

IN THE SUPERIOR COURT OF PENNSYLVANIA  
WESTERN DISTRICT

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No. 1892 WDA 2019

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JOE MYERS,

*Appellant,*

v.

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, UAW  
(formerly Butler Armco Independent Union) and ANGELO PAPA,

*Appellees.*

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**APPLICATION TO CORRECT CASE CAPTION  
AND FOR ANCILLARY RELIEF**

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Appeal from the Order of Court of Common Pleas of Butler County, Pennsylvania  
at No. 19-10516 entered November 21, 2019 granting Preliminary Objections of  
Defendant-Appellees

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DENNIS J. ROMAN, ESQUIRE  
PA I.D. #36904  
CHARLENE S. SEIBERT, ESQUIRE  
PA I.D. #202939  
MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN, P.C.  
Union Trust Building  
501 Grant Street, Suite 700  
Pittsburgh, PA 15219  
412/803-1140  
*Attorneys for Appellee Joseph H. Chivers*

**APPLICATION TO CORRECT CASE CAPTION  
AND FOR ANCILLARY RELIEF**

Defendant-appellee, JOSEPH H. CHIVERS (“Attorney Chivers), by his counsel, Dennis J. Roman, Esquire and Marshall, Dennehey, Warner, Coleman & Goggin, submits this Application to Correct Case Caption and For Ancillary Relief (“Application”), pursuant to Pa.R.A.P. 123, as follows:

1. The above-captioned appeal is before this Court pursuant to a Notice of Appeal filed on December 18, 2019 by *pro se* plaintiff-appellant, Joe Myers.
2. The correct parties to the appeal are listed in the caption on the cover sheet of this Application.
3. The appeal was filed from the granting of Preliminary Objections filed by all defendants excepting defendant-appellee, Attorney Chivers.<sup>1</sup>
4. Unfortunately, when the trial court docket was transmitted to Superior Court it included as named defendants both The Honorable William R. Cunningham, the lower court judge presiding in the action, as well as the names of all defense counsel, including counsel herein.
5. Unbeknownst to counsel herein at the time, the Butler County Prothonotary’s Office had previously added Judge Cunningham and defense counsel as named party-defendants on its docket by virtue of a filing by plaintiff-appellant on October 29, 2019.

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<sup>1</sup> A judgment of non pros on all claims had been earlier taken on August 14, 2019 in Attorney Chivers’ favor and against plaintiff for plaintiff’s failure to file a certificate of merit.

6. Judge Cunningham and defense counsel had been included in the case caption of plaintiff-appellant's October 29, 2019 filing despite: (a) no Motion having been filed to add Judge Cunningham and defense counsel as parties; (b) no Order having been entered to add Judge Cunningham and defense counsel as parties; and (c) no consent of such persons that they be added as party-defendants.

7. Counsel herein brought this inaccuracy to the attention of the Superior Court Deputy Prothonotary, Nicholas V. Corsetti, by letter dated December 30, 2019, a true and correct copy of which is attached as Exhibit 1.

8. Thereafter, counsel herein spoke with both outgoing Butler County Prothonotary Glenna Walters and incoming Butler County Prothonotary Kelly L. Ferrari, requesting that the Prothonotary's Office of Butler County correct their docket (a ministerial act) and notify the Superior Court Prothonotary, in turn, so that the appeal caption was corrected and made accurate as to the proper litigants.

9. Since those contacts in December 2019 and January 2020, the case caption in the trial court has been rectified to eliminate Judge Cunningham and defense counsel as party-defendants. A true and correct copy of the corrected docket as of May 18, 2020 is attached as Exhibit 2.

10. Additionally, the Superior Court's "Appeal Docket Sheet" has been partially corrected to eliminate virtually all defense counsel names<sup>2</sup> and Judge

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<sup>2</sup> The only defense counsel not yet removed as an "Appellee" under "Counsel Information" is Attorney Michael R. Lettrich. *See* Exhibit 3 at p. 3.

Cunningham as appellee-parties under “Counsel Information” but still retains the same “Caption” on the Appeal Docket Sheet as had been initially transmitted by the Butler County Prothonotary to this Court at the inception of the appeal. A true and correct copy of this Court’s Appeal Docket Sheet as of May 18, 2020 is attached as Exhibit 3.

11. It is therefore requested that: (a) the “Caption” of the appeal be corrected on the Superior Court’s Appeal Docket Sheet to make it accurate and consistent with the trial court’s current docket, eliminating Judge Cunningham and defense counsel as parties; (b) all references to or purported claims against Judge Cunningham and defense counsel be stricken from plaintiff-appellant’s filings in this Court including “Appellant’s Brief”; and (c) plaintiff-appellant be prohibited from filing any future court papers which include the names of Judge Cunningham and/or defense counsel as purported parties to the litigation.

WHEREFORE, defendant-appellee Joseph H. Chivers requests that this Honorable Court grant this Application and sign the attached Order.

MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN, P.C.

DATE: May 19, 2020

*s/ Dennis J. Roman*

DENNIS J. ROMAN, ESQUIRE

PA I.D. #36904

CHARLENE S. SEIBERT, ESQUIRE

PA ID # 202939

Union Trust Building

501 Grant Street, Suite 700

Pittsburgh, PA 15219

(412) 803-1140

*Attorneys for Appellee Joseph H. Chivers*

**VERIFICATION**

I, Dennis J. Roman, Esquire, attorney for appellee, Joseph H. Chivers, hereby verify that the statements made in the attached Application to Correct Case Case Caption and For Ancillary Relief are true and correct to the best of my knowledge and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.

DATE: May 19, 2020

*s/ Dennis J. Roman*  
Dennis J. Roman, Esquire

**MARSHALL DENNEHEY  
WARNER COLEMAN & GOGGIN**

**ATTORNEYS-AT-LAW WWW.MARSHALLDENNEHEY.COM**

A PROFESSIONAL CORPORATION

Union Trust Building, 501 Grant Street, Suite 700 · Pittsburgh, PA 15219  
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PENNSYLVANIA	OHIO
Allentown	Cincinnati
Doylestown	Cleveland
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Harrisburg	Fl. Lauderdale
King of Prussia	Jacksonville
Philadelphia	Orlando
Pittsburgh	Tampa
Scranton	NEW YORK
NEW JERSEY	Long Island
Mount Laurel	New York City
Roseland	Westchester
DELAWARE	
Wilmington	

December 30, 2019

Nicholas V. Corsetti, Esquire, Deputy Prothonotary  
Superior Court of Pennsylvania  
310 Grant Street, Suite 600  
Pittsburgh, PA 15219-2297

**Re: Joe Myers v. McCune, et al.**  
**No. 1892 WDA 2019 (Superior Court of PA)**  
**MDWCG File No.: 01280.00357**

Dear Mr. Corsetti:

I have enclosed for filing our Entry of Appearances on behalf of our client, defendant-appellee Joseph H. Chivers, Esquire, in the above-captioned appeal.

Additionally, I viewed the case caption in this appeal and am responding to your letter of today's date. Neither I nor, for that matter, any of the other attorneys representing defendant-appellee parties who had been sued and served with legal process, are named parties to the lawsuit filed in the trial court which is the subject of this appeal now taken by the plaintiff-appellant, Joe Myers.

In particular, the docket in the lower court will reveal on its face that no request was ever made or order entered naming the defense lawyers as parties to the lawsuit. Our office is following up with the Prothonotary's Office in Butler County to have this ministerial correction immediately made so that you may, in turn, make the same correction at the appellate level.

Should you have any questions, kindly contact our office.



Nicholas V. Corsetti, Esquire, Deputy Prothonotary

December 30, 2019

Page 2

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Very truly yours



Dennis J. Roman

DJR/dmk

Enclosure

cc: Joe Myers (w/encl.)  
Adam K. Hobaugh, Esquire (w/encl.)  
Nicholas J. Koch, Esquire (w/encl.)  
Marie Millie Jones, Esquire (w/encl.)  
Michael R. Lettrich, Esquire (w/encl.)  
Graydon Brewer, Esquire (w/encl.)  
Angelo Papa, Esquire (w/encl.)

LEGAL/12699888.v1



Case No..... 2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

Reference No.....  
Case Type..... PROFESSIONAL LIABILITY  
Judgment..... \$ .00  
Judge Assigned.... WILLIAM R CUNNINGHAM  
Disposed Desc.....  
----- Case Comments -----

Filed..... 5/29/2019  
Time..... 11:56  
Execution Date.. 0/00/0000  
Jury Trial.....  
Disposed Date.. 0/00/0000  
Higher Crt 1... 1892WDA2019  
Higher Crt 2...

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++ GENERAL INDEX ++

Indexed Party

Attorney Info

MYERS JOE  
JACKSONVILLE, FL 32246

PLAINTIFF

MCCUNE TIMOTHY F  
BUTLER, PA 16001

DEFENDANT

JONES MARIE MILIE  
GULF TOWER SUITE 3410  
707 GRANT STREET  
PITTSBURGH, PA 15219  
LETTRICH MICHAEL R  
GULF TOWER SUITE 3410  
707 GRANT STREET  
PITTSBURGH, PA 15219

CHIVERS JOSEPH  
PITTSBURGH, PA 15222

DEFENDANT

ROMAN DENNIS J  
UNION TRUST BUILDING  
501 GRANT STREET SUITE 700  
PITTSBURGH, PA 15219  
SEIBERT CHARLENE S  
UNION TRUST BUILDING  
501 GRANT STREET SUITE 700  
PITTSBURGH, PA 15219

MURTAGH JACK W  
WEXFORD, PA 15090

DEFENDANT

HOBAUGH ADAM K  
MURTAGH & HOBAUGH  
110 SWINDERMAN ROAD  
WEXFORD, PA 15090

BREWER GRAYDON  
OAKMONT, PA 15139

DEFENDANT

NANNI CARL  
BUTLER, PA 16001

DEFENDANT

HOBAUGH ADAM K  
MURTAGH & HOBAUGH  
110 SWINDERMAN ROAD  
WEXFORD, PA 15090

LEWIS JACK  
BUTLER, PA 16002

DEFENDANT

HOBAUGH ADAM K  
MURTAGH & HOBAUGH  
110 SWINDERMAN ROAD  
WEXFORD, PA 15090

GALLAGHER JIM  
BUTLER, PA 16002

DEFENDANT

HOBAUGH ADAM K  
MURTAGH & HOBAUGH  
110 SWINDERMAN ROAD  
WEXFORD, PA 15090

LEYLAND HANK  
BUTLER, PA 16002

DEFENDANT

HOBAUGH ADAM K  
MURTAGH & HOBAUGH  
110 SWINDERMAN ROAD  
WEXFORD, PA 15090

LOVERICK GREG  
BUTLER, PA 16001

DEFENDANT

HOBAUGH ADAM K  
MURTAGH & HOBAUGH  
110 SWINDERMAN ROAD  
WEXFORD, PA 15090

TASSEY ED  
BUTLER, PA 16001

DEFENDANT

KOCH NICHOLAS J  
UNION TRUST BLDG  
501 GRANT ST STE 800  
PITTSBURGH, PA 15219

AK STEEL  
LYNDORA, PA 16045

DEFENDANT

KOCH NICHOLAS J  
UNION TRUST BLDG



Case No..... 2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

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Judgment..... \$.00  
Judge Assigned.... WILLIAM R CUNNINGHAM  
Disposed Desc.....  
----- Case Comments -----

Filed..... 5/29/2019  
Time..... 11:56  
Execution Date.. 0/00/0000  
Jury Trial.....  
Disposed Date.. 0/00/0000  
Higher Crt 1... 1892WDA2019  
Higher Crt 2...

501 GRANT ST STE 800  
PITTSBURGH, PA 15219

UNITED AUTO WORKERS-UAW  
BUTLER, PA 16001

DEFENDANT

HOBBAUGH ADAM K  
MURTAGH & HOBBAUGH  
110 SWINDERMAN ROAD  
WEXFORD, PA 15090

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++ DOCKET ENTRIES ++

Date	Entry Text
	FIRST ENTRY
5/29/2019	SUPREME COURT OF PENNSYLVANIA CIVIL COVER SHEET JUDGT #19-21706 - NON PROS 1 Image page(s) exists for this entry
5/29/2019	COMPLAINT IN CIVIL ACTION 16 Image page(s) exists for this entry
5/29/2019	13 CERT COPY TO PLAINTIFF
5/30/2019	JUDGE THOMAS J DOERR ASSIGNED TO CASE
5/30/2019	ORDER OF COURT DATED 5/30/19 IT IS ORDERED CASE IS ASSIGNED TO HONORABLE THOMAS J DOERR 2 Image page(s) exists for this entry
5/30/2019	The Prothonotary of Butler County, Pennsylvania hereby certifies that a copy of the foregoing Order of Court was mailed to: AK STEEL; BREWER GRAYDON; CHIVERS JOSEPH; GALLAGHER JIM; LEWIS JACK; LEYLAND HANK; LOVERICK GREG; MCCUNE TIMOTHY F; MURTAGH JACK W; MYERS JOE; NANNI CARL; PAPA ANGELO; TASSEY ED; UNITED AUTO WORKERS-UAW on Thursday, May 30, 2019, by first class mail, postage prepaid.
6/07/2019	ORDER RETURNED BY USPS - JACK LEWIS NO SUCH NUMBER UNABLE TO FORWARD 1 Image page(s) exists for this entry
6/19/2019	DEFENDANTS AK STEEL CORPORATION'S AND EDWARD TASSEY'S PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT 8 Image page(s) exists for this entry
6/19/2019	DEFENDANTS AK STEEL CORPORATION'S AND EDWARD TASSEY'S BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT 9 Image page(s) exists for this entry
6/21/2019	APPEARANCE OF NICHOLAS J KOCH ATTORNEY FOR AK STEEL CORPORATION AND EDWARD TASSEY 8 Image page(s) exists for this entry
6/25/2019	ORDER OF COURT DATED 6/21/19 THIS COURT HEREBY RECUSES ITSELF FROM THIS CASE AND REQUESTS THAT THE ADMINISTRATIVE JUDGE REASSIGN THE CASE TO ANOTHER JUDGE 2 Image page(s) exists for this entry
6/26/2019	The Prothonotary of Butler County, Pennsylvania hereby certifies that a copy of the foregoing Order of Court was mailed to: BREWER GRAYDON; CHIVERS JOSEPH; GALLAGHER JIM; KOCH NICHOLAS J; LEWIS JACK; LEYLAND HANK; LOVERICK GREG; MCCUNE TIMOTHY F; MURTAGH JACK W; NANNI CARL; PAPA ANGELO; UNITED AUTO WORKERS-UAW on Wednesday, June 26, 2019, by first class mail, postage prepaid.
7/02/2019	APPEARANCE OF MARIE MILIE JONES AND MICHAEL R LETTRICH ATTORNEYS FOR HONORABLE TIMOTHY D MCCUNE

Case No. .... 2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

Reference No. ....		Filed.....	5/29/2019
Case Type.....	PROFESSIONAL LIABILITY	Time.....	11:56
Judgment.....	\$ .00	Execution Date..	0/00/0000
Judge Assigned....	WILLIAM R CUNNINGHAM	Jury Trial.....	
Disposed Desc.....		Disposed Date..	0/00/0000
..... Case Comments .....		Higher Crt 1...	1892WDA2019
		Higher Crt 2...	

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4 Image page(s) exists for this entry

7/02/2019 APPEARANCE OF DENNIS J ROMAN AND CHARLENE S SEIBERT ATTORNEYS FOR JOSEPH H CHIVERS

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3 Image page(s) exists for this entry

7/03/2019 NOTICE OF INTENTION TO ENTER JUDGMENT OF NON PROS FOR FAILURE TO FILE A CERTIFICATE OF MERIT

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4 Image page(s) exists for this entry

7/05/2019 PRELIMINARY OBJECTIONS ON BEHALF OF TIMOTHY F MCCUNE

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11 Image page(s) exists for this entry

7/05/2019 BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS ON BEHALF OF TIMOTHY F MCCUNE

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13 Image page(s) exists for this entry

7/05/2019 PRAECIPE FOR ARGUMENT

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5 Image page(s) exists for this entry

7/12/2019 RESPONSE TO DEFENDANT CHIVERS NOTICE OF INTENTIONS TO ENTER JUDGMENT OF NON PROS FOR FAILURE TO FILE A CERTIFICATE OF MERIT

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5 Image page(s) exists for this entry

7/12/2019 ORDER RETURNED BY USPS - NO SUCH NUMBER UNABLE TO FORWARD TO JACK M URTAGH

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1 Image page(s) exists for this entry

7/15/2019 RESPONSE TO DEFENDANT MCCUNE'S PRELIMINARY OBJECTIONS BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS AND PRAECIPE FOR ARGUMENT

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10 Image page(s) exists for this entry

7/16/2019 CERTIFICATE OF SERVICE

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3 Image page(s) exists for this entry

7/17/2019 ORDER RETURNED BY USPS - NICHOLAS J KOCH NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD

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1 Image page(s) exists for this entry

7/29/2019 ORDER RETURNED BY USPS - JACK LEWIS NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD

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1 Image page(s) exists for this entry

8/12/2019 PRAECIPE OF NOTICE TO ADD DEFENDANT PAPA'S NAME TO COMPLAINT AND ALL PLEADINGS PRAECIPE OF NOTICE OF IGNORING THE COMPLAINT BY CERTAIN DEFENDANTS

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16 Image page(s) exists for this entry

8/14/2019 PRAECIPE FOR JUDGMENT OF NON PROS PURSUANT TO PA R C P 1042.7 ON BEHALF OF JOSEPH H CHIVERS ONLY

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12 Image page(s) exists for this entry

8/14/2019 JUDGMENT ENTERED AT CP 19-21706 AS PER PRAECIPE

8/15/2019 RESPONSE TO DEFENDANT CHIVERS PRAECIPE FOR JUDGMENT OF NON PROS PURSUANT TO PA R C P 1042.7

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10 Image page(s) exists for this entry

8/22/2019 RESPONSE TO NOTICE OF RECORDING OF NON PROS 8-14-19

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11 Image page(s) exists for this entry

9/09/2019 ORDER OF COURT DTD 09/05/19 IT IS HEREBY ORDERED THAT ORAL ARGUMENT SHALL BE HELD BEFORE THE UNDERSIGNED ON ALL PRELIMINARY OBJECTIONS OF THE DFTS ON 10/22/19 AT 11:00AM ANY PARTY WISHING TO WAIVE ORAL ARGUMENT & REST ON THE PLEADINGS MAY DO SO BY

Case No..... 2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

Reference No.....		Filed.....	5/29/2019
Case Type.....	PROFESSIONAL LIABILITY	Time.....	11:56
Judgment.....	\$ .00	Execution Date..	0/00/0000
Judge Assigned....	WILLIAM R CUNNINGHAM	Jury Trial.....	
Disposed Desc.....		Disposed Date..	0/00/0000
----- Case Comments -----		Higher Crt 1...	1892WDA2019
		Higher Crt 2...	

CONTACTING BUTLER CO COURT ADMINISTRATOR CANDACE GRAFF ON OR BEFORE 10/08/19 AT PHONE NO 724-284-5200 ANY PARTY WISHING TO APPEAR TELEPHONICALLY MAY DO SO PROVIDED THAT PARTY MAKES THE APPROPRIATE ARRANGEMENTS WITH BUTLER CO COURT ADMINISTRATOR CANDACE GRAFF ON OR BEFORE 10/08/19 AT THE ABOVE NUMBER  
2 Image page(s) exists for this entry

9/09/2019 The Prothonotary of Butler County, Pennsylvania hereby certifies that a copy of the foregoing Order of Court was mailed to: BREWER GRAYDON; GALLAGHER JIM; JONES MARIE MILIE/LETTRICH MICHAEL R; KOCH NICHOLAS J; LEWIS JACK; LEYLAND HANK; LOVERICK GREG; MURTAGH JACK W; MYERS JOE; NANNI CARL; PAPA ANGELO; ROMAN DENNIS J/SEIBERT CHARLENE S; UNITED AUTO WORKERS-UAW on Monday, September 9, 2019, by first class mail, postage prepaid.

9/24/2019 APPEARANCE OF ADAM K HOBAUGH ON BEHALF OF DFTS UAW LOCAL 3303/JAMES C GALLAGHER/HANK LEYLAND/JOHN MURTAGH JR/GREG LOVERICK/CARL NANNI/JACK LEWIS  
3 Image page(s) exists for this entry

9/24/2019 NOTICE OF INTENT TO FILE JUDGMENT OF NON PROS FOR FAILURE TO FILE A CERTIFICATE OF MERIT FILED ON BEHALF OF DFTS UAW LOCAL 3303/JAMES C GALLAGHER/HANK LEYLAND/JOHN MURTAGH JR/GREG LOVERICK/CARL NANNI/JACK LEWIS  
4 Image page(s) exists for this entry

9/24/2019 DFTS UAW LOCAL 3303/JAMES C GALLAGHER/HANK LEYLAND/JOHN MURTAGH JR/GREG LOVERICK/CARL NANNI/JACK LEWIS PRELIMINARY OBJECTIONS TO PLFS COMPLAINT  
10 Image page(s) exists for this entry

9/24/2019 DFTS UAW LOCAL 3303/JAMES C GALLAGHER/HANK LEYLAND/JOHN MURTAGH JR/GREG LOVERICK/CARL NANNI/JACK LEWIS BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS TO PLFS COMPLAINT  
9 Image page(s) exists for this entry

9/24/2019 RESPONSE TO SCHEDULING ORDER FILED ON BEHALF OF PLF JOE MYERS

10/03/2019 PLAINTIFF'S RESPONSE TO DEFENDANTS PRELIMINARY OBJECTIONS BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS AND NOTICE OF INTENT TO FILE JUDGMENT OF NON PROS  
11 Image page(s) exists for this entry

10/16/2019 NOTICE TO BUTLER COUNTY NOTICE OF JUDICIAL MISCONDUCT NOTICE OF ATTORNEY MISCONDUCT  
18 Image page(s) exists for this entry

10/18/2019 LEGAL NOTICE & VIOLATION WARNING OF DENIAL OF PLFS RIGHTS UNDER COLOR OF LAW OF THE UNITED STATES OF AMERICA FILED ON BEHALF OF PLF JOE MYERS  
39 Image page(s) exists for this entry

10/18/2019 CORRESPONDENCE FROM JOE MYERS TO MR CUNNINGHAM  
2 Image page(s) exists for this entry

10/21/2019 AMENDED LEGAL NOTICE & VIOLATION WARNING OF DENIAL OF PLFS RIGHTS UNDER COLOR OF LAW OF THE UNITED STATES OF AMERICA FILED ON BEHALF OF PLF JOE MYERS  
24 Image page(s) exists for this entry

10/22/2019 LIMITED SPECIAL APPEARANCE PRELIMINARY OBJECTIONS ENTERING THE APPEARANCE OF ANGELO A PAPA ON BEHALF OF ANGELO PAPA  
5 Image page(s) exists for this entry

10/29/2019 AMENDED COURT FILING ADDING DFTS & FOR CONTINUED VIOLATION OF PLFS

Case No..... 2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

Reference No.....		Filed.....	5/29/2019
Case Type.....	PROFESSIONAL LIABILITY	Time.....	11:56
Judgment.....	\$ .00	Execution Date..	0/00/0000
Judge Assigned....	WILLIAM R CUNNINGHAM	Jury Trial.....	
Disposed Desc.....		Disposed Date..	0/00/0000
----- Case Comments -----		Higher Crt 1...	1892WDA2019
		Higher Crt 2...	

CONSTITUTIONAL RIGHTS OF THE UNITED STATES OF AMERICA & RESPONSE TO DFT PAPAS LIMITED SPECIAL APPEARANCE PRELIMINARY OBJECTIONS FILED ON BEHALF OF PLF

32 Image page(s) exists for this entry

11/01/2019 SUPPLEMENT TO DEFENDANTS UAW LOCAL 3303'S JAMES C GALLAGHER'S HANK LEYLAND'S JOHN MURTAGH JR'S GREG LOVERICK'S CARL NANNI'S AND JACK LEWIS' BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS TO PLAINTIFF TO PLAINTIFF'S COMPLAINT

77 Image page(s) exists for this entry

11/07/2019 RESPONSE TO SUPPLEMENT TO BRIEF IN SUPPORT PRELIMINARY OBJECTIONS OF PLAINTIFF'S COMPLAINT BY DEFENDANT HOBAUGH AND ANY FUTURE COURT FILINGS BY ANY DEFENDANT

23 Image page(s) exists for this entry

11/07/2019 ORDER RETURNED BY USPS - FOR KOCH NICHOLAS J MARKED RETURN TO SENDER UNABLE TO FORWARD RETURN TO SENDER

1 Image page(s) exists for this entry

11/19/2019 DEFENDANTS AK STEEL CORPORATION'S AND EDWARD TASSEY'S MOTION TO STRIKE

8 Image page(s) exists for this entry

11/21/2019 OPINION AND ORDER DTD 11/21/19 FOR THE REASONS SET FORTH IN THE ACCOMPANYING OPINION OF THIS SAME DATE THE PRELIMINARY OBJECTIONS OF TIMOTHY F MCCUNE JACK W MURTAUGH JR CARL V NANNI JACK LEWIS JIM GALLAGHER HANK LEYLAND GREG LOVERICH EDWARD TASSEY AK STEEL UAW (FORMERLY BUTLER ARMCO INDEPENDENT UNION) ARE GRANTED EN TOTO SUCH THAT THIS CASE IS DISMISSED ENTIRELY AGAINST THESE DFTS WITH PREJUDICE THE PLF IS ADVISED THIS ORDER CONSTITUTES A FINAL APPEALABLE ORDER FROM WHICH AN APPEAL CAN BE TAKEN TO THE SUPERIOR COURT OF PA ANY SUCH APPEAL MUST BE FILED WITH THE BUTLER CO PROTHONOTARY WITHIN 30 DAYS OF THE DATE OF THIS ORDER

11 Image page(s) exists for this entry

11/21/2019 The Prothonotary of Butler County, Pennsylvania hereby certifies that a copy of the foregoing Opinion & Order of Court was mailed to: BREWER GRAYDON; HOBAUGH ADAM K; JONES MARIE MILIE/LETTRICH MICHAEL R; KOCH NICHOLAS J; MYERS JOE; PAPA ANGELO A; ROMAN DENNIS J/SEIBERT CHARLENE S; JUDGE WILLIAM CUNNINGHAM (COURT ADMIN) on Thursday, November 21, 2019, by first class mail, postage prepaid.

12/02/2019 RESPONSE TO MOTION TO STRIKE BY DEFENDANT KOCH AND TO ANY FUTURE COURT FILINGS BY ANY DEFENDANT TRYING TO VIOLATE PLAINTIFF'S CONSTITUTIONAL RIGHTS OF THE UNITED STATES OF AMERICA

28 Image page(s) exists for this entry

12/11/2019 ORDER FOR NICHOLAS KOCH RETURNED BY USPS MARKED RETURN TO SENDER NO SUCH NUMBER  
\*\* SUITE NUMBER CHANGED FROM 700 TO 800 - PER INTERNET SEARCH OF ADDRESS & RESENT

1 Image page(s) exists for this entry

12/18/2019 NOTICE OF APPEAL TO SUPERIOR COURT \$90.25 RECEIVED AND COPY TO SUPERIOR COURT OF PA

71 Image page(s) exists for this entry

1/02/2020 SUPERIOR COURT OF PENNSYLVANIA OFFICIAL DOCKET # 1892 WDA 2019

6 Image page(s) exists for this entry

1/06/2020 RULE 1925(A) ORDER DTD 1/2/20 IT IS HEREBY ORDERED THAT THE PLF SHALL FILE A CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL (CONCISE STATEMENT) ON OR BEFORE TWENTY (20) DAYS FROM THE DATE OF FILING OF THIS ORDER THE PLF IS ADVISED THAT THE PURPOSE OF A

Case No..... 2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

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----- Case Comments -----		Higher Crt 1...	1892WDA2019
		Higher Crt 2...	

CONCISE STATEMENT IS TO IDENTIFY ALL ISSUES THE PLF INTENDS TO PRESENT ON APPEAL THE FAILURE OF THE PLF TO TIMELY FILE A CONCISE STATEMENT MEANS THAT HE HAS NOT PRESERVED ANY ISSUES FOR APPELLATE REVIEW FAILURE OF THE PFL TO TIMELY INCLUDE AN ISSUE IN A CONCISE STATEMENT MEANS THE PLF HAS NOT PRESERVED THAT ISSUE FOR APPELLATE REVIEW

2 Image page(s) exists for this entry

1/07/2020 The Prothonotary of Butler County, Pennsylvania hereby certifies that a copy of the foregoing Order of Court was mailed to: BREWER GRAYDON; HOBAUGH ADAM K; JONES MARIE MILIE; KOCH NICHOLAS J; LETTRICH MICHAEL R; MYERS JOE; ROMAN DENNIS J; SEIBERT CHARLENE S on Tuesday, January 07, 2020, by first class mail, postage prepaid.

1/10/2020 REQUEST FOR TRANSCRIPT OR COPY BUTLER COUNTY  
2 Image page(s) exists for this entry

1/10/2020 TRANSCRIPT OF ORAL ARGUMENT HELD BEFORE THE HON. WILLIAM R. CUNNINGHAM SENIOR JUDGE BUTLER COUNTY COURTHOUSE BUTLER PENNSYLVANIA OCTOBER 22, 2019  
19 Image page(s) exists for this entry

1/23/2020 MOTION FOR RELIEF

1/23/2020 MOTION FOR EXTENSION FOR RULE 1925 B ORDER  
5 Image page(s) exists for this entry

1/29/2020 SUPERIOR COURT OF PENNSYLVANIA OFFICIAL DOCKET #1892 WDA 2019 ORDER DATED 1/22/20 APPELLANT'S MOTION FOR RELIEF AND FOR EXTENSION FOR RULE 1925B WHICH HAS BEEN DOCKETED AS AN APPLICATION FOR RELIEF IS DENIED WITHOUT PREJUDICE TO SEEK RELIEF IN THE TRIAL COURT SEE PA R A P 1925 B REGARDING INSTRUCTIONS AND SERVICE  
2 Image page(s) exists for this entry

2/04/2020 CONCISE STATEMENT FILED ON BHF OF PLF  
476 Image page(s) exists for this entry

2/04/2020 RULE 1925(A) ORDER DATED 1/30/20 BY ORDER DATED 1/2/20 AND FILED ON 1/6/20 THE PLF WAS ADVISED THAT HE HAD 20 DAYS TO FILE A CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL (CONCISE STATEMENT) THE PLF HAD UNTIL 1/27/20 TO FILE A CONCISE STATEMENT AND HAS FAILED TO DO SO IN SAID ORDER THE PLF WAS ADVISED THAT IF HE FAILED TO FILE A CONCISE STATEMENT THE RESULT WAS HIS FAILURE TO PRESERVE ANY ISSUE FOR APPELLATE REVIEW AS THE RECORD REFLECTS THE PLF HAS FAILED TO PRESERVE ANY ISSUES FOR APPELLATE REVIEW ASSUMING ARGUENDO ON APPELLATE COURT NONETHELESS REVIEWS THIS MATTER ON THE MERITS INCORPORATED HEREIN IN THIS COURT'S OPINION DATED 11/21/19 EXPLAINING IN DETAIL THE BASIS FOR DISMISSING THIS CASE ONE REMAINING HOUSEKEEPING MATTER THE PLF HAS FILED A HOST OF DOCUMENTS IN WHICH HE CONTINUALLY ADDS A PERSON AS A NAMED DFT AT ORAL ARGUMENT ON 10/22/19 THE PLF WAS ADVISED THAT HE CANNOT SIMPLY ADD A PERSON AS A DFT AT HIS WHIM HE WAS ADVISED HE NEEDED LEAVE OF COURT TO ADD A PARTY ORAL ARGUMENT TRANSCRIPT 10/22/19 AT PG 9 THE PLF HAS REPEATEDLY IGNORED THIS DIRECTIVE BECAUSE HE DOES NTO BELIEVE HE IS BOUND BY ANY PROCEDURAL RULE PURSUANT TO PA R CIV P 1033(A) THERE ARE 2 PROCEDURAL METHODS BY WHICH A PERSON CAN BE ADDED AS A PARTY TO WIT BY CONSENT OF THE ADVERSE PARTY OR BY LEAVE OF COURT NON OF THE PEOPLE THE PLF HAS UNILATERALLY INCLUDE3D AS NAMED DFTS WERE PROPERLY ADDED BY CONSENT OF THE ADVERSE PARTY OR BY OBTAINING LEAVE OF COURT HENCE THESE INDIVIDUALS ARE NOT ACTUAL PARTIES TO THIS LITIGATION NOR REQUIRED TO RESPOND TO ANY OF THE PLF'S BULLYING TACTICS THE PARAMETERS OF THIS CASE REMAIN THE ORIGINALLY NAMED DFTS THE PROTHONOTARY OF BUTLER COUNTY IS DIRECTED TO FORWARD THE RECORD OF THIS CASE

Case No..... 2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

Reference No.....		Filed.....	5/29/2019
Case Type.....	PROFESSIONAL LIABILITY	Time.....	11:56
Judgment.....	\$ .00	Execution Date..	0/00/0000
Judge Assigned....	WILLIAM R CUNNINGHAM	Jury Trial.....	
Disposed Desc.....		Disposed Date..	0/00/0000
----- Case Comments -----		Higher Crt 1...	1892WDA2019
		Higher Crt 2...	

FORTHWITH TO THE SUPERIOR COURT OF PENNSYLVANIA  
3 Image page(s) exists for this entry

2/07/2020 The Prothonotary of Butler County, Pennsylvania hereby certifies that a copy of the foregoing Order of Court was mailed to: BREWER GRAYDON; HOBAUGH ADAM K; JONES MARIE MILIE; KOCH NICHOLAS J; LETTRICH MICHAEL R; MYERS JOE; ROMAN DENNIS J; SEIBERT CHARLENE S on Friday, February 07, 2020, by first class mail, postage prepaid.

2/13/2020 RECORD TRANSMITTED TO SUPERIOR COURT OF PA BY CERT MAIL CERT NO 9414 8149 0247 3762 0143 41 CERT COPY CONTENTS & DOCKET ENTRIES MAILED TO: MARIE MILIE JONES DENNIS J ROMAN JOE MYERS ADAM K HOBAUGH NICHOLAS J KOCH MICHAEL R LETTRICH CHARLENE S SEIBERT  
12 Image page(s) exists for this entry

2/13/2020 DOCKETING STATEMENT ERROR  
11 Image page(s) exists for this entry  
----- LAST ENTRY -----

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++ Escrow Information ++			
<u>Cost / Fee</u>	<u>Beg. Balance</u>	<u>Pymts/Adjmts</u>	<u>End. Balance</u>
TAX ON CMPLT	\$ .50	\$ .50	\$ .00
JCS/ATJ	\$40.25	\$40.25	\$ .00
REPORTER TRANS	\$66.50	\$66.50	\$ .00
COMPLAINT FILED	\$138.00	\$138.00	\$ .00
PRO AUTOMATION	\$5.00	\$5.00	\$ .00
COPIER COST	\$68.50	\$68.50	\$ .00
APPEAL	\$83.00	\$83.00	\$ .00
COPIER COST	\$25.00	\$25.00	\$ .00
	-----	-----	-----
	\$426.75	\$426.75	\$ .00

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End of Case Information

Appeal Docket Sheet

Docket Number: 1892 WDA 2019

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May 18, 2020



CAPTION

Joe Myers, Appellant

v.

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 Millie Jones, Dennis Roman, Nicholas Koch, Adam Hobaugh, Appellees

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: April 27, 2020 Awaiting Consideration

Journal Number:

Case Category: Civil Case Type(s): Other

CONSOLIDATED CASES

RELATED CASES

SCHEDULED EVENT

Next Event Type: Appellant Reproduced Record Filed
Next Event Type: Appellee Brief Filed
Next Event Type: Appellee Brief Filed
Next Event Type: Appellee Brief Filed
Next Event Type: Appellee Brief Filed
Next Event Type: Appellee Brief Filed
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Next Event Type: Appellee Brief Filed

Next Event Due Date: April 24, 2020
Next Event Due Date: May 21, 2020
Next Event Due Date: May 21, 2020
Next Event Due Date: May 21, 2020
Next Event Due Date: May 21, 2020
Next Event Due Date: May 21, 2020
Next Event Due Date: May 21, 2020
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Next Event Due Date: May 21, 2020

COUNSEL INFORMATION

Appellant Myers, Joe
Pro Se: Yes
IFP Status:
Pro Se: Mr. Joe Myers
Address: 12137 Emerald Green Court
Jacksonville, FL 32246





## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1892 WDA 2019

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## COUNSEL INFORMATION

Appellee UAW (Formely Butler Armco Independent Union)

Pro Se: No

IFP Status:

Attorney: Hobough, Adam Keith

Law Firm: Murtagh &amp; Hobough

Address: 110 Swinderman Rd

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Phone No: (724) 935-7555

Fax No:

Appellee Tassey, Edward

Pro Se: No

IFP Status:

Attorney: Koch, Nicholas Joseph

Law Firm: Frost Brown Todd LLC

Address: Union Trust Building

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Pittsburgh, PA 15219

Phone No: (412) 513-4300

Fax No:

Appellee Papa, Angelo Anthony, Jr.

Pro Se: Yes

IFP Status:

Pro Se: Angelo Anthony Papa Jr., Esq.

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Phone No: (724) 654-8111

Fax No:

Appellee Nanni, Carl V.

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IFP Status:

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Phone No: (724) 935-7555

Fax No:

Appellee Murtagh, John W., Jr.

Pro Se: No

IFP Status:

Attorney: Hobough, Adam Keith

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## Appeal Docket Sheet

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## COUNSEL INFORMATION

**Appellee** McCune, Timothy F.

Pro Se: No

IFP Status:

Attorney: Jones, Marie Mille  
 Law Firm: JonesPassodelis PLLC  
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Attorney: Lettrich, Michael Robert  
 Law Firm: JonesPassodelis PLLC  
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**Appellee** Loverick, Greg

Pro Se: No

IFP Status:

Attorney: Hobaugh, Adam Keith  
 Law Firm: Murtagh & Hobaugh  
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**Appellee** Leyland, Hank

Pro Se: No

IFP Status:

Attorney: Hobaugh, Adam Keith  
 Law Firm: Murtagh & Hobaugh  
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**Appellee** Lewis, Jack

Pro Se: No

IFP Status:

Attorney: Hobaugh, Adam Keith  
 Law Firm: Murtagh & Hobaugh  
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**Appellee** Lettrich, Michael Robert

Pro Se: Yes

IFP Status:

Pro Se: Michael Robert Lettrich, Esq.  
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## Appeal Docket Sheet

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## COUNSEL INFORMATION

**Appellee** Gallagher, Jim

Pro Se: No

IFP Status:

Attorney: Hobough, Adam Keith

Law Firm: Murtagh &amp; Hobough

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Wexford, PA 15090

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**Appellee** Cunningham, William P. T.

Pro Se: Yes

IFP Status:

Pro Se: William P. T. Cunningham, Esq.

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Phone No: (412) 366-1511

Fax No:

**Appellee** Chivers, Joseph H., III

Pro Se: No

IFP Status:

Attorney: Roman, Dennis John

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Attorney: Seibert, Charlene Sten

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**Appellee** Brewer, Graydon Ryan

Pro Se: Yes

IFP Status:

Pro Se: Graydon Ryan Brewer, Esq.

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Oakmont, PA 15139-1015

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**Appellee** AK Steel-Butler

Pro Se: No

IFP Status:

Attorney: Koch, Nicholas Joseph

Law Firm: Frost Brown Todd LLC

Address: Union Trust Building

501 Grant St Ste 800

Pittsburgh, PA 15219

Phone No: (412) 513-4300

Fax No:

## Appeal Docket Sheet

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## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
12/30/2019	Notice of Appeal	90.25	12/30/2019	2019-SPR-W-001033	90.25

## AGENCY/TRIAL COURT INFORMATION

Order Appealed From:	November 21, 2019	Notice of Appeal Filed:	December 18, 2019
Order Type:	Order Entered		
Documents Received:	December 23, 2019		

Court Below:	Butler County Court of Common Pleas		
County:	Butler	Division:	Butler County Civil Division
Judge:	Cunningham, William R.	OTN:	
Docket Number:	A.D. No. 19-10516	Judicial District:	50

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Original Record	February 14, 2020	3 Parts
Trial Court Opinion	February 14, 2020	

Date of Remand of Record:

## BRIEFING SCHEDULE

Appellant	Appellee
Myers, Joe	AK Steel-Butler
Brief	Brief
Due: April 24, 2020	Due: May 21, 2020
Filed: April 21, 2020	Filed:
Reproduced Record	Brewer, Graydon Ryan
Due: April 24, 2020	Brief
Filed:	Due: May 21, 2020
	Filed:
	Chivers, Joseph H., III
	Brief
	Due: May 21, 2020
	Filed:
	Cunningham, William P. T.
	Brief
	Due: May 21, 2020
	Filed:
	Gallagher, Jim
	Brief
	Due: May 21, 2020
	Filed:
	Jones, Marie Milie
	Brief
	Due: May 21, 2020
	Filed:
	Koch, Nicholas Joseph
	Brief
	Due: May 21, 2020
	Filed:

## Appeal Docket Sheet

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## BRIEFING SCHEDULE

<b>Appellee</b>		
Lettrich, Michael Robert		
Brief		
Due: May 21, 2020		Filed:
<b>Lewis, Jack</b>		
Brief		
Due: May 21, 2020		Filed:
<b>Leyland, Hank</b>		
Brief		
Due: May 21, 2020		Filed:
<b>Loverick, Greg</b>		
Brief		
Due: May 21, 2020		Filed:
<b>McCune, Timothy F.</b>		
Brief		
Due: May 21, 2020		Filed:
<b>Murtagh, John W., Jr.</b>		
Brief		
Due: May 21, 2020		Filed:
<b>Nanni, Carl V.</b>		
Brief		
Due: May 21, 2020		Filed:
<b>Papa, Angelo Anthony, Jr.</b>		
Brief		
Due: May 21, 2020		Filed:
<b>Roman, Dennis John</b>		
Brief		
Due: May 21, 2020		Filed:
<b>Tassey, Edward</b>		
Brief		
Due: May 21, 2020		Filed:
<b>UAW (Formely Butler Armco Independent Union)</b>		
Brief		
Due: May 21, 2020		Filed:

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
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## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1892 WDA 2019

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 23, 2019	Transferred Entry	Appellant	Myers, Joe
	Document Name: Notice of Appeal		
December 23, 2019	Notice of Appeal Docketed	Appellant	Myers, Joe
December 30, 2019	Transfer from Another Court		Superior Court of Pennsylvania
	Document Name: Case was transferred from 113 WT 2019		
	Comment: Pleadings Perfected		
December 30, 2019	Docketing Statement Exited (Civil)		Superior Court of Pennsylvania
January 2, 2020	Entry of Appearance - Private Chivers, Joseph H., III	Appellee	Seibert, Charlene Sten
January 13, 2020	Docketing Statement Received (Civil)	Appellant	Myers, Joe
	Comment: 2-12-2020 - Attachment recieved - with Judge Cunningham address.		
January 21, 2020	Application for Relief	Appellant	Myers, Joe
	Document Name: and Extension for Rule 1925b		
January 22, 2020	Order Denying Application for Relief		Per Curiam
	Comment: Appellant's "Motion for Relief and for Extension for Rule 1925b", which has been docketed as an "Application for Relief" is DENIED without prejudice to seek relief in the trial court. See Pa.R.A.P. 1925(b) regarding instructions and service.		
February 14, 2020	Trial Court Record Received		Butler County Civil Division
February 14, 2020	Briefing Schedule Issued		Superior Court of Pennsylvania
February 14, 2020	Trial Court Opinion Received		Butler County Civil Division
February 18, 2020	Other	Appellant	Myers, Joe
	Document Name: Response to Rule 1925.		
	Comment: Response to Rule 1925a Fraudulant Illegal Order		

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1892 WDA 2019

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May 18, 2020



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 18, 2020	Order - Rule to Show Cause		Per Curiam

Comment:

This appeal has been filed from an order granting preliminary objections and dismissing Appellant's Complaint as against the objecting defendants. The complaint included as defendants, a former Butler County District Attorney who became a judge in the Court of Common Pleas of Butler County, along with UAW (formerly Butler Armco Independent Union). Under 42 Pa.C.S. § 762(a)(1)(i) Commonwealth Court shall have exclusive jurisdiction of all civil actions or proceedings original jurisdiction of which is vested in another tribunal by virtue of any of the exceptions to section 761(a)(1)(relating to original jurisdiction). Under 42 Pa.C.S. § 761(a)(1) Commonwealth Court has original jurisdiction in cases against the Commonwealth government, including any officer thereof acting in his official capacity. See also 42 Pa.C.S. § 762(a)(7) regarding Sovereign Immunity. Appeals relating to public officials and unions generally belong in the Commonwealth Court. Moreover, it is unclear whether the complaint has been dismissed with prejudice as to each and every claim against each and every defendant. See also *West v. West*, 446 A.2d 1342 (Pa. Super. 1982) (holding that order is interlocutory and unappealable where further proceedings are anticipated). See also Pa.R.A.P. 341.

Therefore, Appellant shall show cause, in the form of a letter addressed to the Prothonotary of this court with a copy to opposing counsel, why this appeal should not be transferred to the Commonwealth Court of Pennsylvania. See Pa.R.A.P. 751. The letter shall be transmitted so as to be actually received by the Prothonotary of this Court within fourteen (14) days of the date of this Order. Failure to respond to this directive may result in transfer of the appeal without further notice to the parties. If following receipt of the response, it is determined that no action should be taken at this time, the appeal will continue without further notification to the parties and the issue raised by this Order will be referred to the panel assigned to decide the merits of the appeal.

Appellant shall also show cause, in the form of a letter addressed to the Prothonotary of this Court, with a copy to opposing counsel, why the appeal should not be quashed as interlocutory and shall explain how each and every claim against each and every defendant was disposed of. The letter shall be transmitted so as to be actually received by the Prothonotary within fourteen days from the date of this Order. Failure to comply with this order may result in quashal of the appeal without further notice.

February 28, 2020	Response to Rule to Show Cause	Appellant	Myers, Joe
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## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1892 WDA 2019

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May 18, 2020



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 6, 2020	Order Discharging Rule to Show Cause		Per Curiam
	Comment: The Court having received a response to the rule to show cause, the rule is discharged and the appeal shall proceed. This ruling, however, is not binding upon this Court as a final determination as to the propriety of the appeal. The parties are advised that the issue may be revisited by the panel to be assigned to the case, and the parties should be prepared to address, in their briefs or at the time of oral argument, any concerns the panel may have concerning this issue.		
March 6, 2020	Order Granting Application for Extension of Time to File Brief and Reproduced Record		Per Curiam
	Comment: Appellant's February 28, 2020 "Request for Extension for Filing Brief," which was included in the body of Appellant's "Response to Rule to Show Cause," is GRANTED ONLY TO THE EXTENT THAT Appellant's brief is now due in this Court on or before April 24, 2020.		
April 21, 2020	Appellant's Brief Filed	Appellant	Myers, Joe
April 27, 2020	Reply Letter(s) Printed		Superior Court of Pennsylvania
May 8, 2020	Reply Received (Argument)	Appellant	Myers, Joe

## SESSION INFORMATION

Journal Number:  
 Consideration Type: Argument Panel  
 Listed/Submitted Date:

## CROSS COURT ACTIONS

Docket Number: 113 WT 2019  
 Court Name: Supreme  
 Short Caption: Myers, J., Apt. v. McCune, et al  
 Case Status: Closed  
 Disposition: Transfer  
 Disposition Date: December 24, 2019  
 Petition Reargument/Reconsideration Filed Date:  
 Reargument Disposition:  
 Reargument Disposition Date:  
 Cross Court Action Type: Case Initiation



IN THE SUPERIOR COURT OF PENNSYLVANIA WESTERN DISTRICT

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No. 1892 WDA 2019

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JOE MYERS,

*Appellant,*

v.

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, UAW  
(formerly Butler Armco Independent Union) and ANGELO PAPA,

*Appellees.*

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**ORDER**

AND NOW, this \_\_\_\_ day of May 2020, upon consideration of the foregoing Application to Correct Case Caption and For Ancillary Relief, it is hereby ORDERED that the Application is granted as follows:

- (a) the “Caption” listed on this Court’s Appeal Docket Sheet shall be corrected to make it consistent with the trial court’s current docket and the case caption of this Order as reflected above;
- (b) all references to or purported claims against Judge Cunningham and defense counsel are stricken from plaintiff-appellant’s filings in this Court including “Appellant’s Brief”; and
- (b) plaintiff-appellant Joe Myers is prohibited from filing any future court papers which include The Honorable William R. Cunningham and/or defense counsel as purported parties to the litigation.

BY THE COURT,

\_\_\_\_\_ J.

## CERTIFICATES OF COMPLIANCE AND SERVICE

I, the undersigned, hereby certify that on this 19<sup>th</sup> day of May, 2020, a true and correct copy of the foregoing **APPLICATION TO CORRECT CASE CAPTION ON APPEAL AND FOR ANCILLARY RELIEF**, which document 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, was served upon the following parties and counsel of record via first-class mail, postage pre-paid:

Joe Myers  
12137 Emerald Green Court  
Jacksonville, FL 32246  
*(Pro Se Appellant)*

Nicholas J. Koch, Esquire  
Frost Brown Todd LLC  
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*(Counsel for Appellees,  
AK Steel Corporation &  
Edward Tassej)*

Adam K. Hobaugh, Esquire  
Murtagh, Hobaugh & Cech  
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*(Counsel for Appellees,  
John W. Murtagh, Jr., Jack  
Lewis, Greg Loverick,  
United Auto Workers 3303,  
Jim Gallagher, Carl Nanni  
and Hank Leyland)*

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*(Counsel for Appellee,  
Honorable Timothy F.  
McCune)*

Graydon Brewer, Esquire  
318 Highland Avenue  
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*(Appellee)*

Angelo Papa, Esquire  
318 Highland Avenue  
New Castle, PA 16101  
*(Appellee)*

MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN, P.C.

*s/ Dennis J. Roman*

DENNIS J. ROMAN, ESQUIRE

PA I.D. #36904

CHARLENE S. SEIBERT, ESQUIRE

PA ID # 202939

*Attorneys for Appellee Joseph H. Chivers*