interested employer or employer association shall directly or indirectly finance, encourage, or participate in, except as a party, any such action, proceeding, appearance, or petition."

DEFENDANT AK STEEL ET AL PAYS THE SALARIES OF THE UNION OFFICERS WHICH IS A BLATANT CONFLICT OF INTEREST AND DISERVICE TO PLAINTIFF.

"(b) Invalidity of constitution and bylaws Any provision of the constitution and bylaws of any labor organization which is inconsistent with the provisions of this section shall be of no force or effect."

DEFENDANT AK STEEL PAYING THE SALARIES OF THE UNION OFFICERS IS A CLEAR CONFLICT OF INTEREST AND WHY PLAINTIFF WAS RAILROADED BY DEFENDANTS MURTAGH, CHIVERS, AK STEEL ET AL, UAW ET AL WHEN THEY DECIEVED PLAINTIFF BY TELLING PLAINTIFF HE COULD NOT FILE A CIVIL LAWSUIT UNTIL PLAINTIFF WENT TO ARBITRATION ALL THE WHILE THEY KNEW LABOR LAW HAD NOTHING TO DO WITH THE CIVIL AND CRIMINAL LIABILITY THE PLAINTIFF FACED. EXHIBIT 30 THE LETTER FROM MURTAGH STATING "AS YOU KNOW, THE ARBITRATOR'S AWARD IS FINAL AND THERE IS NO FURTHER ACTION WITH RESPECT TO MR. MYERS' GREIVANCE WHICH CAN BE UNDERTAKEN BY THE UNION IN THAT REGARD." YET THEN STATES "IN THE ABSENCE OF A GREIVANCE CHALLENGING THE SAFETY OF THIS METHOD ... NOT TO MENTION THE LEGALITY RAISED BY MR. MYERS, THE UNION OF COURSE HAS NO BASIS UPON WHICH TO PROCEED WITH ANOTHER CASE." MURTAGH KNEW VERY WELL THAT HE HAD THE LETTER Exhibit 9 FROM PLAINTIFF'S THEN ATTORNEY THAT WAS SENT TO DEFENDANT AK STEEL CALLING IN QUESTION THE LEGAL LIABILITY TO PLAINTIFF AND ALL EMPLOYEES OF DEFENDANT AK STEEL.

5. Defendant Chivers told Plaintiff that Defendant Murtaugh stated that Plaintiff had to exhaust his remedy under arbitration before going to civil court. Both Defendants Murtaugh and Chivers are labor law attorneys and knew that labor law could not supersede civil and criminal liability being forced on Plaintiff by Defendant AK Steel et al since they basically own the UAW et al officers.
6. Defendant Nanni even stated to Plaintiff prior to Plaintiff's termination that Nanni thought they were going to fire one of the officers to put the fear of God into the rank and file for contract negotiations.
7. Exhibit 9 was a letter sent to AK Steel Industrial Relations Manager - Bill Gonce detailing the legal liability that Plaintiff and co-workers were exposed to. The letter also detailed that Defendant AK Steel et al had received money from the state for the in plant railroad crossing would bring into question private property.

8. **Exhibit 11** is the letter dated March 21, 2001 sent by Plaintiff to Defendant AK Steel et al prior to Plaintiff being illegally terminated detailing the civil and criminal liability Plaintiff and other AK Steel employees were being forced to endure with tractor-trailers and heavy equipment or be fired as happened to Plaintiff. Plaintiff also detailed the retaliatory discipline AK Steel committed against Plaintiff. In that letter Plaintiff explained that AK Steel's own insurance company stated to Plaintiff that he should have a letter from AK Steel indemnifying Plaintiff and co-workers because the AK Steel's own insurance company would not cover Plaintiff/co-workers if there was an accident with anyone from the public when AK Steel allowed the public to use their in-plant roads to purchase slag or the vendors that were on in-plant roads every day. Additionally Plaintiff sent this letter because of Plaintiff's conversation and warning from then PA Attorney General David Devries that Plaintiff would be held criminally and civilly liable if Plaintiff operated defective heavy equipment and overloaded tractor trailers and an incident happened and someone was hurt or killed because Plaintiff knew he was not only violating Defendants AK Steel et al's written directives but also PUBLIC POLICY and the law. PLAINTIFF ALSO WARNED DEFENDANTS FOR VIOLATING PLAINTIFF'S CONSTITUTIONAL RIGHTS!!!!
9. **Exhibit 23** on page 22 line 9 of the Verbatim Record of the arbitration hearing Gonce testified that he "reports to the Middletown legal department" VALIDATING this was a legal matter and not a labor law issue.
10. **Exhibit 23** on page 75 lines 11-19 of the Verbatim Record of the arbitration Defendant AK Steel et al legal counsel admits that material evidence was hidden from Plaintiff.
11. **Exhibit 23** on page 98 line 3-6 of the Verbatim Record of the arbitration Defendant Tassey admitted he had a phone conversation with then Plaintiff's legal counsel Mr. Moskal about the legal issue.
12. **Exhibit 23** on Page 160 line 4 of the Verbatim Record of the arbitration Defendant AK Steel et al legal counsel AGAIN admits that the Defendants were hiding material evidence from Plaintiff when Defendant counsel stated to Plaintiff "You didn't even

know it existed." referencing Defendant AK Steel's written directives that they were verbally asking Plaintiff to violate WHICH IS AGAINST THE LAW and PUBLIC POLICY!

13. **Exhibit 29** is the Opinion and Award from Arbitrator Dean. Dean states in his Opinion on page 1 in paragraph 1 that the Grievance was due to Plaintiff violating a direct order when Dean IN FACT knew the case was about criminal and civil liability being forced on Plaintiff by Defendant AK Steel et al and ALL Defendants were complicit. Defendants Murtaugh and Chivers legal knowledge knew the arbitration was a sham to have Plaintiff terminated. Had Defendant McCune did his duty as then Butler County District Attorney and investigated this corruption Plaintiff would have been vindicated.
14. **Exhibit 29** is the Opinion and Award from Arbitrator Dean. Dean states in his Opinion on page 7 in paragraph 3 that "The Employer acknowledges that it cannot compel the Grievant to commit an illegal act." YET IN FACT THAT IS EXACTLY WHAT DEFENDANT AK STEEL DID WHEN VERBALLY DIRECTING PLAINTIFF TO VIOLATE THEIR OWN WRITTEN POLICY WHICH IS AGAINST THE LAW! Defendants McCune, Murtaugh, Chiver, Papa or UAW et al refused to do anything at all with this evidence Plaintiff provides in this Complaint and it is quite clear they are all complicit!
15. **Exhibit 29** is the Opinion and Award from Arbitrator Dean. Dean states in his Opinion on page 11 in paragraph 2 "As both parties are aware, employees are generally prohibited from engaging in self-help by refusing supervisory directives." What the arbitrator is saying there is unlawful and corrupt because then PA Attorney General David Devries stated to Plaintiff prior to his illegal termination that Plaintiff could be held criminally and civilly liable in the event Plaintiff had an accident with the grossly overloaded tractor-trailers or defective heavy equipment.
16. **Exhibit 29** is the Opinion and Award from Arbitrator Dean. Dean states in his Opinion on page 16 in paragraph 2 "As both parties are aware, although an arbitrator can render interpretations of the parties' collective bargaining agreement which are binding upon both of them, he generally does not render fully

authoritative rulings on questions of statutory law." Defendants all mislead and deceived Plaintiff to enter arbitration. The arbitrator even stated he cannot rule on statutory law! Again Exhibit 30 Defendant Murtaugh's own words KNEW Plaintiff's case had nothing to do with labor law but everything to do with criminal and civil liability yet Murtaugh lied to Plaintiff and deceived Plaintiff into entering the arbitration to try to bind him by labor law when IN FACT Murtaugh KNEW arbitration could do NOTHING to assist Plaintiff with criminal and civil exoneration!

17. Exhibit 34 is a newsletter from Defendant UAW et al. Defendant UAW et al posted a newsletter that stated in another case after Plaintiff's illegal termination that Arbitrator Dean overturned the termination stating the "...the record strongly suggests the Grievants misconduct was provoked in substantial part by the supervisor's oppressive management style." Defendant AK Steel had harassed Plaintiff and Plaintiff even sent the letter Exhibit 11 explaining the oppressive management style perpetrated against Plaintiff - yet Arbitrator Dean still upheld the illegal termination of Plaintiff!

18. Exhibit 35 is a letter from Defendant AK Steel former CEO Richard Wardrop claiming his concern over the death of Keith Ekenrode yet AK Steel et al allowed Wardrop to commit illegal activity as he did against Plaintiff as the evidence shows at www.1776ToTyranny.com

19. Exhibit A is the Retainer Agreement for Plaintiff to retain Defendant Chivers as legal counsel. This agreement included filing a complaint in court.

20. Exhibit B is the letter requested by Defendant Chivers from Plaintiff after they had a conversation about what demands Plaintiff was seeking. In the letter dated October 4, 2001 Plaintiff requested 13 years of wages, benefits, pension, etc. that would be equal to 30 years of employment plus future retirement and health benefits had Plaintiff not been illegally terminated. That sum would have been well over 2 million dollars. Additionally Plaintiff demanded that Defendant AK Steel et al force Wardrop's resignation because of his militant management style and that safety policies be for safety and not for illegal retaliatory measures. Plaintiff spoke with management that were afraid of then CEO Wardrop and feared if they did

not follow his unsafe directives they too would be terminated. Unfortunately since Defendant AK Steel et al and Defendant McCune did not heed Plaintiff's warnings Keith Ekenrode was killed in October of 2002 Exhibit 35.

21. Exhibit C is a copy of the letter dated October 19, 2001 that Defendant Chivers sent to Defendant AK Steel et al stating "I am making an alternative demand for Mr. Myers: either reinstate him with a cash settlement of \$40,000 (representing lost wages plus fees), or, pay him \$150,000 in exchange for permanent resignation." Chivers KNEW the \$150,000 was not even close to the losses of Plaintiff. Chivers also stated if there was no resolution Chivers would proceed quickly to court YET NEVER ATTEMPTED TO FILE A COMPLAINT ON PLAINTIFF'S BEHALF. Chivers committed fraud, deceit, breach of contract, legal malpractice just to name a few!
22. Exhibit D is a letter dated October 23, 2001 that was a second letter Defendant Chivers sent to Defendant AK Steel et al stating "After additional consultation with my client ,he wishes me to convey additional demands on his behalf for settlement of this matter." Chivers KNEW what Plaintiffs demands were in Plaintiffs letter Exhibit B of October 4, 2001 detailing Plaintiffs demands. Chivers KNEW there were no "additional demands" but ONLY the demands Chivers received from Plaintiff. Clearly more evidence of fraud, deceit, breach of contract, legal malpractice, etc.
23. Exhibit H is a letter dated December 3, 2001 that Plaintiff sent to Defendant Chivers detailing Chivers legal malpractice, etc. and terminating Chivers representation of Plaintiff.
24. Exhibit I is the letter dated January 21, 2002 sent from Defendant Chivers to Plaintiff confirming receipt of termination to further represent Plaintiff. In the letter Chivers acknowledges sending Defendant Papa all the records that Chivers had. Defendant Papa had ample time and much more evidence but even Papa committed legal malpractice as well by not filing properly.
25. Exhibit "Conflict of Interest Order 11-20-2007" is the order in favor of Plaintiff for conflict of interest when Defendant Chivers hired Defendant Brewer to represent Chivers against Plaintiff when Plaintiff sued Chivers for Legal Malpractice.

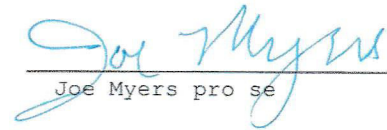
Chivers had hired an attorney who shared an office with Defendant Murtagh. Murtagh claims in the hearing that he represented the Union and not Plaintiff yet Plaintiffs Union dues were used to pay Murtagh so while he is right he did not represent Plaintiff as he should have he was paid to railroad Plaintiff. This conflict of interest case was awarded when Plaintiff was representing himself because Defendant Papa did not believe it was a conflict of interest for Chivers to hire Brewer to represent him even though Brewer and Murtagh shared the same office so Plaintiff had to represent himself.

26. All Defendant attorneys KNEW the law and used it against Plaintiff which is why proceedings must start immediately to disbar all Defendant attorneys.
27. All Defendants were complicit in the crimes perpetrated against Plaintiff.
28. **Exhibit "U.S. Attorney General Letter 2003"** and supporting Exhibits provides evidence that all Defendants KNEW or should have KNOWN and is why Plaintiff seeks civil and damages from all Defendants for their willful criminal acts.
29. **Exhibit 1A** an article from the Pittsburgh Post-Gazette dated September 19, 2003 that validates what kind of a tyrant former CEO Wardrop was and why the Defendant AK Steel et al Board of Directors were concerned and asked for his resignation. This article supports Plaintiff's claims in this Compliant.
30. Plaintiff shares the multitude of letters to and from state and federal officials regarding the corruption that can be viewed or downloaded at www.1776ToTyranny.com Now that it appears we have a United States Attorney General that seems like he is going to follow the Constitution Plaintiff will be submitting this case and the dereliction of Defendant McCune and all those in the Bush Jr. and Obama administrations who were corrupt or were complicit with the corruption.
31. All Defendants have violated Plaintiff's U.S. Constitutional Rights and Pennsylvania Constitutional Rights which violates ANY AND ALL LAW!

Plaintiff is seeking damages in lost wages, benefits and defamation because since Plaintiff's termination in 2001 Plaintiff has had to put terminated on his applications and the evidence proves the termination was illegal as well as any additional damages the jury deems appropriate from all Defendants.

Plaintiff demands this court set a date for jury selection and then the date to start the trial so Plaintiff can have his Right - under the U. S. Constitution and Pennsylvania Constitution - to be heard before a jury.

Dated this 29th day of May, 2019



Joe Myers pro se

Certified copies mailed to:

Timothy F. McCune 124 W Diamond St, Butler, PA 16001

Joseph Chivers 100 First Avenue, Suite 650, Pittsburgh, PA 15222

Jack W. Murtagh 110 Swinderman Road, Wexford, PA 15090

Graydon Brewer 48 Crystal Drive, Oakmont, PA 15139

Angelo Papa 318 Highland Ave, New Castle, PA 16101

Carl Nanni 200 E. Pearl Street, Butler PA 16001

Jack Lewis 870 Bullcreek Road, Butler, PA 16002

Jim Gallagher 200 Portman Road, Butler, PA 16002

Hank Leyland 188 Portman Road, Butler, PA 16002

Greg Loverick 100 Easy Street, Butler, PA 16001

Ed Tassey 103 McQuiston Road, Butler, PA 16001

AK Steel 1 Armco Dr, Lyndora, PA 16045

UNITED AUTO WORKERS - UAW (formerly Butler Armco Independent Union)

112 Hollywood Dr, Suite 101, BUTLER, PA 16001

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, PENNSYLVANIA**

JOE MYERS,	)	Case No.: No. 19-10516
)	
Plaintiff,	)	CIVIL DIVISION
)	
vs.)	
)	
TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, JACK	)	Type of Pleading:
W. MURTAGH JR., GRAYDON BREWER, CARL V.	)	NOTICE TO BUTLER COUNTY
NANNI, JACK LEWIS, JIM GALLAGHER, HANK	)	NOTICE OF JUDICIAL MISCONDUCT
LEYLAND, GREG LOVERICK, EDWARD TASSEY, AK	)	NOTICE OF ATTORNEY MISCONDUCT
)	
STEEL et al, UAW (formerly Butler Armco)	
Independent Union) et al, ANGELO PAPA	)	FILED BY:
)	
Defendants	)	Joe Myers, pro se
	)	12137 Emerald Green Court
	)	Jacksonville, FL 32246

All Exhibits referenced in this court filing and every other filing by Plaintiff can be read and downloaded at website www.1776ToTyranny.com

Plaintiff met with Congressman Rutherford on 10-9-19 to discuss the corruption that the Plaintiff has been dealing with at the local, state and federal level regarding the history of events since 1998 and the Complaint that Plaintiff recently filed in 2019. Rutherford had reviewed the website and the letter Plaintiff sent to then U.S. Attorney General Ashcroft in 2003. Rutherford asked how Plaintiffs civil case was going and Plaintiff informed him all the judges in the Butler County Courthouse recused themselves from this case and Judge Cunningham was assigned who is violating Plaintiff's Constitutional Rights of DUE PROCESS and a TRIAL BY JURY. Plaintiff informed Rutherford that Cunningham scheduled an UNCONSTITUTIONAL Preliminary Objections hearing set for 10-22-19 which Plaintiff warned Cunningham has no authority to schedule since Plaintiff filed the Complaint JURY TRIAL DEMANDED.

Rutherford asked Plaintiff to let him know the outcome of the hearing and in the meantime Rutherford was going to be calling Senator Rubio to let Rubio know that Rutherford would be part of the congressional inquiry that Rubio had already initiated on or about 9-23-19.

Plaintiff files this **NOTICE TO BUTLER COUNTY** in the event Butler County does not stop the **JUDICIAL MISCONDUCT** and **DEFENDANT ATTORNEYS MISCONDUCT** for their willful violation of Plaintiff's **CONSTITUTIONAL RIGHTS** to a **JURY TRIAL** and **DUE PROCESS** then Plaintiff intends to file a lawsuit against Butler County for aiding and abetting the kangaroo court and their blatant disregard for Plaintiff's **Constitutional Rights and causation.**

Plaintiff files this **NOTICE OF JUDICIAL MISCONDUCT** by Judge William Cunningham for scheduling a hearing on Defendants Preliminary Objections when Cunningham knows he has no authority to schedule a hearing without a **JURY** when Plaintiff has **DEMANDED A JURY TRIAL**. Cunningham has denied Plaintiff **DUE PROCESS**. Cunningham is complicit in violating Plaintiffs **CONSTITUTIONAL RIGHTS!** When Plaintiff called the Courthouse on 10-9-19 to inquire as to why a Preliminary Objection hearing was scheduled Plaintiff was informed that Cunningham stated even though a **JURY TRIAL** was requested that "does not make Defendants Preliminary Objections disappear". Cunningham is **WRONG** and has violated Plaintiffs **CONSTITUTIONAL RIGHT** to a **JURY** in scheduling the hearing without the **JURY**. Cunningham is **PROHIBITED FROM SCHEDULING THIS HEARING WITHOUT THE JURY!** **Cunningham knows the Plaintiffs CONSTITUTIONAL RIGHTS prevail over Defendants procedural corruption!** The Defendants will be able to make their case before the **JURY** because the Preliminary Objections flies in the face the **UNITED STATES** and **PENNSYLVANIA CONSTITUTION** preserving Plaintiffs **RIGHT** to a **JURY TRIAL** making that **RIGHT** inviolate.

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved" - United States Constitution

"Trial by jury shall be as heretofore, and the right thereof remain inviolate." -

Pennsylvania Constitution

Plaintiff files this **NOTICE OF ATTORNEY MISCONDUCT** by ALL Defendant's legal counsel.

Hobaugh, Koch, Roman, Jones and Lettrich knew their Preliminary Objections were

UNCONSTITUTIONAL and they cannot make their defense without the JURY present!

Judge Cunningham and Defendant's legal counsel are using statutes and procedures

UNCONSTITUTIONALLY. As the Preamble of the United States Constitution clearly states

the power is always in the PEOPLE because the PEOPLE ratified the United States

Constitution and clearly establishing the JURY TRIAL as part of the United States

Constitution and DID NOT permit one judge and a bunch of corrupt attorneys to railroad

- as in this case - the Plaintiff! After the ratification of the United States

Constitution any laws or statutes made by the state or federal legislature can ALWAYS

be challenged by WE THE PEOPLE through a JURY TRIAL and is what Plaintiff DEMANDS.

The Founders and Framers knew there would be corruption such as Plaintiff is dealing

with right NOW and the JURY is there to STOP IT by either declaring a law or statute

unconstitutional or setting it aside declaring it was not applied properly to the case

before the JURY!

"We the people of the United States, in order to form a more perfect union, establish

justice, insure domestic tranquility, provide for the common defense, 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."

U.S Constitution, Bill of Rights Amendment VII

"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."

The Constitution Of Pennsylvania, Article 1 Declaration of Rights § 6. Trial by jury

"Trial by jury shall be as heretofore, and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused. (May 18, 1971, P.L.765, J.R.1; Nov. 3, 1998, P.L.1328, J.R.2)"

inviolate - If something is inviolate, it has not been or cannot be harmed or affected by anything. <https://www.collinsdictionary.com/us/dictionary/english/inviolate>

Judge Cunningham and Defendant's legal counsel have **OBSTRUCTED JUSTICE** by denying Plaintiff **DUE PROCESS** by their attempt to circumvent Plaintiff's **CONSTITUTIONAL RIGHT** to a **TRIAL BY JURY** that has NEVER HAPPENED YET through procedural corruption that they know is **UNCONSTITUTIONAL!** It is illegal for Defendants to use ANY defense that THEY KNOW DOES NOT AND CANNOT supersede the SUPREME LAW - **THE UNITED STATES CONSTITUTION** - that DENY'S Plaintiff's **CONSTITUTIONAL RIGHT** to a **TRIAL BY JURY**.

Judge Cunningham and Defendant's legal counsel are trying to **ILLEGALLY AND UNCONSTITUTIONALLY** use statutes and procedures to enforce them on Plaintiff to deny Plaintiff's **CONSTITUTIONAL RIGHT** of **DUE PROCESS** and a **TRIAL BY JURY** which violates **Amendment XIV, Section 1 of the United States Constitution**. Defendant AK Steel **EXTORTED** Plaintiff's property of future earnings and damaged Plaintiffs reputation and all other Defendants have been complicit and Judge Cunningham is now participating in.

Amendment XIV, Section 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.**"

The letter (**Exhibit 28**) that Plaintiff sent to Defendant McCune dated 11-29-01 details multiple criminal and civil illegal acts committed by ALL Defendants and Judge Cunningham is complicit now unless he cancels the Preliminary Objections hearing for 10-22-19 and instead schedules a JURY selection date and JURY TRIAL date.

The following are just a few laws that Defendant McCune IGNORED and DID NOT INVESTIGATE and that Judge Cunningham and Defendant's legal counsel are complicit in now:

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.

Punishment varies from a fine or imprisonment of up to ten years, or both; and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years, or for life, or may be sentenced to death.

- Defendant AK Steel threatened Plaintiff on 7-9-98 (Exhibit 3) with disciplinary action for not obeying written company policy by securing a load on a stake truck that rolled over on Plaintiff when the load shifted. What Plaintiff found out after the incident was another co-worker had the same load shift on him but the truck did not rolled over but had the rear axle off the ground and a mobile crane had to lift the pinion gear off the truck so it did not roll over. After Plaintiff's incident the Defendant made a policy that the pinion gear had to be hauled by a lowboy tractor trailer from that point forward. AK Steel put Plaintiff and co-workers in danger of death or serious injury as Plaintiff had some bumps and bruises but it could have been worse. On 3-1-01 Plaintiff's then attorney (Exhibit 9) sent a letter to AK Steel warning of the violation of the law. On 3-21-19 Plaintiff sent a letter (Exhibit 11) to AK Steel detailing the criminal and civil legal issues as well as the selective discipline of Plaintiff. Then on 3-23-19 Plaintiff was verbally directed by Defendant Tassej to violate company policy and then Plaintiff was escorted out of the plant. Then on 4-10-11 (Exhibit 14) Plaintiff received a letter from AK Steel stating Plaintiff would be discharged because Plaintiff wanted follow AK Steel policy but was verbally ordered by Defendant Tassej not to obey company policy. This proves the conspiracy that AK Steel perpetrated on Plaintiff that forfeited Plaintiff's future earnings and validates CONSPIRACY AGAINST RIGHTS.
- Cunningham and all Defendants and legal counsel are committing CONSPIRACY AGAINST RIGHTS against Plaintiff NOW!

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;

- *Defendant UAW (formerly Butler Armco Independent Union) et al never protected Plaintiffs Federally protected activities as a rank and file member but colluded with all other Defendants.*
- *Plaintiff was terminated for Whistle Blowing when Plaintiff contacted the Pennsylvania Attorney General's office while still employed at AK Steel explaining the illegal activity and AK Steel forcing employees to be criminally and civilly liable.*

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.

Punishment varies from a fine or imprisonment of up to one year, or both, and if bodily injury results or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to ten years or both, and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

- *Judge Cunningham, Defendant McCune, Defendants and their legal counsel have and are committing Deprivation of Rights Under Color of Law against Plaintiff.*

U.S. Code: Title 18 Section 3559/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;

- *The evidence is clear that Defendant AK Steel extorted Plaintiffs property of future wages and all other Defendants were part of the crime.*

Retaliatory Discharge

Refers to an employee being discharged by their employer for anything other than work performance reasons. This generally occurs when the employee exercises their rights, such as reporting their employer's wrongful conduct, or when participating in union activities.

- *The evidence is clear that Defendant AK Steel retaliated against Plaintiff for contacting the Pennsylvania Attorney General's office and reporting the illegal activity and then terminated Plaintiff.*

Here are a few quotes from history as to why a JURY is so important:

"It is not only the juror's right, but his duty, to find the verdict according to his own best understanding, judgment and conscience, though in direct opposition to the instruction of the court." John Adams, 1771

"I consider trial by jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution." Thomas Jefferson

Below are 8 points from The National Judicial College as to the WHY a JURY TRIAL is the most important part of justice in our country. Some highlights are below:

- The Founding Fathers believed the Right of a trial by a jury of peers was so important that it is in our United States Constitution
- The courts can overturn laws or acts of government that violate Constitutional Rights.
- The Founders included jury trials in the constitution because jury trials prevent tyranny. The definition of tyranny is oppressive power exerted by the government. Tyranny also exists when absolute power is vested in a single ruler.

- Jury trials are the opposite of tyranny because the citizens on the jury are given the absolute power to make the final decision.
- We do not want judges and lawyers making every important decision; they are not representative of the people of the United States.
- Juries provide the voice of common sense and the perspective of the citizen to our developing body of law.
- In a civil case, a jury of citizens will determine community standards and expectations in accordance with the law.

1. The American jury trial is a constitutional right. The founding fathers believed that the right to be tried by a jury of your peers was so important that it merited inclusion in the highest law of the land. Amendments 6 and 7 of the Bill of Rights contain this right:

Amendment VI In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII 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 re-examined in any Court of the United States, than according to the rules of the common law.

2. The jury trial is a vital part of America's system of checks and balances. "Checks and balances" means that the judicial branch of government is equal to the other two branches (executive and legislative) and the courts can overturn laws or acts of government that violate constitutional rights. Our system of checks and balances requires a strong judicial branch. A strong judicial branch requires a healthy jury trial option. Jury service is your chance to have a voice in the judicial branch of government.

3. The founding fathers included jury trials in the constitution because jury trials prevent tyranny. The definition of tyranny is oppressive power exerted by the government. Tyranny also exists when absolute power is vested in a single ruler. Jury trials are the opposite of tyranny because the citizens on the jury are given the absolute power to make the final decision.

4. Trial by jury is a unique part of America's democracy. Most countries do not have jury trials. It is one of the things that make us unique as a country, and something we should be proud of.

5. Jury trials provide an opportunity for citizens to participate in the process of governing. Serving on a jury is the most direct and impactful way for citizens to connect to the constitution. It is more active and participatory than voting. Citizens can help perpetuate our system of laws, and stabilize our democracy.

6. Jury trials educate jurors about the justice system. People who serve on juries have a greater respect for the system when they leave. Serving on a jury gives people insight into the justice system and their own communities, and corrects misapprehensions about what takes place in a courtroom.

7. Jury trials provide a method of peaceful dispute resolution. Most citizens will be impacted at some point in their life by a conflict, such as a divorce, a personal injury due to negligence, a contractual dispute, an employment dispute, etc. There are many ways to resolve such disagreements, but if other methods fail, a jury trial is one way to have final resolution in a peaceful manner.

8. Jury trials offer the voice of the people to the civil and criminal justice systems. If you are accused of a crime, you have the right to ask for a jury of your peers to judge your guilt or innocence. In a civil case, a jury of citizens will determine community standards and expectations in accordance with the law. We do not want judges and lawyers making every important decision; they are not representative of the people of the United States. Juries provide the voice of common sense and the perspective of the citizen to our developing body of law.

Just like the six shooter was the great equalizer to the old west so too is a JURY TRIAL. Plaintiff has the RIGHT, deserves and DEMANDS a JURY TRIAL to be the great equalizer to the corruption the Plaintiff has endured! When corruption takes place the JURY has the CONSTITUTIONAL RIGHT AND OBLIGATION to right the wrong and NOT a group of good old boy attorneys and judges and is also WHY the Plaintiff has the RIGHT to and DEMANDS a JURY TRIAL!

Plaintiff's case is a prime example WHY a JURY TRIAL is the only remedy. Plaintiff contacted Defendant McCune for assistance and he refused to do his job as a District Attorney and investigate what Plaintiff has proven. Defendants Papa and Chivers refused to DEMAND a JURY TRIAL.

Defendants UAW (formerly Butler Armco Independent Union) and Defendant Murtagh knew this was never a labor law issue yet still continued to play a part in this criminal conspiracy against Plaintiff and because the officers were paid by Defendant AK Steel et al the company owned Defendants UAW et al which is ILLEGAL. To top it off Defendant AK Steel et al has deep pockets and played procedural games like now to drain Plaintiff financially.

Plaintiff has brought forth facts that the Defendants damaged Plaintiff and his family monetarily and emotionally when Defendants knew Defendant Tasse gave an illegal directive that not only violated Defendant AK Steel et al's own written directives but also violated the law when Plaintiff was ILEGALLY terminated. All Defendants were complicit by going along with the crime and the JURY can hand down the appropriate award to Plaintiff and sanctions for Defendants.

Plaintiff has already and will PROVE to the JURY through the Complaint that Plaintiff filed and evidence that Defendants violated Plaintiff's United States and Pennsylvania Constitutional Rights thereby committed fraud, material fraud, fraudulent misrepresentation, legal negligence, breach of contract or have been complicit as well as they have violated the law and public policy. Defendant attorneys committed legal malpractice. All Defendants knew the law or should have known the law when they committed fraudulent acts and there is NO EXCUSE FOR NOT KNOWING THE LAW.

16th American Jurisprudence 2d, Section 177 late 2nd, section 256:

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it. The general rule is that an unconstitutional statute, though having the form and the name of law, is in reality no law, but is wholly void, and ineffective for any purpose, since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it."

The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it ... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

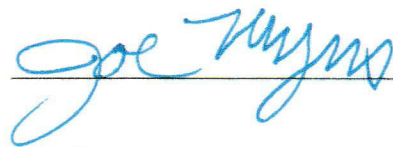
Plaintiff CONSTITUTIONALLY refuses to allow Judge Cunningham and the corrupt attorneys to decide this case; they are not representative of the people of the United States.

Judge Cunningham must either:

- **Recuse himself from this case, or**
- **Remove the UNCONSTITUTIONAL NON PROS against PLAINTIFF and cancel the 10-22-19 UNCONSTITUTIONAL Preliminary Objections hearing and schedule the date for JURY selection and JURY TRIAL date, or**
- **Plaintiff will hold Cunningham in Contempt of Court and protest the hearing when Plaintiff arrives on 10-22-19 and seek sanctions against Cunningham.**

WITHOUT further delay Judge Cunningham MUST obey the SUPREME LAW
of the land which is the United States Constitution and the
SUPREME LAW of Pennsylvania which is the Pennsylvania
Constitution and set a date for JURY selection and then set the
JURY TRIAL date or it is CONTEMPT of the JURY COURT and
Obstruction of Justice.

Dated this 11th day of October, 2019



Joe Myers pro se
12137 Emerald Green Court
Jacksonville, FL 32246
Phone: 904-254-6472
Email: joemyers7@icloud.com

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, PENNSYLVANIA**

JOE MYERS,	)	Case No.: No. 19-10516
)	
Plaintiff,	)	CIVIL DIVISION
)	
vs.)	
)	
TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, 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) et al, ANGELO PAPA)	
Defendants)	
)	

ORDER

AND NOW, to-wit, this _____ day of _____, 2019, upon consideration of Plaintiff's NOTICE TO BUTLER COUNTY, NOTICE OF JUDICIAL MISCONDUCT and NOTICE OF ATTORNEY MISCONDUCT it is hereby ORDERED that Plaintiff has a CONSTITUTIONAL RIGHT of DUE PROCESS and to be heard by a JURY of Plaintiff's peers. It is ADJUDGED and DECREED that Jury selection will be set for this _____ day of _____, 2019 JURY TRIAL will commence this _____ day of _____, 2019.

BY THE COURT

CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing NOTICE TO BUTLER COUNTY, NOTICE OF JUDICIAL MISCONDUCT and NOTICE OF ATTORNEY MISCONDUCT was served on the following via U.S. Mail, First-Class, this 11th day of October, 2019.

Michael R Lettrich counsel for Defendant Timothy F. McCune

Gulf Tower

Suite 3410

707 Grant Street

Pittsburgh, PA 15219

Dennis Roman counsel for Defendant Joseph Chivers

Union Trust Building

Suite 700

510 Grant Street

Pittsburgh, PA 15219

Adam Hobaugh counsel for Defendants Murtagh, Nanni, Gallagher, Lewis, Leyland,

Loverick and UAW et al

110 Swinderman Road

Wexford, PA 15090

Defendant Graydon Brewer

48 Crystal Drive

Oakmont, PA 15139

Defendant Angelo Papa

318 Highland Ave

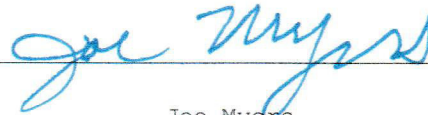
New Castle, PA 16101

Nicholas J. Koch counsel for Defendants AK Steel et al and Tasse

Union Trust Building

501 Grant Street, Suite 800

Pittsburgh, PA 15219



Joe Myers

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, PENNSYLVANIA OF THE UNITED
STATES OF AMERICA**

JOE MYERS,	)	Case No.: No. 19-10516
)	
Plaintiff,	)	CIVIL DIVISION
)	
vs.)	
	)	Type of Pleading:
TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, JACK	)	AMENDED LEGAL NOTICE AND VIOLATION WARNING
W. MURTAGH JR., GRAYDON BREWER, CARL V.	)	OF DENIAL OF PLAINTIFFS RIGHTS UNDER COLOR
NANNI, JACK LEWIS, JIM GALLAGHER, HANK	)	OF LAW of The United States of America
)	
LEYLAND, GREG LOVERICK, EDWARD TASSEY, AK)	
)	
STEEL et al, UAW (formerly Butler Armco	)	FILED BY:
Independent Union) et al, ANGELO PAPA	)	Joe Myers, pro se
	)	12137 Emerald Green Court
Defendants	)	Jacksonville, FL 32246
)	

All Exhibits referenced in this court filing and every other filing by Plaintiff can be read and downloaded at www.1776ToTyranny.com

Plaintiff has filed this **Amended Legal Notice and Violation Warning of Denial of Plaintiffs Rights Under Color of Law of The United States of America** to update and replace the Violation Warnings in the original filing. The change is made due to typos in the initial Violation Warnings.

Plaintiff is not in any way changing any other part of the original **Legal Notice and Violation Warning of Denial of Plaintiffs Rights Under Color of Law of The United States of America** dated 10-16-19

If the hearing scheduled on 10-22-19 for preliminary objections is not cancelled and a date for JURY selection and JURY TRIAL scheduled then Plaintiff will submit all Violation Warnings to the Federal Bureau of Investigations, Pennsylvania Attorney General and the United States Attorney.

Under The United States of America Constitution Plaintiff refuses to allow Judge Cunningham and the corrupt attorneys to decide this case; they are not representative of the people of the United States.

Judge Cunningham must either:

- Recuse himself from this case, or
- Remove the UNCONSTITUTIONAL NON PROS against PLAINTIFF and cancel the 10-22-19 UNCONSTITUTIONAL Preliminary Objections hearing and schedule the date for JURY selection and JURY TRIAL date, or
- Plaintiff will hold Cunningham in Contempt of Court and protest the hearing when Plaintiff arrives on 10-22-19 and seek sanctions against Cunningham.

WITHOUT further delay Judge Cunningham MUST obey the SUPREME LAW of the land which is the United States Constitution and the SUPREME LAW of Pennsylvania which is the Pennsylvania Constitution and set a date for JURY selection and then set the JURY TRIAL date or it is CONTEMPT of the JURY COURT and
Obstruction of Justice.

If the JURY selection date and JURY TRIAL date is not immediately schedule Plaintiff will submit the attached LEGAL NOTICE AND VIOLATION WARNING OF DENIAL OF PLAINTIFFS RIGHTS UNDER COLOR OF LAW of The United States of America.

The legal notice and violation warning forms are to be part of and included
in this court filing.

Dated this 18th day of October, 2019



Joe Myers pro se
12137 Emerald Green Court
Jacksonville, FL 32246
Phone: 904-254-6472
Email: joemyers7@icloud.com

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, PENNSYLVANIA**

JOE MYERS,	)	Case No.: No. 19-10516
)	
Plaintiff,	)	CIVIL DIVISION
)	
vs.)	
)	
TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, 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) et al, ANGELO PAPA)	
)	
Defendants)	
)	

ORDER

AND NOW, to-wit, this _____ day of _____, 2019, upon consideration of Plaintiff's AMENDED LEGAL NOTICE AND VIOLATION WARNING OF DENIAL OF PLAINTIFFS RIGHTS UNDER COLOR OF LAW of The United States of America it is hereby ORDERED that Plaintiff has a CONSTITUTIONAL RIGHT of DUE PROCESS and to be heard by a JURY of Plaintiff's peers. It is ADJUDGED and DECREED that Jury selection will be set for this _____ day of _____, 2019 JURY TRIAL will commence this _____ day of _____, 2019.

BY THE COURT

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, FL 32246	Name and address of Notice Recipient William R. Cunningham First Floor, County Courthouse 300 South Main Street Butler, PA 16003-1208
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Citizen's statement:

Violation of my Rights under The United States of America Constitution of a JURY TRIAL and DUE PROCESS

Violations of U.S. Codes, Title 18 Section 241, Section 242, Section 245, Section 35559 / Title 15 Section 2087 / Title 29 Section 654

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

Citizen's signature

▶ 

Date ▶ October 17, 2019

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.

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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 October 17, 2019 at Priority U.S. Mail

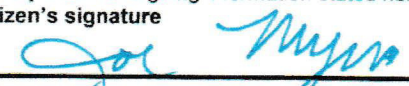
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▶ Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of Citizen Joe Myers 12137 Emerald Green Court Jacksonville, FL 32246	Name and address of Notice Recipient Timothy F. McCune c/o Marie Milie Jones and Michael Lettrich Gulf Tower 707 Grant Street, Suite 3410 Pittsburgh, PA 15219
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Name and address of Citizen Joe Myers 12137 Emerald Green Court Jacksonville, FL 32246	Name and address of Notice Recipient Michael Lettrich Gulf Tower 707 Grant Street, Suite 3410 Pittsburgh, PA 15219
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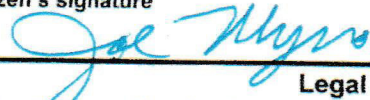
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**Violation Warning
Denial of Rights Under Color of Law**


▶ 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, FL 32246	Name and address of Notice Recipient: Nicholas Koch Union Trust Building 501 Grant Street, Suite 800 Pittsburgh, PA 15219
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▶ 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, FL 32246

Name and address of Notice Recipient

AK Steel et al c/o Nicholas Koch
Union Trust Building
501 Grant Street, Suite 800
Pittsburgh, PA 15219

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

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Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246

Name and address of Notice Recipient:

Edward Tassej c/o Nicholas Koch
Union Trust Building
501 Grant Street, Suite 800
Pittsburgh, PA 15219

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Name and address of Citizen Joe Myers 12137 Emerald Green Court Jacksonville, FL 32246	Name and address of Notice Recipient Adam Hobaugh 110 Swinderman Road Wexford, PA 15090
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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, FL 32246

Name and address of Notice Recipient:

John/Jack Murtagh Jr. c/o Adam Hobaugh
110 Swinderman Road
Wexford, PA 15090

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Name and address of Citizen: Joe Myers 12137 Emerald Green Court Jacksonville, FL 32246	Name and address of Notice Recipient: Carl Nanni c/o Adam Hobaugh 110 Swinderman Road Wexford, PA 15090
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12137 Emerald Green Court
Jacksonville, FL 32246

Name and address of Notice Recipient:
Jack Lewis c/o Adam Hobough
110 Swinderman Road
Wexford, PA 15090

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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, FL 32246	Name and address of Notice Recipient Jim Gallagher c/o Adam Hobough 110 Swinderman Road Wexford, PA 15090
--	--

Citizen's statement:
Violation of my Rights under The United States of America Constitution of a JURY TRIAL and DUE PROCESS
Violations of U.S. Codes, Title 18 Section 241, Section 242, Section 245, Section 35559 / Title 15 Section 2087 / Title 29 Section 654

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Citizen's signature

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Date ▶ October 17, 2019

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Name and address of Citizen

Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246

Name and address of Notice Recipient

Hank Leyland c/o Adam Hobaugh
110 Swinderman Road
Wexford, PA 15090

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▶ 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, FL 32246

Name and address of Notice Recipient

Greg Loverick c/o Adam Hobaugh
110 Swinderman Road
Wexford, PA 15090

Citizen's statement

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**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, FL 32246

Name and address of Notice Recipient:

Dennis Roman
Union Trust Building
501 Grant Street, Suite 700
Pittsburgh, PA 15219


Citizen's statement:

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▶ 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, FL 32246	Name and address of Notice Recipient Joseph Chivers c/o Dennis Roman Union Trust Building 501 Grant Street, Suite 700 Pittsburgh, PA 15219
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Public Domain—Privacy Form COL(01)

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, FL 32246	Name and address of Notice Recipient Angelo Papa 318 Highland Avenue New Castle, PA 16101
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Citizen's statement:
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Name and address of Citizen Joe Myers 12137 Emerald Green Court Jacksonville, FL 32246	Name and address of Notice Recipient Graydon Brewer 48 Crystal Drive Oakmont, PA 15139
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CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing AMENDED LEGAL NOTICE AND VIOLATION WARNING OF DENIAL OF PLAINTIFFS RIGHTS UNDER COLOR OF LAW of The United States of America was served on the following via U.S. Mail, First-Class, this 18th day of October, 2019.

Marie Milie Jones / Michael R Lettrich counsel for Defendant Timothy F. McCune
Gulf Tower, 707 Grant Street, Suite 3410, Pittsburgh, PA 15219

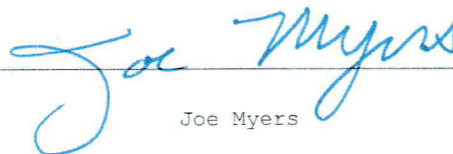
Dennis Roman counsel for Defendant Joseph Chivers
Union Trust Building, 510 Grant Street, Suite 700, Pittsburgh, PA 15219

Adam Hobaugh counsel for Defendants Murtagh, Nanni, Gallagher, Lewis, Leyland,
Loverick and UAW et al
110 Swinderman Road
Wexford, PA 15090

Defendant Graydon Brewer
48 Crystal Drive
Oakmont, PA 15139

Defendant Angelo Papa
318 Highland Ave
New Castle, PA 16101

Nicholas J. Koch counsel for Defendants AK Steel et al and Tasse
Union Trust Building, 501 Grant Street, Suite 800, Pittsburgh, PA 15219


Joe Myers

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, PENNSYLVANIA OF THE UNITED
STATES OF AMERICA**

JOE MYERS,	)	Case No.: No. 19-10516
)	
Plaintiff,	)	CIVIL DIVISION
)	
vs.)	
	)	Type of Pleading:
TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, JACK)	
W. MURTAGH JR., GRAYDON BREWER, CARL V.	)	AMENDED COURT FILING ADDING DEFENDANTS AND
NANNI, JACK LEWIS, JIM GALLAGHER, HANK	)	FOR CONTINUED VIOLATION OF PLAINTIFF'S
LEYLAND, GREG LOVERICK, EDWARD TASSEY, AK	)	CONSTITUTIONAL RIGHTS OF THE UNITED STATES
STEEL et al, UAW (formerly Butler Armco	)	OF AMERICA
Independent Union) et al, ANGELO PAPA,)	
WILLIAM CUNNINGHAM, MICHAEL LETTRICH,	)	RESPONSE TO DEFENDANT PAPA'S LIMITED
MARIA MILIE JONES, DENNIS ROMAN, NICHOLAS	)	SPECIAL APPEARANCE PRELIMINARY OBJECTIONS
KOCH, ADAM HOBAUGH)	
	)	FILED BY:
	)	Joe Myers, pro se
	)	12137 Emerald Green Court
	)	Jacksonville, FL 32246
Defendants)	

All Exhibits referenced in this court filing and every other filing by Plaintiff can be read and downloaded at website www.1776ToTyranny.com

Plaintiff WARNED William Cunningham, Michael Lettrich, Marie Milie Jones, Dennis Roman, Nicholas Koch, Angelo Papa and Adam Hobaugh for violating Plaintiff's Constitutional Rights of The United States of America in Plaintiff's court filings dated 10-16-19 and 10-18-19 so Plaintiff adds the aforementioned to this legal court filings and seeks Punitive and Compensatory damages against ALL Defendants.

Defendant Cunningham usurped the authority of the Constitution of The United States of America and is immediately removed from this case since he is now a defendant!

This court filing includes the initial Complaint and all court filings. Plaintiff continues to validate VIOLATION OF CONSTITUTIONAL RIGHTS of The United States of America, VIOLATION OF PENNSYLVANIA CONSTITUTIONAL RIGHTS, VIOLATION OF PUBLIC POLICY, FRAUD, MATERAIL FRAUD, FRAUDULANT MISREPRESENTATION, LEGAL MALPRACTICE, LEGAL NEGLIGENCE and BREACH OF CONTRACT.

ALL Defendant legal counsel KNEW they never once plead the innocence of their clients but only used procedure and UNCNSTITUTIONAL LAWS in an attempt to keep Plaintiff from Plaintiffs Constitutional Right to a JURY TRIAL, DUE PROCESS and EQUAL PROTECTION OF THE LAWS.

Defendant Cunningham proved he never read Plaintiff's Complaint or court filings when he held the UNCONSTITUTIONAL Preliminary Objections hearing on 10-22-19 because of the following points:

- When Plaintiff referenced Defendants Murtagh and Papa - Cunningham asked Plaintiff who those people were.
- Cunningham relied only on Defendants counsels' unconstitutional claims and not on the CONSTITUTION which is the SEPREME LAW of the United States of America.
- Cunningham told Plaintiff a couple times that just because Plaintiff asked for a JURY TRIAL does not mean the Plaintiff could have a JURY TRIAL. Cunningham BLATANTLY violated Plaintiff's PA Constitutional Rights and Constitutional Rights of The United States.
- When Cunningham claimed that Defendant McCune has immunity from the Constitution of the United States of America, he made a BLANTANT LIE and ALL Defendants are complicit! McCune is still a Defendant in Plaintiff's legal claims.
- When Defendant counsels' referenced a prior UNCOMSTITUTIONAL court opinion against Plaintiff Cunningham asked Defendants to provide that to him which again proved Cunninham never reviewed the court filings.

Thomas Jefferson noted in a letter to William Jarvis, "to consider judges as the ultimate arbiters of all constitutional questions...would place us under the despotism of an oligarchy."

So the Defendants and upcoming JURY can understand the Constitutional VIOLATIONS OF ALL DEFENDANTS against Plaintiff the following CIVICS LESSON is provided.

Our Founders and Framers knew We The People would have corrupt judges and attorneys so they provided the following protection from these criminals and made a remedy.

First, our Founders and Framers knew We The People had a Creator and that we are ALL created equal and endowed by our Creator with certain unalienable RIGHTS that NO government instituted by We The People can give to us or take away from us. They also stated our governments derive their just powers ONLY from the consent of the governed (We The People). Our Founders and Framers declared on July 4, 1776 in OUR Declaration of Independence OUR FREEDOM from a TYRANNICAL KING.

"When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

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,- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

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...”

Then our Founders and Framers made the remedy with the Constitution of The United States of America and spelled it out very clearly in the PREAMBLE that We The People are the BOSS and ordained the VERY LIMITED POWERS to be Legislative, Executive and Judicial branches with the POWER that We The People can alter or abolish our form of government at any time.

“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.”

Article 1 The Legislative Branch Section 1 The Legislature - places ALL legislative power in Congress NOT judges as Defendant Cunningham is trying to usurp against Plaintiff and all other Defendants are complicit. Defendants legal counsels lied by referencing so-called “case law” in their court filing when they know they are only COURT OPINIONS! Cunningham and ALL Defendants have committed FRAUD!!!

“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.”

Article 1 The Legislative Branch Section 10 - Powers prohibited of States is violated by Defendant Cunningham trying to invoke a law granting immunity to Defendant McCune when Cunningham and Defendants with a law license know they have violated the Constitution of The United States of America because everyone is equal under the law and they have impaired Plaintiff's employment contract with Defendant AK Steel and the obligation AK Steel had to Plaintiff.

"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."

Defendant Cunningham and ALL Defendants with a law license have violated their Oath Of Office because the Defendants have not supported, obeyed or defended the Constitution and ALL have committed falsehood in regard to Plaintiff's Complaint and all court filings by Plaintiff and ALL have committed MAILCE against Plaintiff.

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.

Bill of Rights Amendment 7 - Trial by Jury in Civil Cases. Ratified 12/15/1791

Defendant Cunningham stated in the UNCONSTITUTIONAL preliminary objections hearing on 10-22-19 that just because Plaintiff asked for a JURY TRIAL does not mean Plaintiff can have a JURY TRIAL. Cunningham has WITHOUT QUESTION violated Plaintiff's Constitutional Rights of The United States of America and ALL Defendants have been complicit.

"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."

Bill of Rights Amendment 9 - Construction of Constitution. Ratified 12/15/1791 this Amendment is all inclusive that Defendants cannot use statute of limitations, rules of civil procedure, non pros, immunity of any public official, certificate of merit or ANYTHING to prevent Plaintiff from a JURY TRIAL.

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Bill of Rights Amendment 14 - Citizenship Rights. Ratified 7/9/1868 It is very clear that ALL Defendants are complicit with trying to use procedures and UNCONSTITUTION LAW that deprived Plaintiff of property through loss of future earnings, benefits, pension, etc. Defendant Cunningham has denied Plaintiff equal protection of the laws and trying to enforce laws that has abridged Plaintiff's privileges and immunities GUARANTEED by the Constitution of The United States of America.

"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...The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

While Plaintiff knows the following are COURT OPINIONS and NOT CASE LAW Plaintiff will share that the court opinions support Plaintiff's court filings.

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."

Defendant Cunningham stated to Plaintiff that only applies to criminal cases when IN FACT it just states WHERE RIGHT SECURED BY THE CONSTITUTION ARE INVOLVED. Another LIE by Cunningham!

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."

CLEARLY THE PROCEDURAL MANUEVERS BY DEFENDNATS AND THEIR LEAGAL COUNSEL ARE UNCONSTITUTIONAL!

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

THE PROCEDURAL MANUEVERS BY DEFNEDANTS AND LEGAL COUNSEL ARE NULL AND VOID BECAUSE THEY ARE TRYING TO CIRCUMVENT MY RIGHTS TO A JURY TRAIL, DUE PROCESS AND EQUAL PROTECTION OF THE LAWS!

Duncan v. Missouri, 152 U.S. 377, 382 (1894) "Due process of law and the equal protection of the laws are secured if the laws operate on all alike, and do not subject the individual to an arbitrary exercise of the powers of government."

IT IS VERY CLEAR ALL DEFENDANTS ARE TRYING TO USE AN ARBITRARY EXERCISE OF THE POWERS OF GOVERNMENT. ALL POWERS OF GOVERNMENT ARE DERIVED AND ORDAINED BY WE THE PEOPLE.

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."

DEFENDANT CUNNINGHAM HAS NOT EVEN READ THE LEGAL FILINGS OF PLAINTIFF AS REFERENCED ABOVE.

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."

DEFENDANT CUNNINGHAM HAS COMPLETELY IGNORED THIS COURT OPINION!

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

ALL DEFENDANTS ARE TRYING TO USE UNCONSTITUTIONAL PROCEDURES OR MISAPPLYING LAW THAT ARE SUBSERVIENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA!

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

PLAINTIFF HAS NEVER ONCE WAIVED PALINTIFF'S CONSTUTITIONAL RIGHTS!

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."

DEFENDANT CUNNINGHAM HAS MOST DEFINTELY VIOLATED HIS UNDERTAKING TO SUPPORT THE CONSTITUTION OF THE UNITED STATES OF AMERICA!

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."

DEFENDANT CUNNINGHAM HAS UNCONSTITUTIONALLY OVERULLED THE CONSTITUTION OF UNITED STATES OF AMERICA BY ALLOWING DEFENDANTS TO USE PROCEDURES AND STATUTE OF LIMITATIONS WHICH DENY PLAINTIFF THE RIGHTS OF THE CONSTITUION AND EQUAL PROTECTION OF THE LAWS.

Mattox v. U.S., 156 US 237, 243 "We are bound to interpret the Constitution in the light of the law as it existed at the time it was adopted."

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."

DEFENDANT CUNNINGHAM HAS VIOLATED THE CONSTITUTIONAL RIGHTS OF PLAINTIFF!

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.

THIS PROVES ALL DEFENDANTS HAVE COMMITTED FRAUD!

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.

ALL DEFENDANTS HAVE PROVIDED FALSE MISREPRESENTATION AND COMMITTED DECIETFUL PRACTICES AND WILLFULL DEVICE TO DEPRIVE PLAINTIFF OF PLAINTIFF'S CONSTITUTIONAL RIGHTS OF A JURY TRIAL, DUE PROCESS AND EQUAL PROTECTION OF THE LAWS!

Plaintiff filed a **NOTICE OF JUDICIAL MISCONDUCT** by Defendant Cunningham for scheduling a hearing the Defendants Preliminary Objections when Cunningham knew he has no authority to schedule a hearing without a **JURY** when Plaintiff has **DEMANDED A JURY TRIAL**. Cunningham has denied **Plaintiff DUE PROCESS**. Cunningham is complicit in violating Plaintiffs **CONSTITUTIONAL RIGHTS!**

Defendant Cunningham knows the Plaintiffs CONSTITUTIONAL RIGHTS prevail over Defendants procedural corruption!

Plaintiff filed a **NOTICE OF ATTORNEY MISCONDUCT** by ALL Defendant's legal counsel. Hobough, Koch, Roman, Jones, Lettrich and as of 10-18-19 Papa as knew their Preliminary Objections were **UNCONSTITUTIONAL** and they cannot make their defense without the **JURY** present!

As the **PREAMBLE** of the United States Constitution clearly states the power is always in the **PEOPLE** because the **PEOPLE** ratified the United States Constitution and clearly establishing the **JURY TRIAL** as part of the United States Constitution and **DID NOT** permit one judge and a bunch of corrupt attorneys to railroad - as in this case - the Plaintiff! After the ratification of the United States of America Constitution any laws or statutes made by the state or federal legislature can **ALWAYS** be challenged by **WE THE PEOPLE** through a **JURY TRIAL** and is what Plaintiff **DEMANDS**.

The Pennsylvania Constitution of The United States of America reaffirms Plaintiff's RIGHT to a JURY TRIAL!

The Constitution Of Pennsylvania, Article 1 Declaration of Rights § 6. Trial by jury

"Trial by jury shall be as heretofore, and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused. (May 18, 1971, P.L.765, J.R.1; Nov. 3, 1998, P.L.1328, J.R.2)"

inviolate - If something is inviolate, it has not been or cannot be harmed or affected by anything. <https://www.collinsdictionary.com/us/dictionary/english/inviolate>

Defendant Cunningham and Defendant's legal counsel have **OBSTRUCTED JUSTICE** by denying Plaintiff **DUE PROCESS** by their attempt to circumvent Plaintiff's **CONSTITUTIONAL RIGHT** to a **TRIAL BY JURY** that has NEVER HAPPENED YET through procedural corruption that they know is **UNCONSTITUTIONAL!** It is illegal for Defendants to use ANY defense that THEY KNOW DOES NOT AND CANNOT supersede the SUPREME LAW - **THE UNITED STATES CONSTITUTION** - that DENY'S Plaintiff's **CONSTITUTIONAL RIGHT** to a **TRIAL BY JURY**.

Judge Cunningham and Defendant's legal counsel are trying to **ILLEGALLY AND UNCONSTITUTIONALLY** use statutes and procedures to enforce them on Plaintiff to deny Plaintiff's **CONSTITUTIONAL RIGHT** of **DUE PROCESS** and a **TRIAL BY JURY** which violates **Amendment 14, Section 1 of the United States Constitution.**

Defendant AK Steel **EXTORTED** Plaintiff's property of future earnings and damaged Plaintiffs reputation and all other Defendants have been complicit and Judge Cunningham is now participating in.

Plaintiff invokes the following against all Defendants as well!

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.

- Defendant AK Steel threatened Plaintiff on 7-9-98 (Exhibit 3) with disciplinary action for not obeying written company policy by securing a load on a stake truck that rolled over on Plaintiff when the load shifted. What Plaintiff found out after the incident was another co-worker had the same load shift on him but the truck did not rolled over but had the rear axle off the ground and a mobile crane had to lift the pinion gear off the truck so it did not roll over. After Plaintiff's incident the Defendant made a policy that the pinion gear had to be hauled by a lowboy tractor trailer from that point forward. AK Steel put Plaintiff and co-workers in danger of death or serious injury as Plaintiff had some bumps and bruises but it could have been worse. On 3-1-01 Plaintiff's then attorney (Exhibit 9) sent a letter to AK Steel warning of the violation of the law. On 3-21-19 Plaintiff sent a letter (Exhibit 11) to AK Steel detailing the criminal and civil legal issues as well as the selective discipline of Plaintiff. Then on 3-23-19 Plaintiff was verbally directed by Defendant Tassej to violate company policy and then Plaintiff was escorted out of the plant. Then on 4-10-11 (Exhibit 14) Plaintiff received a letter from AK Steel stating Plaintiff would be discharged because Plaintiff wanted follow AK Steel policy but was verbally ordered by Defendant Tassej not to obey company policy.

This proves the conspiracy that AK Steel perpetrated on Plaintiff that forfeited Plaintiff's future earnings and validates CONSPIRACY AGAINST RIGHTS.

- *Defendant Cunningham and all Defendants are committing CONSPIRACY AGAINST RIGHTS against Plaintiff NOW!*

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;

- *Defendant UAW (formerly Butler Armco Independent Union) et al never protected Plaintiffs Federally protected activities as a rank and file member but colluded with all other Defendants.*
- *Plaintiff was terminated for Whistle Blowing when Plaintiff contacted the Pennsylvania Attorney General's office while still employed at AK Steel explaining the illegal activity and AK Steel forcing employees to be criminally and civilly liable.*

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.

- *Defendant Cunningham and ALL Defendants have and are committing Deprivation of Rights Under Color of Law against Plaintiff.*

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;

- *The evidence is clear that Defendant AK Steel extorted Plaintiffs property of future wages and all other Defendants were part of the crime.*

Retaliatory Discharge

Refers to an employee being discharged by their employer for anything other than work performance reasons. This generally occurs when the employee exercises their rights, such as reporting their employer's wrongful conduct, or when participating in union activities.

- *The evidence is clear that Defendant AK Steel retaliated against Plaintiff for Whistleblowing when Plaintiff contacted the Pennsylvania Attorney General's office and reported the illegal activity of AK Steel and then AK Steel illegally terminated Plaintiff.*

Our Forefathers knew the value of a JURY TRIAL!

"It is not only the juror's right, but his duty, to find the verdict according to his own best understanding, judgment and conscience, though in direct opposition to the instruction of the court." John Adams, 1771

"I consider trial by jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution." Thomas Jefferson

Just like the six shooter was the great equalizer to the old west so too is a JURY TRIAL. Plaintiff has the RIGHT, deserves and DEMANDS a JURY TRIAL to be the great equalizer to the corruption the Plaintiff has endured! When corruption takes place the JURY has the CONSTITUTIONAL RIGHT AND OBLIGATION to right the wrong and NOT a group of good old boy attorneys and judges and is also WHY the Plaintiff has the RIGHT to and DEMANDS a JURY TRIAL!

Plaintiff's case is a prime example WHY a JURY TRIAL is the only remedy. Plaintiff contacted Defendant McCune for assistance and he refused to do his job as a District Attorney and investigate what Plaintiff has proven. Defendants Papa and Chivers refused to DEMAND a JURY TRIAL.

Defendants UAW (formerly Butler Armco Independent Union) and Defendant Murtagh knew this was never a labor law issue yet still continued to play a part in this criminal conspiracy against Plaintiff and because the officers were paid by Defendant AK Steel et al the company owned Defendants UAW et al which is ILLEGAL. To top it off Defendant AK Steel et al has deep pockets and played procedural games like now to drain Plaintiff financially.

Plaintiff has brought forth facts that the Defendants damaged Plaintiff and his family monetarily and emotionally when Defendants knew Defendant Tasseey gave an illegal directive that not only violated Defendant AK Steel et al's own written directives but also violated the law when Plaintiff was ILEGALLY terminated. All Defendants were complicit by going along with the crime and the JURY can hand down the appropriate award to Plaintiff and sanctions for Defendants.

Plaintiff has already and will PROVE to the JURY through the Complaint and all court filings that Plaintiff filed and evidence that Defendants violated Plaintiff's United States and Pennsylvania Constitutional Rights thereby committed fraud, material fraud, fraudulent misrepresentation, legal negligence, breach of contract or have been complicit as well as they have violated the law and public policy. Defendant attorneys committed legal malpractice. All Defendants knew the law or should have known the law when they committed fraudulent acts and there is NO EXCUSE FOR NOT KNOWING THE LAW.

16th American Jurisprudence 2d, Section 177 late 2nd, section 256:

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it. The general rule is that an unconstitutional statute, though having the form and the name of law, is in reality no law, but is wholly void, and ineffective for any purpose, since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it."

16th American Jurisprudence, 2nd Section 177:

The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it ... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

Plaintiff CONSTITUTIONALLY refuses to allow the next judge and the corrupt attorneys to decide this case; they are not representative of the people of the United States.


Plaintiff seeks compensatory and punitive damages from Defendant AK Steel \$100 million dollars.

Plaintiff seeks compensatory and punitive damages from all other Defendant in the amount of \$10 million dollars each.

If the new judge does not immediately schedule the JURY selection and the JURY TRIAL date without any other procedural nonsense this is to serve notice that the judge will automatically become a defendant.

WITHOUT further delay the new judge MUST obey the SUPREME LAW of
the land which is the Constitution of The United States of
America and the SUPREME LAW of Pennsylvania which is the
Pennsylvania Constitution and set a date for JURY selection and
then set the JURY TRIAL date or it is CONTEMPT of the JURY COURT
and Obstruction of Justice.

Dated this 28th day of October, 2019



Joe Myers pro se
12137 Emerald Green Court
Jacksonville, FL 32246
Phone: 904-254-6472
Email: joemyers7@icloud.com

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, PENNSYLVANIA**

JOE MYERS,	)	Case No.: No. 19-10516
)	
Plaintiff,	)	CIVIL DIVISION
)	
vs.)	
)	
TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, 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) et al, ANGELO PAPA,)	
WILLIAM CUNNINGHAM, MICHAEL LETTRICH,)	
MARIA MILIE JONES, DENNIS ROMAN, NICHOLAS)	
KOCH, ADAM HOBAUGH)	
Defendants		

ORDER

AND NOW, to-wit, this _____ day of _____, 2019, upon consideration of Plaintiff's AMENDED COURT FILING ADDING DEFENDANTS AND FOR CONTINUED VIOLATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS OF THE UNITED STATES OF AMERICA it is hereby ORDERED that Plaintiff has a CONSTITUTIONAL RIGHT of DUE PROCESS and to be heard by a JURY of Plaintiff's peers. It is ADJUDGED and DECREED that Jury selection will be set for this _____ day of _____, 2019 JURY TRIAL will commence this _____ day of _____, 2019.

BY THE COURT

CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing AMENDED COURT FILING ADDING DEFENDANTS AND FOR CONTINUED VIOLATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS OF THE UNITED STATES OF AMERICA was served on the following via U.S. Mail, First-Class, this 28th day of October, 2019.

Michael R Lettrich counsel for Defendant Timothy F. McCune

Gulf Tower

707 Grant Street, Suite 3410

Pittsburgh, PA 15219

Dennis Roman counsel for Defendant Joseph Chivers

Union Trust Building

510 Grant Street, Suite 700

Pittsburgh, PA 15219

Adam Hobaugh counsel for Defendants Murtagh, Nanni, Gallagher, Lewis, Leyland,

Loverick and UAW et al

110 Swinderman Road

Wexford, PA 15090

Defendant Graydon Brewer

48 Crystal Drive

Oakmont, PA 15139

Defendant Angelo Papa

318 Highland Ave

New Castle, PA 16101

Defendant Adam Hobaugh

110 Swinderman Road

Wexford, PA 15090

Nicholas J. Koch counsel for Defendants AK Steel et al and Tasse

Union Trust Building

501 Grant Street, Suite 800

Pittsburgh, PA 15219

Defendant Michael Lettrich

Gulf Tower

707 Grant Street, Suite 3410

Pittsburgh, PA 15219

Defendant Marie Miles Jones

Gulf Tower

707 Grant Street, Suite 3410

Pittsburgh, PA 15219

Defendant Nicholas J. Koch

Union Trust Building

501 Grant Street, Suite 800

Pittsburgh, PA 15219

Defendant Dennis Roman

Union Trust Building

510 Grant Street, Suite 700

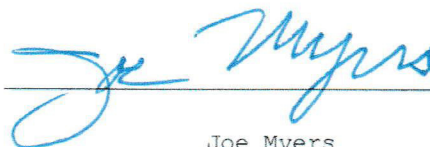
Pittsburgh, PA 15219

Defendant Cunningham

Butler County Courthouse

300 South Main Street

Butler, PA 16003-1208



Joe Myers

Exhibit - Certificate Of Merit

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA
FAMILY DIVISION

~~✓~~ JOSEPH MYERS

Plaintiff

VS.

~~✓~~ JOSEPH CHIVERS

Defendant

AD
DOCKET #

04-10707

COMPLAINT FOR LEGAL MALPRACTICE
BREACH OF CONTRACT

1. Plaintiff is Joseph Myers, an adult individual, who resides at 147 Heather Drive, Butler, PA 16001, Butler County

2. Defendant is an attorney whose office is located at Suite 600, 312 Boulevard of the Allies, Pittsburgh, PA 15222.

3. At all times relevant in this matter Defendant was an attorney-at-law licensed to practice in the Commonwealth of Pennsylvania.

4. Plaintiff was dismissed without just cause from his job as a steel worker with A. K. Steel Corporation. After such dismissal Plaintiff lost an arbitrator's decision regarding his dismissal. After such events, Plaintiff and Defendant entered into a contract of professional representation on or about September 1, 2001. Plaintiff paid Defendant \$1,500.00.

5. Plaintiff and Defendant had an attorney/client relationship in which Defendant undertook an affirmative legal and contractual duty to vigorously represent the best interest of Plaintiff and act with the level of skill and learning commonly possessed by members of the legal profession in good standing.

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AMY

6. Defendant acted as Plaintiff's attorney after his dismissal from A.K. Steel Corporation and after losing an arbitration proceeding against A.K. Steel Corporation, his former employer. Plaintiff relied solely upon the professional advice of the Defendant for purpose of his Employment Rights, Breach of Contract fraud case against A.K. Steel and all related issues.

7. Due to the conduct of Defendant and the irreparable harm done to his causes of actions against A.K. Steel Corporation and Butler Armco Independent Union, Plaintiff terminated Defendant in a letter dated January 10, 2002.

8. Plaintiff has filed suit with new counsel against both A.K. Steel Corporation and Butler Armco Independent Union which is currently pending in the United States District Court for the Western District of Pennsylvania, C.A. No. 04-0674. (See Exhibit A)

FAILURE TO FILE TIMELY APPEAL / BREACH OF CONTRACT

9. In late December 2001, Plaintiff in a phone conversation with Defendant requested that Defendant file an appeal to the adverse arbitration decision against himself. No action was taken by Defendant on any appeal. Defendant never created or filed an appeal.

10. Again on January 8, 2002 Plaintiff requested that Defendant file an appeal to the Arbitrators decision. Defendant never responded to that request and no action of any kind toward filing an appeal was taken.

11. Defendant verbally stated to Plaintiff that he did not have time to go through all new information regarding the verbatim arbitration record that was adverse to Plaintiff. Such review was necessary in order to properly understand the case and was something Plaintiff was paying Defendant for.

12. As a result of not filing a timely appeal, Plaintiff is now time barred from appealing the arbitrators decision directly and must now resort to a cause of action in Federal Court, with

new counsel.

13. Such cause of action against A.K. Steel Corporation and Butler Armco Independent Union is being challenged by those Defendants (Case# 04-0674-Exhibit A) because Plaintiff and his previous counsel, (Defendant in this case) Joseph Chivers, had not exhausted the grievance and arbitration procedures established by the collective bargaining agreement before Plaintiff and new council sued A.K. Steel Corporation and Butler Armco Independent Union.

14. If Defendant had filed a timely appeal Plaintiff would not be forced to face such challenges to his valid cause of action.

15. Defendants failure to file this appeal clearly was a breach of his contractual and legal duty to represent Plaintiffs best interest and give Plaintiff his best opportunity to Recover based on his valid cause of action.

16. Defendants failure to appeal has resulted in substantial legal costs and possible dismissal of his entire case.

BREACH OF CONTRACT

17. In the first paragraph of the professional representation agreement between Defendant and Plaintiff, states - "my attorney (Defendant) will not enter into any agreement to settle or otherwise compromise, this matter without my (Plaintiff's) express approval". (See Exhibit "B").

17. In a letter dated October 4, 2001, Plaintiff informed Defendant of his necessary, minimum demands which he required Defendant to make in any possible settlement with A.K. Steel Corporation. (See Exhibit "C")

18. Contrary to such demands, Defendant made an offer of settlement to A.K. Steel Corporation by letter on October 19, 2003 (Exhibit "D") on behalf of Plaintiff with demands

much lower and different from those necessary demands Plaintiff expressly asked Defendant to make in any settlement with A.K. Steel Corporation.

19. This action was a breach of an express contractual provision of the professional representation agreement between Plaintiff and Defendant and additionally likely eliminated substantial bargaining leverage from Plaintiff in his case against A.K. Steel Corporation and any possible settlement.

NO JUSTIFICATION OF FEE CHARGED TO PLAINTIFF

20. Plaintiff has never received an itemized accounting of what services were performed by Defendant on behalf of Plaintiff to earn the \$1,500.00 retainer Plaintiff paid to Defendant.

21. The only services performed by Defendant on behalf of Plaintiff appear to be an incorrect demand letter to A.K. Steel Corporation, a revised demand letter, and a confirmation of termination of Representation letter sent to Plaintiff after Plaintiff terminated Defendant's representation of him after significantly harming his case.

22. For such modest services Defendant has took dominion and control over the \$1,500.00 paid by Plaintiff giving no accounting as where such money was spent, and refusing to refund any portion thereof to Plaintiff.

23. Such attorney's fees were clearly excessive for the services rendered, not earned, and a breach of the PA Professional Rules of Conduct.

24. Defendant has been unjustly enriched by such payment.

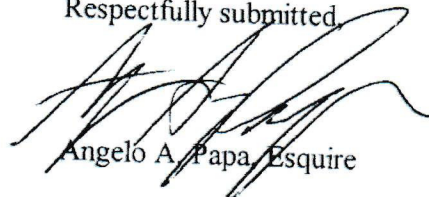
SUMMARY

26. Under the totality of the circumstances, Defendant's actions were clearly the foreseeable, factual, legal, and proximate cause of the following non-exhaustive list of damages to the Plaintiff.

- A. Loss of \$1,500.00.
- B. Substantial compromise to any possible settlement with A.K. Steel Corporation.
- C. Prejudice to Plaintiff's cause of Action against A.K. Steel and possible dismissal of the entire case because of failure of Defendant to file a timely appeal to the Arbitration decision.
- D. Substantial counsel fees incurred defending claims by A.K. Steel because Defendant did not appeal the arbitration and fees incurred in bringing this action.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to grant Plaintiff damages in excess of \$50,000.00 plus interest and costs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Angelo A. Papa', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke at the end.

Angelo A. Papa, Esquire

STV/SFZ

VERIFICATION

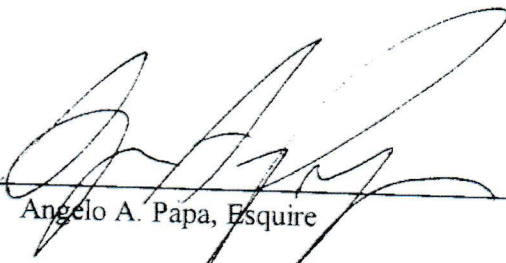
I verify that the statements made in the foregoing documents are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below, a true and correct copy of the foregoing document was served on the Plaintiffs by U.S. Mail, First Class, postage prepaid, addressed as follows

Dated: 6/1/04



Angelo A. Papa, Esquire

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

JOSEPH MYERS,

Plaintiff,

VS.

AK STEEL CORPORATION and
BUTLER ARMCO INDEPENDENT
UNION, U.A.W.,

Defendants.

AD 04-10477

NO. OF 2003, CA

COMPLAINT

JURY TRIAL DEMANDED

PROTHONOTARY

2003 APR 22 A 9:31

PROTHONOTARY'S
OFFICE-BUTLER CO.
ENTERED & FILED

NOW COMES the Plaintiff, Joseph Myers, by his attorney, Angelo A. Papa, Esquire and files this Complaint stating as follows:

1. Plaintiff is Joseph Myers, an adult individual, who resides at 147 Heather Drive, Butler, PA 16001, Butler County who began working for Armco Steel Corporation (later AK Steel Corporation) and subsequently became a member of Butler Armco Independent Union (known as BAIU) on or about July of 1984. (BAIU joined United Auto Workers (UAW) in 2003.)"

2. Defendant is AK Steel Corporation, and Butler Armco Independent Union, U.A.W. Any references to ARMCO are hereinafter to also be referring to A K STEEL Corporation successor company.

3. Defendant AK Steel Corporation breached its contractual obligation to Plaintiff by disciplining and discharging Plaintiff without just cause and due consideration, but discharging him instead for not driving an overloaded, unsecured hazardous truck which is a violation of Pennsylvania law.

a violation of Pennsylvania law.

4. Defendant Butler Armco Independent Union breached its contractual obligation to Plaintiff by negligently representing Plaintiff, failing to represent Plaintiff's best interest in his grievance arbitration with AK Steel Corporation and omitting affirmative defenses of Plaintiff in the grievance arbitration with AK Steel Corporation.

5. Defendant company's fraudulent activity in having an unwritten operating procedure which violated its own written procedures was the direct and proximate cause of Plaintiff's termination.

FACTUAL HISTORY

6. Plaintiff entered into a contract with the Defendant, AK Steel in April of 1984 as part of the collective bargaining unit after having been a probationary employee.

7. Plaintiff was a laborer at that time. (1984) The Plaintiff became a member of the Union Local Butler-Armco Independent Union on or about July of 1984.

8. Plaintiff was first hired in the reserve pool starting out at approximately \$12.00 per hour in the mill.

9. Plaintiff was then laid off for nine months.

10. Plaintiff put a bid in for a crane position with a starting wage of approximately \$14.00-15.00 per hour and was put on as a trainee.

11. Plaintiff signed a bid into the Hot Mill crane section and for the next nine years was under the supervision of Mr. Dick Fowler.

12. Plaintiff then entered into a different job Hot Mill production in 1993.

13. Plaintiff then bid into the Labor Department because of daylight hours for a one year period in 1996.

14. At all times Plaintiff was an employee of the Defendant AK Steel/Armco and part of the collective bargaining unit.

15. Plaintiff next entered into the truck section (including heavy equipment operation 1997-2001). By the second month at that latest position Plaintiff was driving trucks in and out of the plant because he received a CDL license, as required by Armco Steel/AK Steel, he passed the Penn Dot Test, and obeyed the vehicle code, etc. as required by his contract and other rules, regulations, policies, and reasonable standards of care.

16. Specifically the authority that requires the Plaintiff to obey and follow weight and load securing rules can be found in the following sources:

A. The Collective Bargaining Contract.

B. SHSP0035 -28 (Safety and Health Standard Procedure) page 4 of 10. Item 2.9.

This document governed the Plaintiff's conduct from the time he worked with Defendant until discharge.

C. Safety and Security handbook provided by the Defendant AK Steel Company.

D. Pennsylvania Vehicle Code.

E. ARMCO safety and security handbook which also later required the Plaintiff to apply and at all times obey the Pennsylvania vehicle code.

F. OSHA occupational Safety and Health Administrator.

G. CDL License requirements.

H. A duty of care a reasonable person would follow.

17. In 1998 Plaintiff, was involved in an accident (hauling a gear) caused by the fact that the load was not properly secured during an in-plant haul, in violation of the above required standards.

18. Plaintiff was given a breath test and urine test, and passed both.

19. Although the accident was partially his fault for not securing the load as required by above regulations, policies, and reasonable standards of care, after being disciplined, he had a good relationship for the next 2 years with the Defendant Company who disciplined him (for not securing the load.)

20. It must be noted that despite the fact that Defendant company disciplined the Plaintiff for not securing the load they were inconsistent with such discipline. Plaintiff's misconduct occurred because Defendant Company did not require or permit securing of the coils on trucks as required by the above regulations, policies, reasonable standards of care and their own written policies which will later be the basis of the suit.

21. During the year 2000, Plaintiff had numerous contacts with OSHA official Jim Cannell, questioning the operation of defective and dis-repaired heavy equipment like cranes used on state and local highways and overloaded and unsecured tractor-trailers like the unsecured coils in the trucks in question.

22. In June of 2000, there was another incident in which it was alleged that Plaintiff failed to comply with general safety orders involving coning and derailing while working on a railroad track. Nine other employees were involved, but only Plaintiff was given a 3-day suspension. When Plaintiff questioned his boss Ed Tasse, Tasse stated he was told by his supervisor, Tom Ayres, to mind his own business. It is believed that the Plaintiff was being singled out because of his well known opposition to the required safety breaches of the Defendant company.

23. Plaintiff asked the Union to file a grievance on the "discrimination" i.e. being singled out for discipline because he was the only person to receive discipline. The Union did

file a grievance on that discipline and the suspension itself, but not on the discrimination.

24. Meanwhile the Plaintiff continued in the Truck/Heavy Equipment Section, operating mainly heavy equipment, not tractor-trailers for the next 6 months.

25. An investigation meeting was held on the grievance in which Robert Newcombe, Supervision of Industrial Relations; Jack Lewis, Union Vice President; Greg Loverick, Union Representative; Don Monteleone, Union Representative; and Plaintiff were in attendance. This meeting ended with the Plaintiff being persuaded to abandon the discrimination issue which was never addressed on the merits. Plaintiff questioned why he was singled out and was told they could not rule on that aspect but could rule only on the discipline itself. Plaintiff made no attempt to argue the discipline itself-because, admittedly, he had erred in the incident. Plaintiff was only questioning why the other workers didn't receive the same discipline.

26. In December 2000, Plaintiff was assigned on an overtime position to operate a tractor-trailer coil truck in question. Plaintiff hauled according to the legal load limits, as set out in the sources previously mentioned hauling 3 coils per load. In a disciplinary meeting on December 15, 2000, Tassey reprimanded Plaintiff for taking too many trips and hauling too few coils. Plaintiff could only make fewer trips if the truck was overloaded. Tassey ordered Plaintiff to haul 6 coils at a time instead of 3 at a time that would have been the legal load limit of 73,280 lbs. During the meeting Plaintiff questioned Tassey, asking that if he doesn't haul overloaded will it result in his termination? Tassey replied no, but that Plaintiff should do as instructed.

27. Plaintiff protested to all concerned being required to haul overloaded and unsecured at all times in violation of the law.

28. Plaintiff's lawyer at that time Attorney Dennis Moskal, at Plaintiff's direction sent a protest letter on March 1, 2001 requesting indemnification in the overloaded and unsecured

truck issue. In addition on March 21, 2001 Plaintiff sent certified letters to the AK Steel CEO and all AK Steel high officials regarding operation of defective mobile cranes and the use of overloaded and unsecured tractor-trailers. Plaintiff was attempting to alert those in power of the safety hazard that existed by operating in such a manner.

29. March 22, 2001 a reminder was sent to departmental employees, (given just 1 day prior to Plaintiff being ordered out of the plant) which stated: “#1 Do not overload trucks=haul within legal load limits, #2 Secure all loads on all vehicles.” These reminders are in accordance with all other official company materials. This is in direct conflict with the supervisor’s (Ed Tasse) verbal orders to overload trucks and not chain the loads.”

It is obvious that the Defendant company uses these writings as a C Y A gesture for cosmetic purposes to give the appearance that they are a model company in compliance with the law while intending to break the law through its agents like Mr. Tasse in order to increase production and profit.

30. Next, March 23, 2001 Plaintiff was hauling coils and was attempting to chain and secure such coils. Plaintiff was then told by Ed Tasse, agent of the Defendant Company, to get the truck on the road immediately and that they’d “been over this before” in reference to Plaintiff’s prior protest. Plaintiff offered to put chains on and secure the truck himself, and plant security was called. Plaintiff was directed to get into the truck and drive the unsecured truck in violation of the law. Plaintiff, refusing to violate the law and regulations which would compromise the safety of himself and fellow workers, refused to drive the truck in that condition. Upon such refusal, Plaintiff was escorted out of the plant.

31. Defendants then had an investigation meeting, on this last issue.

32. Company reviewed the investigation and Plaintiff within a week received a letter

suspending him from his work and livelihood.

33. Next, Plaintiff had a meeting with 2 members of management (Mike Seyler, Ed Tasse and at least 3 or 4 Union representatives).

34. Finally, on April 10, 2001 Plaintiff received a letter stating that he was terminated.

35. On April 9, 2001, Plaintiff left a voice mail message with Brenda Harmon, Vice-President of Human Resources at the AK Steel Corporate Office, in order to file a complaint with her. She returned the call and left a message, instructing Plaintiff to contact Rick Winter in the Human Resources office at the Butler plant, regarding Plaintiff's discharge and harassment by Company.

36. On April 12, 2001, Plaintiff contacted Rick Winter to file a complaint with Human Resources. On April 19, Winter returned the call and told Plaintiff that he had no issue with AK Steel.

37. Plaintiff retained Joseph H. Chivers to represent him sometime in April 2001.

38. On June 1, 2001, the Union while under a duty to diligently represent Plaintiff and his best interests, supplied in the Grievance Record the clause of insubordination in the Safety and Security Handbook which supported AK Steel's position. The Union, however, did not supply the clauses on Page 68 and 71, which clearly were the Plaintiff's best defense and which clearly establish that Plaintiff was not insubordinate in the operation of the tractor-trailers and mobile cranes but instead was attempting to act in compliance with official company policy and the applicable law. Page 68 of such handbook details the operation of tractor-trailers according to federal, state, and local law. Page 71 of such handbook states that mobile cranes must have deficiencies corrected prior to usage.

39. Around October 1, 2001, AK Steel's legal counsel, Mr. John P. O'Connor, called

Plaintiff's then-attorney Joe Chivers and requested a demand letter from Plaintiff, and stated that reinstatement of Plaintiff was absolutely out of the question. O'Connor made this statement prior to the Arbitration ruling.

40. On October 4, 2001, Plaintiff sent a demand letter, at Chivers' request, requesting a lump sum compensation for all facets of his injury, among others.

41. On October 19, 2001 Chivers sent a demand letter to AK Steel on Plaintiff's behalf, for a grossly reduced settlement - to which Plaintiff never agreed. In this act, Chivers misrepresented Plaintiff in violation of their contract. Chivers then consented to sending a revised demand letter to AK, with Plaintiff's original demands.

42. Plaintiff next filed a grievance seeking to keep his job and had a hearing on August 20, 2001.

43. On September 18, 2001, Plaintiff had a personal phone conversation with Bonnie Hill, a member of the AK Steel Board of Directors, informing her that AK Steel management verbally required the Plaintiff to violate written company policy. Her comment to Plaintiff was that she did not want to be involved.

44. On November 29, 2001, the arbitrator upheld the decision not to give Plaintiff his job back.

45. The Union refused to file an appeal on behalf of plaintiff as they were required to do so, claiming that they (the union), do not appeal individual cases.

46. Plaintiff believes an exception should have been made because of the working conditions issue in this case implicated in this matter.

COUNT I - BREACH OF CONTRACT
BY DEFENDANT COMPANY

47. Plaintiff hereby incorporates by reference all prior paragraphs as though fully referenced herein.

48. The obligation of the Defendant Company to the Plaintiff employee is stated in Article 9 Discharges and Disciplinary Suspensions Section A "The company agrees that no employee shall be discharged or disciplined without just cause and due consideration." The Defendant discharged Plaintiff not for just cause and due consideration as required by contract but instead for not violating the law and company procedures in an attempt of Defendant Company to quiet his whistle blowing activity which would lessen Defendant Company profits and results in sanctions to company.

49. The Defendant lost his job and for the next period of years despite best efforts to obtain employment has only been able to earn \$22,034.00 in 2001 (including three months working with Defendant company), \$9,834.00 in 2002 and \$10,343.00 in 2003 doing odd jobs and living off of savings and investment.

50. If the Plaintiff had not been damaged by the Defendant company breach of contract, he would have earned \$95,472.00 in 2001, \$98,336.00 in 2002, and \$101,286.00 in 2003. Additionally, Plaintiff received health care, dental, eye, orthodontic insurance with 100% coverage with Defendant company which he has lost because of Defendant's breach of contract. Defendant has also lost his pension plan with the company and retirement package and his expectation of future earning if the contract had been fulfilled.

51. As a direct and proximate cause of Defendant's breach of contract the Plaintiff has suffered substantial loss.

WHEREFORE the Plaintiff respectfully requests this Honorable Court grant him judgment in the excess of \$100,000.00 with interest at legal rate.

COUNT II

BREACH OF CONTRACT DEFENDANT UNION

52. Plaintiff hereby incorporates by reference all prior paragraphs as though fully referred herein.

53. Defendant Union undertook a contractual obligation to the Plaintiff employee to represent his best interests at all times and keep an adverse posture to Defendant Company in litigation with said company. Defendant Union also had an obligation to appeal at Plaintiff's employee's request any arbitrator decisions with a judgement adverse to Plaintiff employee.

54. Defendant Union breached their duty to Plaintiff by failing to provide the arbitrator the official company policy and state regulations which clearly spelled out that Plaintiff was merely attempting to comply with the law and official company rules. Additionally, Defendant Union breached their duty to Plaintiff by refusing to file an appeal to the arbitrators decision as requested by Plaintiff.

55. As a direct & proximate cause of the breach the Defendants Union has suffered loss of his employment and income and benefits as stated in Count I.

WHEREFORE the Plaintiff respectfully requests this Honorable Court grant him judgment in excess of \$50,000.00 with interest.

COUNT III

FRAUD OF DEFENDANT COMPANY AND IT'S AGENTS

56. Plaintiff hereby incorporates by reference all paragraphs as though fully referred herein.

57. Defendant company's official rules, regulations and other sources of information as outlined in this complaint require equipment to be in a certain high level of maintenance and

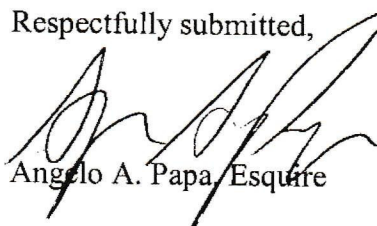
repair, require drivers to secure loads in their trucks and limit the weight in which can be carried in every truck to promote the health, safety and welfare of drivers, factory workers and the public at large. Additionally, their requirements are in place to be in compliance with Pennsylvania State Law. These regulations are also in place to improve Defendant Companies image to the general public.

58. Agents of Defendant Company required, as a course of dealings and standard operation on threat of job termination, Plaintiff to operate in a manner inconsistent with the Defendant companies own policy and regulations in an effort to increase profits. Agents of Defendant company knew such unwritten operation procedure was in violation of company policy and state law.

59. As a direct and proximate cause of the fraudulent activity and criminal violation of Defendant company Plaintiff was terminated from his job for attempting to expose such fraud has suffered the losses stated in Count I.

WHEREFORE the Plaintiff respectfully requests this Honorable Court grant him judgment in excess of \$50,000.00 with interest.

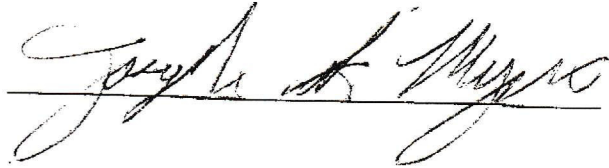
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Angelo A. Papa', is written over the typed name below.

Angelo A. Papa, Esquire

VERIFICATION

I verify that the statements made in the foregoing documents are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

A handwritten signature in cursive script, appearing to read "Joseph L. Meyer", is written over a horizontal line.

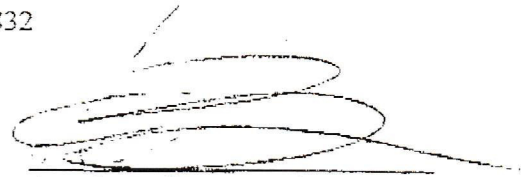
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 23rd day of April, 2004, true and correct copies of the foregoing were served on the following individual by U.S. Certified Mail, postage prepaid:

Butler Armco Independent Union, U.A.W.
P.O. Box 2128
Butler, PA 16003

AK Steel Corporation
703 Curtis Street
Middletown, OH 45043-0001

AK Steel Corporation
Butler Works
P.O. Box 832
Butler, PA 16003-0832



Angelo A. Papa, Esquire

Exhibit B

POWER OF ATTORNEY WITH AGREEMENT FOR RETAINER AND CONTINGENT FEE

I, Joseph G. Myers, hereby authorize, constitute and appoint Joseph H. Chivers, Esquire, my exclusive attorney and agent as to all matters pertaining to my intervention against AKSteel, with full power to enter suit on my behalf, to compromise, settle and discontinue, or satisfy any claim or judgment obtained thereby, as fully as I could do if I were acting in my own behalf. It is understood, however, that my attorney will not enter into any agreement to settle or otherwise compromise this matter without my expressed approval.

FEES

In consideration of the legal services rendered and to be rendered in my case against the aforesaid parties, I agree to pay my said attorney an initial retainer of \$1,500.00. The purpose of the retainer will be to perform an "intervention" as that term is defined within the Employment Rights Group brochure given to me by my attorney. The intervention will include, if necessary, the filing of a complaint in court, but will not cover any discovery, motions, briefs or other litigation. If the intervention is successful, I will owe my attorney 30% of the value of any cash or other things of value obtained, with a credit for the retainer.

If intervention is not successful, and I wish to pursue litigation, I must enter into a separate fee agreement.

COSTS

I understand I will be responsible for the costs incurred in the prosecution of my case, and will pay these costs as they are incurred. For the intervention, costs are expected to be nominal.

TERMINATION OF REPRESENTATION

I understand that if I fail to cooperate with my attorney, if my attorney learns that I have misrepresented the facts about the case to him, or if my attorney concludes there is insufficient evidence to support my case, that my attorney will be authorized, after written notice to me, to withdraw from his representation of me without any liability. In the event of such a withdrawal, I understand I will be entitled to the balance of the retainer, if any, minus the balance of any outstanding costs.

I also understand that if I wish to terminate my attorney's representation of me, I must provide him with written notice of same, and agree to protect his fees and costs. For example, if my attorney has already obtained an offer, which I decline, and I then terminate my lawyer, he will still be entitled to the applicable contingent fee percentage and amount he would have been entitled to on the offer I declined should I later accept an offer of equal or greater value, or to the contingent fee percentage he would have earned if I later settle for a lesser amount. It is also understood that if I obtain another attorney, the other attorney must agree to take whatever legal actions are available to recover my current attorney's fees and costs, and must agree to protect my

EXIB 11 C

147 Heather Drive
Butler, PA 16001
October 4, 2001

The Employment Rights Group
Joe Chivers, Attorney-at-Law
Suite 600
312 Boulevard of the Allies
Pittsburgh, PA 15222

Dear Joe:

As per our phone conversation on October 2, these are the items I'd like to have you include in a letter to Mr. O'Conner, A-K's corporate attorney, regarding his requests for my demands in this case. Also send copies of that letter, via certified mail, to each member of the Board of Directors.¹

Send me a copy of the letter you prepare for O'Conner and the Board, as well as copies of the certified mail receipts to all.

Please include the following in letters to O'Conner and the A-K Board of Directors, in the format you deem appropriate:

"The first demand would be to receive lump sum compensation equal to 13 years of employment, the remainder of my 30-year career with A-K. This would include an independent statistician to determine the future value of my 401(k) had I remained employed with A-K Steel until 2014, as well as the value of future pension and health care benefits and other potential retirement benefits. This demand is in lieu of reinstatement because, as presented in arbitration, I've been unjustly discharged and, in returning to work at A-K, I would most likely be targeted again because of the magnitude of this case and as a deterrent to other employees protesting the company's practices and policies.

The second demand would be that A-K's safety policies be for safety only – and not for retaliation or intimidation, as my case shows. According to A-K's own public relations material on its web site the company claims to have "strong employee involvement,"² yet, in practice, employees fear discipline and discharge for reporting any accidents or addressing safety concerns. Management claims that, according to Mr. Wardrop, there is zero tolerance, "no such thing as an accident," and that everything is preventable. Because of Mr. Wardrop's management philosophies and directives, more than 20 –30 employees have been discharged in the past year for insignificant infractions.

For reasons given above, my third demand would be for Mr. Wardrop's resignation – because the management involved in this case states that their direction comes solely

¹ For a list of the board members, see enclosed document, www.aksteel.com/investor/bod.html.

² See enclosed, www.aksteel.com/safety.html.

C
D
E
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G
H

EXHIBIT D

JOSEPH H. CHIVERS
ATTORNEY-AT-LAW
SUITE 600
312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222-1923
(412) 281-1110
FAX (412) 281-8481

VIA TELEFAX AND FIRST CLASS MAIL

October 19, 2001

John O'Connor, Esquire
Legal Department
AK Steel Corporation
703 Curtis Street
Middletown, OH 45043-0001

Re: Joseph G. Myers v. AK Steel Corporation;
Settlement Demand

Dear Mr. O'Connor:

This is to follow up on our telephone conversation regarding Mr. Myers and his claim against AK Steel. In accordance with Pennsylvania law, this letter and its contents may be used strictly for purposes of settlement.

It is my opinion Mr. Myers has a bona fide claim for wrongful discharge as against public policy. The PA Supreme Court's decision in Shick v. Shirey in 1998 is illuminating on this point. The court made it clear that there is no formulaic determination or listing of situations giving rise to a wrongful discharge claim, but rather the question is whether the discharge is so contrary to a statutory or broad-based public policy as to require an exception to the general rule of employment-at-will. I believe this is just such a situation. Mr. Myers was terminated as a result of his unwillingness to violate the state motor vehicle code and the manufacturers' design loading limits for the vehicle in question. It is also apparent he was given an order directly at odds with safety instructions given to him and the other drivers merely days before his termination.

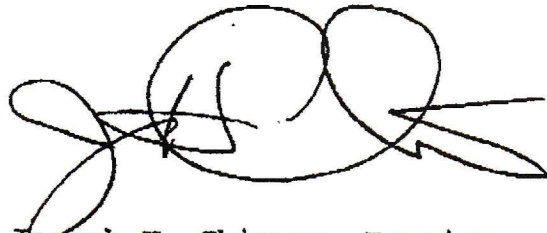
I am making an alternative demand for Mr. Myers: either reinstate him, with a cash settlement of \$40,000.00 (representing lost wages plus fees); or, pay him \$150,000.00 in exchange for a permanent resignation. Please advise at your earliest convenience, but no later than October 26, 2001. If the matter cannot be resolved amicably at this time, it is my intent to

Page 1 of 2

proceed quickly to court and take any other action necessary to bring attention to AK Steel's practices.

I look forward to your response.

Yours very truly,

A handwritten signature in black ink, appearing to be 'JH Chivers', written in a cursive style with large loops.

Joseph H. Chivers, Esquire

cc: Joseph G. Myers

CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing **APPELLANT'S REPLY TO ALL APPELLEES BRIEFS** was served on the following via U.S. Mail, First-Class, this 5th day of June, 2020 as well as via email.

**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**

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



Joe Myers