

IN THE SUPERIOR COURT OF PENNSYLVANIA
SITTING AT PITTSBURGH

JOSEPH MEYERS, Appellant

vs.

TIMOTHY F. MCCUNE, JOSEPH H. CHIVERS, JACK W. MURTAUGH JR.,
GRAYDON BREWER, CARL V. NANNI, JACK LEWIS, JIM GALLAGHER,
HANK LEYLAND, GREG LOVERICK, EDWARD TASSY. AK STEEL UAW. ET
AL., Appellees

NO. 1892 WD 2019

APPELLEES'
PETITION TO STRIKE ANGELO PAPA FROM CAPTION & FOR
MISJOINDER OF BRIEF and ARGUMENT

Angelo Papa
PA ID No. 4749
318 Highland Ave.
New Castle, PA 16111
angelo@angelopapaesq.com

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CERTIFICATE OF COMPLIANCE

CERTIFICATE OF SERVICE

**APPELLEES'S BRIEF AND
PETITION FOR MISJOINDER OF ARGUMENTATION**

COMES NOW, the Appellee, Angelo A. Papa Esquire and submits this Petition By and through Angelo A. Papa Esquire with Argument as follows:

1. The Defendant hereby incorporates by reference and requests judicial notice of all orders of court etc. filed at this number and Joe Myers V Signature Hill 2007 – 11305 Butler County as though fully set forth herein.

2. The only connection that this defendant Angelo A. Papa had to this case was over 12 years ago as one of his attorneys.

3. Apparently, after his complaint in Butler County Civil Meyers V Signature Hill 11305 – 2007 was dismissed, an action in which he could not or did not secure a certificate of merit as to this Defendant, he apparently started all over twelve years later (the instant action on another cause of action, having nothing to do with this defendant.)

4. The instant action, his original 2019 Complaint, filed May 29, 2019 did not include this defendant Angelo A. Papa either in the caption or allegations. (See Ex A)

5. This Defendant was also never served.

6. Apparently, 4 months later without notice, agreement, leave of court, other he started adding the name of this Defendant among the

many others and for whatever reason the Prothonotary didn't notice or otherwise accepted the improperly altered filings anyway.

7. This Defendant appeared specially and limited to this issue by Preliminary Objections on or about 8/20/19.

8. The trial court dismissed the complaint (the subject of this appeal) and neglected to specifically mention dismissal against this Defendant, likely because the court knew that this Defendant should not be part of any of this for at least (2) reasons: (1) the dismissal of the Plaintiff's claim at Joe Myers V Signature Hill 2007 – 11305 Butler County, 12 years prior with no certificate of merit ever, and (2) never naming or serving this Defendant in the new action with no reference to mal practice now 12 years later.

9. The defendant herein, appears specially, and limited, without waiving any personal and subject matter jurisdictional claims whatsoever, and urges as a first matter, that he is not a defendant, is not subject to personal, and not subject to the subject matter jurisdiction of the plaintiff's claims, which are incomprehensible.

10. Although it is impossible to raise a defense, and although the defendant urges that there is no personal or subject matter jurisdiction, he does not want to "chance" the possibility that somehow the plaintiff, the Prothonotary, or the court would somehow, in some way issue some

type of a default decision, ruling, order, which would in some way and somehow be against this defendant, interests.

11. Years ago this plaintiff raised claims, which were dismissed, at least in part, because this plaintiff, could not get a certificate of merit.

12. This alleged defendant, does not yield that he is a part of this case, notwithstanding the claims, that the plaintiff has indicated, that this defendant is somehow a defendant.

13. Years later, this plaintiff raised claims again, different claims against different defendants, never including this particular defendant, this alleged defendant now incorporates pleadings of all defendants, as though fully set forth, including lack of merit.

14. This alleged, defendant, has never been properly noticed, served, or otherwise included in this lawsuit, depriving the plaintiff of personal or subject matter jurisdiction.

15. This alleged defendant, even if later determined to be a defendant, incorporates the preliminary objections of co-defendants, and adds, that this case was dismissed, for among other reasons, the fact that the plaintiff never obtained a certificate of merit, and has still not obtained a certificate of merit.

16. This defendant preserved and reserved the right to file any other responsive pleading, to be dismissed from this case for one of

personal and subject matter jurisdiction, and reserves the right to file other preliminary objections, if the court would somehow rule that this alleged, defendant, is a proper defendant.

17. This alleged, defendant, reserves and reserves the right to file a motion for sanctions, against this plaintiff, for vexatious, frivolous, vindictive claims, and abuse of process, seeking compensatory damages in excess of \$250,000.

**MOTION TO DISMISS FOR FAILURE TO COMPLY WITH
THE PENNSYLVANIA RULES OF CIVIL PROCEDURE (Pa.R.C.P.)**

18. The Defendant is unable to plead to or defend against the allegations of the Complaint since the Complaint fails to comply with the requirements of Pa.R.C.P. 1019(f).

19. The Defendant is unable to plead to or defend against the allegations of the Complaint since the Complaint fails to comply with the requirements of Pa.R.C.P. 1019(h).

20. To preserve judicial resources and prevent duplication of argument on the exact same issues and defenses to Appellant's Appeal, the parties herein submit a request to join in the other defenses and briefs and arguments raised by all other Appellees.

WHEREFORE, Attorney Angelo Papa Esquire respectfully requests that his name be removed from all captions as he was never properly

joined to this cause of action and is not a party.

Respectfully submitted,

/s:/ Angelo A. Papa, Esquire

Angelo Papa
PA ID No. 4749
318 Highland Ave.
New Castle, PA 16111
angelo@angelopapaesq.com

CERTIFICATION OF COMPLIANCE

I hereby certify that the foregoing brief contains 118 words according to the word processing system used to prepare the Brief. This complies with Pa.R.A.P. 2135(a)(2).

Respectfully submitted,

Angelo Papa
PA ID No. 4749
318 Highland Ave.
New Castle, PA 16111
angelo@angelopapaesq.com

CERTIFICATE OF SERVICE

I, the undersigned certify that the foregoing APPELLEES UAW LOCAL 330, JAMES C. GALLAGHER, HANK LEYLAND, JOHN MURTAGH JR., GREG LOVERICK, CARL NANNI, AND JACK LEWIS' APPELLES' BRIF AND PETITION WAS SERVED ON FOLLOWING VIA u.s. MAIL, FIRST-CLASS, postage prepaid, this

21 day of MAY, 2020.

Mr. Joe Myers
12137 Emerald Green Court
Jacksonvill FL 32246

Timothy F. McCune
C/o Marie Milie Jones, Esq.
Jones Passodelis, PLLC
Gulf Tower, Suite 3410
707 Grant Street
Pittsburge, PA 15219

Joseph Chivers
c/o Cennis J. Roman, Esq.
Marshall Dennehey, Warner,
Esq.
Coleman, & Goggin P.C.
Union Trust Building
501 Grant Street, Suite 700
Suite 800
Pittsburgh, PA 15219

Hon. William Cunningham

Angelo Papa, Esq.
318 Highland Ave.
New Castle, PA 16111

Graydon Brewer, Esq.
48 Crystal Drive
Oakmont, PA 15139

AK Steel Corporation and
Edward Tassy
c/o Nicholas J. Koch,

Frost Brown Todd, LLC
Union Trust Building
501 Grant Street,

Pittsburgh, PA 15219

1020 Perry Highway
Pittsburgh, PA 15237

/s/ Angelo Papa
Angelo Papa

CERTIFICATE OF COMPLIANCE

I, hereby certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Court that require filing confidential information and documents differently than non-confidential information in documents.

Respectfully,

Angelo Papa
PA ID No. 4749
318 Highland Ave.
New Castle, PA 16111
angelo@angelopapaesq.com

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

BUTLER

County

For Prothonotary Use Only:

Docket No.

19-10516

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- Complaint Writ of Summons Petition
 Transfer from Another Jurisdiction Declaration of Taking

Lead Plaintiff's Name:

JOE MYERS

Lead Defendant's Name:

TIMOTHY F. [unclear]

Are money damages requested? Yes No

Dollar Amount Requested (check one)
 Within arbitration limits
 Outside arbitration limits

Is this a Class Action Suit? Yes No

Is this an MDJ Appeal? Yes No

Name of Plaintiff/Appellant's Attorney: JOE MYERS PRO SE

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (does not include mass tort)
 Slander/Libel/ Defamation
 Other: _____

CONTRACT (do not include Judgments)

- Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other

 Employment Dispute: Discrimination
 Employment Dispute: Other

 Other: _____

CIVIL APPEALS

- Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

 Zoning Board
 Other: _____

MASS TORT

- Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other: _____

REAL PROPERTY

- Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other: _____

MISCELLANEOUS

- Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations Restraining Order
 Quo Warranto
 Replevin
 Other: _____

PROFESSIONAL LIABILITY

- Dental
 Legal
 Medical
 Other Professional: _____

EXHIBIT

A

Updated 1/1/2011

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY, PENNSYLVANIA

JOE MYERS : CIVIL DIVISION
vs. : NO. 19-10516
TIMOTHY F. MCCUNE, JOSEPH CHIVERS, :
JACK W. MURTAUGH JR., GRAYDON :
BREWER, CARL V. NANNI, JACK LEWIS, JIM :
GALLAGHER, HANK LEYLAND, GREG :
LOVERICK, EDWARD TASSEY, AK STEEL et.al.

TYPE OF PLEADING:
LIMITED SPECIAL APPEARANCE
PRELIMINARY OBJECTIONS
10/18/19

FILED ON BEHALF OF:
ANGELO PAPA

COUNSEL FOR THIS PARTY:

Angelo A. Papa, Esquire
Supreme Court #47049
318 Highland Avenue
New Castle, PA 16101
(724) 654-8111
(724) 654-6766 Fax

CERTIFICATE OF COMPLIANCE

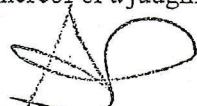
I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Timothy F. McCune, Joseph Chivers, Jack W. Murtaugh Jr.,

NOTICE TO PLEAD

TO: *Graydon Brewer, Carl V. Nanni, Jack Lewis, Jim Gallagher, Hank Leyland,*
You are hereby notified to file a written response to the enclosed within twenty (20) days from *Greg Loverick,*
service hereof or a judgment may be entered against you.

*Edward Tassey,
Ak Steel, et al.*



Angelo A. Papa, Esquire

EXHIBIT A

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY, PENNSYLVANIA

JOE MYERS : CIVIL DIVISION
: :
vs. : NO. 19-10516
: :
TIMOTHY F. MCCUNE, JOSEPH CHIVERS, :
JACK W. MURTAUGH JR., GRAYDON :
BREWER, CARL V. NANNI, JACK LEWIS, JIM :
GALLAGHER, HANK LEYLAND, GREG :
LOVERICK, EDWARD TASSEY, AK STEEL et.al.

PRELIMINARY OBJECTIONS /LIMITED /SPECIAL APPEARANCE

AND NOW comes the Plaintiff, Joe Myers, by and through his attorney, Angelo A. Papa, Esquire, and avers as follows:

1. The Plaintiff hereby incorporates by reference all documents and paragraphs of all prior pleadings as filed at this number and Joe Myers V Signature Hill 2007 – 11305 Butler County as though fully set forth herein.
2. The defendant herein, appear specially, without waiving any personal and subject matter jurisdictional claims whatsoever, and urges as a first matter, that he is not a defendant, is not subject to personal, and not subject to the subject matter jurisdiction of the plaintiff's claims, which are incomprehensible.
3. Although it is impossible to raise a defense, and although the defendant urges that there is no personal or subject matter jurisdiction, he does not want to “chance” the possibility that somehow the plaintiff, the Prothonotary, or the court would somehow, in some way issue some type of a default decision, ruling, order, which would in some way and somehow be against this

defendant, interests.

4. Years ago this plaintiff raised claims, which were dismissed, at least in part, because this plaintiff, could not get a certificate of merit.

5. This defendant, in this action, in no way yields that he is a part of this case, notwithstanding the claims, that the plaintiff has indicated, that this defendant is somehow a defendant.

6. Years later, this plaintiff raised claims again, different claims against different defendants, never including this particular defendant, all of which this defendant now incorporates pleadings of all defendants, as though fully set forth, including the lack of thicket of merit.

7. This alleged, defendant, has never been properly noticed, served, or otherwise included in this lawsuit, depriving the plaintiff of personal or subject matter jurisdiction.

8. This alleged, defendant, even if later determined to be a defendant, incorporates the preliminary objections of codefendants, and adds, that this case was dismissed, for among other reasons, the fact that the plaintiff never obtained a certificate of merit, and has still not obtained a certificate of merit.

9. This defendant preserved and reserved the right to file any other responsive pleading, to be dismissed from this case for one of personal and subject matter jurisdiction, and reserves the right to file other preliminary objections, if the court would somehow rule that this alleged, defendant, is a proper defendant.

10. This alleged, defendant, reserves and reserves the right to file a motion for sanctions, against this plaintiff, for vexatious, frivolous, vindictive claims, and abuse of process, seeking compensatory damages in excess of \$250,000,

WHEREFORE, Plaintiff respectfully requests that this Honorable Court dismiss any and all claims against this alleged, defendant.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized, cursive 'A' followed by a horizontal flourish that loops back to the left.

Angelo A. Papa, Esquire

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY, PENNSYLVANIA

JOE MYERS : CIVIL DIVISION
: :
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BREWER, CARL V. NANNI, JACK LEWIS, JIM :
GALLAGHER, HANK LEYLAND, GREG :
LOVERICK, EDWARD TASSEY, AK STEEL et.al.

NOTICE OF PRESENTMENT

Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246

Kindly take note that the Attached Pleading will be presented to the Prothonotary on the
18 day of October 2019.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below, a true and correct copy
of the Pleading was served upon counsel at the address indicated above.

Date: _____

10/18/19



Butler County Prothonotary's Office

5/26/2020

Prothonotary Docket Entries Report

1 of 1

2007-11305 JOSEPH G MYERS vs SIGNATURE HILL AL

Date	Entry Description
10/26/2010	PAPERS IN THIS CASE REMOVED TO OFF PREMISES STORAGE *****
10/12/2010	NOTICE RETURNED BY USPS AS TO JOSEPH G MYERS MARKED RETURN TO SENDER UNDELIVERABLE AS ADDRESSED UNABLE TO FORWARD
9/24/2010	COPIES OF ORDER MAILED TO MALCOM POLLARK-JAMES J O'CONNELL-ANGELO A PAPA-SIGNATURE HILL JOSEPH G MYERS
9/15/2010	ORDER OF COURT DATED 9/15/10 CASE HAVING BEEN SUBJECT TO RULE ISSUED ON PARTIES TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE TERMINATED FOR INACTIVITY PURSUANT TO PA RJA 1901 THE COURT FINDS THAT DUE NOTICE WAS SENT TO PARTIES &/OR COUNSEL AND THAT NO OBJECTION TO DISMISSAL HAVING BEEN FILED THE PROTHONOTARY IS DIRECTED TO DISMISS THE ABOVE CASE WITH PREJUDICE
8/24/2010	NOTICE RETURNED BY USPS AS TO JOSEPH G MYERS MARKED ATTEMPTED - NOT KNOWN UNABLE TO FORWARD
7/7/2010	NOTICE OF PROPOSED TERMINATION OF COURT CASE & STATEMENT OF INTENTION TO PROCEED MAILED TO: SIGNATURE HILL JAMES J O'CONNELL JR JOSEPH G MYERS ANGELO A PAPA MALCOM POLLARD
7/7/2010	NOTICE OF PROPOSED TERMINATION OF COURT CASE & STATEMENT OF INTENTION TO PROCEED
8/20/2007	WRIT ISSUED TO PLF
8/20/2007	PRAECIPE FOR WRIT OF SUMMONS IN CIVIL ACTION
7/7/2010	INACTIVE 2010

EXHIBIT _____