In the Common Law Court of Common Pleas
Butler County, Commonwealth of Pennsylvania

PROTHONOTARY'S OFFICE BUTLER CO. ENTERED & FILED
2024 JAN -8 AM 9:50

the man: joe myers,

acting as a plaintiff

vs.

the men and women: timothy f. mccune, joseph h. chivers, john/jack w. murtagh jr., graydon brewer, carl v. nanni, jack lewis, jim gallagher, greg loverick, edward tassey, Cleveland-Cliffs (formerly AK Steel, formerly Armco steel - includes all men and women acting as executives, management and board of directors) et al, lourenco goncalves, UAW - United Auto Workers (formerly Butler Armco Independent Union) et al, shawn fain, angelo papa, william cunningham, michael lettrich, maria milie jones, dennis roman, nicholas j. koch, adam hobaugh, john t. bender, alice beck dubow, carolyn h. nichols, joseph d. seletyn, bobbi jo wagner, richard a. goldinger

acting as defendants

Case number: 19-10516

Constitutional/Common law civil

Type of filing:

Common law trial by jury demanded and required

Common law Claim of trespass - based on the UNCONSTITUTIONAL legal system will be an Amended Complaint and Amended Concise Statement of matters complained of on Appeal as though it is part of this record as more evidence

joe myers enters the Notice of lawful presence attached to this cover sheet as part of this lawful Claim

joe myers will press this Claim in a Court of Law that is secured by the Constitution and the unconstitutional statute of limitations and unconstitutional legal rules of procedure are null and void as will be explained in the body of the Claim

Related case numbers:

Pennsylvania Commonwealth Court

Number 04-10477
Number 04-10707

United States District Court for Western Pennsylvania - Number 04-674

Pennsylvania Superior Court - Number 1892 WDA 2019

Pennsylvania Supreme Court - Number 283 WAL 2020

filed by:

joe myers, a man
12137 Emerald Green Court
Jacksonville, Florida 32246
Mobile: 904-254-6472
LawAndMankind@gmail.com

Notice of lawful presence

This Notice is to establish joe myers, is a man, created by the God of Abraham, Isaac and Jacob of the Bible and maintains the God given rights of life, liberty and property that no form of governance can give or take away.

"Thus God created the man in his image: in the image of God created he him: he created them male and female." – **Genesis 1: 27**

God was very clear **He** is the ultimate **King** and when men and women are kings they would oppress their subjects as **1 Samuel 8: 1-22** states and as history has proven.

God's written law is found in the 10 Commandments in **Exodus 20: 3-17** – to honor God, to not kill, covet, bear false witness or steal – and the basis for the ***Declaration of Independence, Constitution*** and the ***Bill of Rights*** is to protect mankind that is based on the 10 Commandments.

joe believes in God's 2 Greatest Commandments to love God first and then his neighbor as himself as **Matthew 22: 36-40** states.

joe and all mankind were born with God given rights of life, liberty and property and every man and woman has the right to protect those rights and the rights of everyone else. To love my neighbor is to protect the rights of mankind;

Anyone that does not believe in God logically knows they cannot create themselves and they know they are born with rights of life, liberty and property and the right to protect those rights and the rights of mankind;

The following are the facts of mankind:

1. **God** created **man and woman** and the **law** (protection of *life*, *liberty*, and *property*) for **man and woman** to live by;
2. **man and woman** created local government;
3. local government created State government;
4. State government created Federal government;
5. governments created **legal** societies;
6. legal societies created titles such as doctor, lawyer, farmer etc.
   to **unlawfully** subvert man and woman into **legal** constraints;

- Example of **law** versus **legal**: During the **Nuremberg Trials** the Nazi government created **legal** arguments, rules, acts, codes, regulations, statutes, and legal usurpations which are NOT **law** to harm and kill Jewish men and women. *The court of law* was a *trial by jury* and the *jury* stated those actions were not **lawful** to kill others for no reason. Thus, 10 members of the political and military leadership of Nazi Germany were executed. *The jury overruled all actions by the* ***tyrannical government***;

A *jury* is the highest *court of law* in the land. A *jury* is above all courts such as the supreme court, federal courts, state courts and all judges ***to protect against tyranny***. The 6th and 7th Amendments establish the jury as the 4th branch of governance to protect against abuse of power of PUBLIC SERVANTS which is very clear in the **Preamble** of the **Bill of Rights**.

God created the **law** and **man and woman** allow it be perverted by **legal** societies when we do not uphold the **law** which is superior to **legal**.

Legal arguments, rules, acts, codes, regulations, statutes, or any legal usurpation cannot deny the God given rights of *life*, *liberty* and *property* of any man or woman.

Man and woman are not titles such as referenced above; for example a doctor is under the **legal** societies **legal** arguments, rules, acts, codes, regulations, statutes, or any legal usurpation and is why doctors are threaten that they will lose their license to **"practice"** medicine if they try to offer a natural remedy that the medical association cannot regulate and profit from.

The created cannot be above the Creator. Mankind created our Founding documents to protect *life*, *liberty* and *property* for all mankind to live by so any man or woman receiving tax dollars for compensation as ***public servants*** cannot deny those rights that are established in our Founding documents that are God given RIGHTS.

joe never has nor ever will knowingly or unknowingly give up his God given rights. joe in no way ever agrees to **legal** arguments, rules, acts, codes, regulations, statutes or any legal usurpation of the rights of joe.

joe will always be present in a **court of law** as, a man. joe will never diminish his status from that of a man in any **legal court**;

This *Notice* is to inform – *all man and woman who at times act* as ***public servants*** *as local, state or federal legislators, judges, peace officers, ect.* – that if man or woman attempts to usurp the God given rights of joe that joe will seek remedy of law against you.

by: joe myers; a man JOE MYERS

JOHN STOCKWELL
Commission # HH 304930
Expires August 24, 2026

notary public witness _____

John Stockwell

date 21st December 2023 . St. FL County Duval .

Claim - Amended Complaint and Amended Concise Statement

1. NOW comes, a man: joe myers; *acting as a plaintiff*, to press this LAWFUL **Claim** in a ***court of law***.

   The ***Notice of lawful presence*** from myers is to bring clarity that the men and women, acting as executive, legislative, judicial, administrative or ministerial ***public servants,*** are not the source of the rights of mankind, so ***public servants*** can't take them away. Every man and woman are born with our God-given rights of **life**, **liberty** and **property** and the *Declaration of Independence*, *Constitution* and *Bill of Rights* are a contract between all mankind, of the **right** to protect those **lawful rights**, and all ***public servants*** swore an oath to uphold those documents and to protect those **lawful rights** of every man and woman.

   *So as not to diminish the status of joe myers or the status of the men and women, acting as defendants, the following is why there is no capitalization of names in this **Claim**:*

   Blacks Law Dictionary – *Revised Fourth Edition, 1968* – provides a more comprehensive definition as follows:

   Capitis Diminutio (meaning the diminishing of status through the use of capitalization) – In **Roman law.** A diminishing or abridgment of personality; a loss or curtailment of a man's status or aggregate of legal attributes and qualifications.

   Capitis Diminutio Maxima (meaning a maximum loss of status through the use of capitalization, e.g. JOHN DOE or DOE JOHN) – The highest or most comprehensive loss of **status.** This occurred when a man's condition was changed from one of freedom to one of bondage, **when he became a slave**. It swept away with it all rights of citizenship and all family rights.

   Capitis Diminutio Media (meaning a medium loss of status through the use of capitalization, e.g. John DOE) – A lessor or medium loss of status. This occurred where a man **loses his rights of citizenship**, but without losing his liberty. It carried away also the family rights.

   Capitis Diminutio Minima (meaning a minimum loss of status through the use of capitalization, e.g. John Doe) - The lowest or least comprehensive degree of loss of status.

   Diminutio. – Lat. In **civil law.** Diminution; a taking away; loss or depravation.

There is a difference between **law** and **legal**.

The following are the facts of mankind:

1. **God** or **Nature's God** created **man and woman** and the **law** (protection of life, liberty, and property) for **man and woman** to live by;
2. **man and woman** created local government;
3. local government created State government;
4. state government created Federal government;
5. governments created **legal** societies;
6. legal societies created titles such as doctor, lawyer, farmer etc. to **unlawfully** subvert man and woman into **legal** constraints;

- Example of **law** versus **legal**: During the **Nuremberg Trials** the Nazi government created **legal** arguments, rules, acts, codes, regulations, statutes, and legal usurpations which are NOT **law** to harm and kill Jewish men and women. *The court of law* was a *trial by jury* and the *jury* stated those actions were not **lawful** to kill others for no reason. Thus, 10 members of the political and military leadership of Nazi Germany were executed. *The jury overruled all actions by the* ***tyrannical government***;

God or **Nature's God** created the **law** and **men and women** allow it be perverted by **legal** societies when mankind does not uphold the **law**.

Legal arguments, rules, acts, codes, regulations, statutes, or any legal usurpation cannot deny the God given rights of **life**, **liberty** and **property** of any man or woman *protected under the supreme LAW of the land*.

Men and women are not titles such as referenced above; for example a doctor is under the **legal** societies **legal** *arguments, rules, acts, codes, regulations, statutes, or any legal usurpation* and is why doctors are threaten that they will lose their license to **"practice"** medicine if they try to offer a natural remedy that the medical association cannot regulate and profit from.

The created cannot be above the Creator. The Founding documents established, ***by mankind***, are to protect **life**, **liberty** and **property** for all to live by so *anyone receiving tax dollars for compensation* as **public servants** cannot deny those rights that are established in our Founding documents.

Men *and* ***women*** *are NOT* ***plaintiffs*** *or* ***defendants*** *to allow legal usurpations do deny rights of* ***life, liberty*** *and* ***property*** *to those of mankind.*

2. All the evidence provided in this lawful **Claim** can be downloaded at **www.LawAndMankind.com** (formerly **1776ToTyranny.com**) from the ***"Timeline of CORRUPTION"*** page along with all other court filings.

The website has been referenced by joe myers in the ***Complaint*** *dated 5-29-19* and ***Concise Statement*** *dated 2-4-20* to all men and women acting as defendants.

The ***Concise Statement*** was also presented to the men and women of the Superior Court of Pennsylvania acting as judges, prothonotary and deputy prothonotary that ignored the LAWFUL evidence of joe myers to bring prosecution of ALL men and women acting as defendants and to provide compensatory and punitive damages to myers.

While the previous court filings have capitalized names upon learning of the *legal manipulation*, *that is not lawful*, of how names are spelled, myers references them now without capitalization so as not to diminish the status of myers or the status of the men and women acting as defendants.

Claim Opened

3. This **Claim** *case number 19-10516* remains open in the Butler County Prothonotary records as joe myers God-given rights have been violated with a ***GUARANTEED*** *constitutional remedy of a trial by jury*.

4. This **Claim** is filed as the men and women acting as judges of the Supreme Court of Pennsylvania denied joe myers *Notice of Appeal* which **did not** confirm the ***opinion*** of the men and women acting as judges of the Superior or Commonwealth Courts of Pennsylvania. The reason is the men and women acting as judges of the Supreme Court knew that myers had filed a *lawful* **Claim** to press before a JURY.

5. The men and women acting as judges of the Supreme Court of Pennsylvania knew joe myers had the God-given rights secured by the Constitution and knew that all men and women acting as judges of the Superior Court of Pennsylvania swore an oath to uphold the Constitution YET *have violated their oaths*.

6. When the men and women acting as judges of the Supreme Court of Pennsylvania denied joe myers *Notice of Appeal* that action **DID NOT** protect john t. bender, alice beck dubow, carolyn h. nichols, william cunningham, joseph d. seletyn and bobbi jo wagner *because those men and women* ***acted outside their role*** *while acting as judges, prothonotary and deputy prothonotary and* ***provides no immunity***.

The men and women acting as judges of the Superior Court committed ***treason*** when they did not honor their oath to uphold the *Constitution* and *Bill of Rights* and is ***why a trial by jury is required***. The prothonotary and deputy prothonotary have also participated in the ***fraud*** *of the judges* by unlawfully filing the unconstitutional **opinions.**

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

> "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." – ***Norton v. Shelby County, 118 U.S. 425 (1886)***

"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)***

7. This **Claim** is filed to state that myers is not here to "*complain*" or "*argue*" but IN FACT to provide **evidence** in this **Claim** that cannot be silenced by any UNCONSTITUTIONAL **statute of limitations** or **rules of court** because the RIGHTS of myers are being usurped for myers to protect myers LIFE, LIBERTY and PROPERTY.

   From day one **FRAUD** has been committed by the men and woman, **acting as defendants**, and the following points are why a *jury* must hear the **evidence** and rule on the **evidence** in this **Claim**:

   a) Crimes have been committed and covered up by using an arbitration hearing to supersede the supreme LAW of the land, **the Constitution**.

   b) myers was not protected by joseph h. chivers or angelo papa, ***acting as defendants***, when myers paid them to file a LAWFUL *Claim* and neither presented the **evidence** that myers has in the **Concise Statement** and this **Claim** that ALL other men and women, ***acting as defendants***, have been *complicit with* or *engaged* in the *conspiracy against myers*.

   c) myers rights were usurped when timothy f. mccune, ***acting as a defendant***, would not do his job to investigate and prosecute those involved in the crimes against myers when myers provided mccune evidence well within any ALLEGED statute of limitations. Now myers rights are being usurped by richard a. goldinger, ***acting as a defendant***, doing the same as mccune.

   d) This Claim provides **evidence** of the named men and women, ***acting as defendants***, who have acted outside their roles as judges and are complicit with the crimes committed against myers.

Men and women acting as plaintiff and defendants in this Claim

8. **joe myers** is a man, *acting as a plaintiff*.

9. **hank leyland** is *removed* from this lawful **Claim** and all past lawful court filings and is no longer part of this case.

10. The **Complaint myers** lawfully filed *dated 5-29-19* named **Cleveland-Cliffs et al (***formerly AK Steel and formerly Butler Armco Steel***),** the men: **timothy f. mccune, jack/john w. murtagh jr., joseph h. chivers, graydon brewer, carl v. nanni, jack lewis, jim gallagher, greg loverick, edward tassey** and **UAW (formerly Butler Armco Independent Union)**, *acting as defendants*.

    While angelo papa was accidentally not named on the **Cover Sheet** papa was IN FACT named in **point 24** by the following statement:

    "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."

    Myers even added papa with court filing **Praecipe of Notice to add Defendant Papa's name to Complaint and all Pleadings Praecipe of Notice Of Ignoring The Complaint by certain Defendants** *dated 8-7-19* that was ignored.

11. **myers** lawfully *added* **john t. bender, alice beck dubow, carolyn h. nichols, william cunningham, joseph d. seletyn, bobbi jo wagner, michael lettrich, maria milie jones, dennis roman, nicholas j. koch, adam hobaugh, jack/john w. murtagh jr., timothy f. mccune, joseph h. chivers, graydon brewer, angelo papa, richard a. goldinger, lourenco goncalves and Cleveland-Cliffs** to the **Claim** with the Supreme Court and Superior Court of Pennsylvania.

    TO MAKE SURE there is no confusion *from the unconstitutional* ***opinions*** *filed previously*, myers is stating these men and women, *acting as defendants*, WERE and are IN FACT part of this **Claim now**.

12. **myers** also adds to this **Claim, shawn fain**, *acting as a defendant*, who at times acts as the president of the UAW (United Auto Workers).

Judge to preside

13. **william cunningham**, ***acting as a defendant***, *a man who unlawfully acted as a corrupt judge*, committed treasonous acts and crimes against joe myers and is UNFIT *and cannot lawfully be a judge in ANY court of law*. After cunningham committed crimes against myers is when myers added cunningham to the **Claim** by **law**. The following proves the guilt of cunningham, john t. bender, alice beck dubow and carolyn h. nichols:

    - **Legal Notice and Violation Warning of Denial of Plaintiff's Right Under Color of Law** *dated 10-16-19* and the **Amended Legal Notice And Violation Warning of Denial of Plaintiff's Rights Under Color of Law** *dated 10-18-19*. These LAWFUL court filings warned *cunningham*, *and all other men and women acting as defendants*, of the crimes they were committing against myers. In those LAWFUL court filings myers provided cunningham and each man and woman, *acting as defendants*, the **Color of Law Violation Warning Letters** which are part of the record of those court filings AND stated specifically **U.S.C. Title 18 Section 241 Conspiracy Against Rights** as well other **constitutional laws**. ***Exhibit EE (attached)*** *cunningham* ***Violation Warning letter***.

    - It is very clear *cunningham* knew that myers warned *john t. bender*, *alice beck dubow* and *carolyn h. nichols*, ***acting as defendants***, that acted as Superior Court judges with **Appellant's Notice of Appeal to the Pennsylvania Supreme Court** *dated 9-7-20* that also had the **Color of Law Violation Warning Letters** for each which stated specifically **U.S.C. Title 18 Section 241 Conspiracy Against Rights** as well other **constitutional laws**. ***Exhibits HH, II, JJ, KK (attached)*** *bender*, *dubow*, *nichols* (acting as defendant judges) and *selytyn* (acting as defendant prothonotary) ***Violation Warning letters***.

14. **s. michael yeager**, *was the only man acting as a judge,* that *honored his sworn oath* to protect the God-given rights of joe myers when he ruled it was a *Conflict of Interest* when **graydon brewer**, ***acting as a defendant***, represented **joseph h. chivers**, ***acting as a defendant***, in **Claim** *Case number 04-10707*, **point 59** of the ***Concise Statement***.

15. For the aforementioned reasons joe myers ***requires***, **s. michael yeager**, to preside over this **Claim** ***and schedule an immediate trial by jury*** that myers has been **unlawfully** denied repeatedly YET has requested from day one with **joseph. h. chivers** and **angelo papa**, ***acting as a defendant***, when both were bound by **LAW** protect the God-given rights of myers, ***but did not***.

Justice Bandeis affirmed his condemnation of abuses practiced by **PUBLIC SERVANTS** in the case of **Olmstead vs. U.S. 277 US 438, 48 S.Ct. 564, 575; 72 L ED 944 (1928) he declared:**

*"**Decency, security, and liberty alike demand that Government officials shall be subjected to the same rules of conduct that are commands to the Citizen**. In a Government of **laws**, existence of the Government will be imperiled if it **fails to observe the law scrupulously**. Our Government is the potent, the omnipresent teacher.*

*For good or for ill, it teaches the whole people by its example. Crime is contagious. **If the Government becomes a law-breaker**, it breads contempt for **law**; it invites every man to become a law unto himself. It invites anarchy. To declare that, in the administration of the law, the end justifies the means would bring a terrible retribution. **Against that pernicious doctrine, this Court should resolutely set its face**." (emphasis added)*

All LAWFUL court filings by joe myers are part of this Claim but the following are listed as specific evidence

16. The **Concise Statement** *Case number 19-10516* provides the timeline of corruption and evidence that proves the crimes perpetrated against joe myers which can be downloaded from the **Butler County Prothonotary records** *or* at website **www.LawAndMankind.com** on the ***"Timeline of CORRUPTION"*** page:

https://civil.co.butler.pa.us/CaseSearch/(S(t002hlw3mnwu41fiw2uzp4pv))/Handlers/DocumentHandler.ashx?vids=74964

a) The **Legal Notice and Violation Warning of Denial of Plaintiff's Right Under Color of Law** *dated 10-16-19* and the **Amended Legal Notice And Violation Warning of Denial of Plaintiff's Rights Under Color of Law** *dated 10-18-19* were court filings by myers warning cunningham and other men and women, ***acting as defendants***, for violating myers Constitutional Rights.

b) The **AMENDED COURT FILING ADDING DEFENDANTS AND FOR CONTINUED VIOLATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS OF THE UNITED STATES OF AMERICA** and **RESPONSE TO DEFENDANT PAPA'S LIMITED SPECIAL APPEARANCE PRELIMINARY OBJECTIONS** were court filings by myers adding cunningham and the men and men, ***acting as defendants***, to the Claim.

c) The **Concise Statement** and all **Exhibits** referenced in this **Claim** that those acting as defendants have been served with. The defendants acting as judges in the Pennsylvania Superior Court ignored the *Concise Statement* and gave an ***opinion*** that violated the *Constitutional rights* of joe myers which is **treason** and the prothonotary and deputy prothonotary *unlawfully fraudulently recorded*.

d) **Appellant's Notice of Appeal** *dated 9-7-20* was filed by joe myers to the Supreme Court of Pennsylvania for the Court to STRIKE ALL prior UNCONSTITUTIONAL Orders from the lower courts as well as ALL Appellees court filings that are conspiring against myers rights.

e) **Appellant's Notice of Appeal Supplement** *dated 9-15-20* was filed by joe myers to the **Supreme Court of Pennsylvania** per the **Supreme Court letter dated 9-9-20.**

f) **Petitioner's Notice of Appeal Addendum** *dated 11-7-20* is a court filing by joe myers to the Supreme Court of Pennsylvania warning the **COURTS** for violating ***U.S.C Title 50 Section 841:***

"The Congress finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an ***instrumentality of a conspiracy to overthrow the Government of the United States.*** *It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to political parties,* ***but denying to all others the liberties guaranteed by the Constitution.****"* (Emphasis added)

g) **Petitioner's Notice of Appeal Addendum** *dated 2-23-21* is a court filing by joe myers with the Supreme Court of Pennsylvania informing the court myers is adding, **richard a. goldinger** who at times acts as the current **Butler County District Attorney,** for being part of the conspiracy to violate the Constitutional Rights of myers.

h) **Petitioners Application for Permission to** *File 3-8-21* and **Supreme Court Prothonotary letter 3-8-21** is a court filing joe myers filed to the Supreme Court of Pennsylvania to add **richard a. goldinger** who at times acts as the current **Butler County, Butler County District Attorney** for being part of the conspiracy to violate myers Constitutional Rights. This court filing by myers was UNLAWFULLY REQUIRED which is UNCONSTITUTIONAL.

In this court filing myers provides more evidence that goldinger ignored and when goldinger committed this crime ***he acted outside his role and is now required to pay damages for the trespass against myers.***

The right of a trial by jury is **GUARANTEED** under the *Constitution* and *Bill of Rights* of the United States of America, *Amendment 7* and the Pennsylvania Constitution, Declaration of Rights, *Section 6* and *42 Pa.C.S.A. Section 5104*:

Amendment 7

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

Section 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.*" (Emphasis added)
(May 18, 1971, P.L.765, J.R.1; Nov. 3, 1998, P.L.1328, J.R.2)

Pa.C.S.A. Title 42 Section 5104

(a) **General rule. --** *Except where the right to trial by jury is enlarged by statute,* ***trial by jury shall be as heretofore, and the right thereof shall remain inviolate****. Trial by jury may be waived in the manner prescribed by general rules.*

(b) **Civil verdicts. --** ***In any civil case*** *a verdict rendered by at least five-sixths of the jury shall be the verdict of the jury and shall have the same effect as a unanimous verdict of the jury. (emphasis added)*

joe myers will use the **Concise Statement** and all **Exhibits** on cross-examination of those men and women, ***acting as defendants***, before the jury.

All **Exhibits** referenced in this **Claim** are from the **Concise Statement**.

All other **Exhibits** *not* from the **Concise Statement** will be noted as **"attached"** and will be attached to this **Claim.**

Exhibit QQ **(attached)** is the synopsis of **"An Essay on the Trial by Jury"** written by *lysander spooner* that myers will provide to the jury. This document explains the power of a jury. The Founders established the **JURY** – the ***4th branch of government*** – in the *Sixth and Seventh Amendments* of the ***Bill of Rights*** for the protection against tyrannical and treasonous actions of ***public servants*** not following the **LAW.**

In this **Claim** myers has proved the ***public servants*** have committed ***crimes*** under **Pa.C.S.A. Title 42 Sections 901 and 903** and ***treason*** under **U.S.C. Title 18 Chapter 115 Section 2381** to prevent myers the ability to protect myers **rights** of **life, liberty** and **property** and since the ***public servants*** are making a disgrace of a *court of law* then myers has the **RIGHT** to a ***trial by jury***.

Brief history of Claim

17. In **Point 1** of the **Concise Statement** joe myers, ***acting as a plaintiff***, provides the details of the FACT that in April of 1984 joe myers agreed to work for compensation for Cleveland-Cliffs, ***acting as a defendant***, (formerly AK Steel and formerly Armco Steel) and Cleveland-Cliffs agreed to compensate myers in the form of wages, benefits and retirement for the labor of myers.

It is very clear and our Founding documents have secured the right to protect ***property*** and a *court of law* agreed that *labor is property* that cannot be violated and the protection of joe myers ***property*** is validated in the **contract** of the **Constitution**:

> *"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**."* (emphasis added) – ***Butcher's Union Co. v. Crescent City Co., 111 U.S. 746 (1884)***

joe myers was compensated for 17 years until myers was unlawfully fired for **whistleblowing** which establishes a ***contract*** and the ***Constitution of the United States of America, Article 1 Section 10 Clause 1*** is very clear the **States** *cannot interfere with contracts*:

> ***"No State shall...pass any...Law impairing the Obligation of Contracts..."***

Additionally, the **Constitution of the Commonwealth of Pennsylvania, Article 1 – Declaration of rights Section 17. Ex post facto laws; impairment of contracts** is also very clear the Commonwealth of Pennsylvania *cannot interfere with contracts*:

"No ex post facto law, ***nor any law impairing the obligation of contracts****, or making irrevocable any grant of special privileges or immunities, shall be passed."*

18. ***Exhibit AA*** ***(attached)*** is a bio page of lourenco goncalves, ***acting as a defendant***, from the Cleveland-Cliffs website and states goncalves is the "*Chairman, President and Chief Executive Officer of Cleveland-Cliffs*" and also states that "*Mr. Goncalves led the acquisition of AK Steel in March 2020*".

    Exhibit BB ***(attached)*** is a list of Cleveland-Cliffs Board of Directors, ***acting as defendants***, listed on this Claim cover page as Cleveland-Cliffs et al.

    Exhibit GG ***(attached)*** is a press release *dated 3-13-20* on the Cleveland-Cliffs website quoting lourenco goncalves "*I am honored to be leading a Company that is built on such a rich history*" and "*I am also very pleased to welcome the AK Steel employees and the unions representing the workforce throughout the country to the Cleveland-Cliffs family. From now on, we are a single, united and very strong team*."

    Exhibit MM ***(attached)*** is the letter *dated 2-25-21* that joe myers mailed to lourenco goncalves that shared with goncalves that myers had filed a lawsuit against AK Steel that goncalves was acquiring and that myers added Cleveland-Cliffs to the lawsuit. myers also stated that goncalves and his legal team should review the *Petitioner's Notice of Appeal Addendum 2-23-21* which added Cleveland-Cliffs et al to the **Claim** and the *Concise Statement* so they would understand Cleveland-Cliffs liability.

    Then myers even stated to goncalves that he may have been de-frauded when he acquired AK Steel and was willing to assist, *but goncalves never replied*.

    When goncalves went through with the acquisition, *even after he was warned by joe myers*, **goncalves** and ***Cleveland-Cliffs et al*** **are liable for the punitive and compensatory damages to myers.**

Additionally, goncalves had a duty to present the letter from myers ***Exhibit MM (attached)*** to the *board of directors* and to the lawyers as myers suggested in the letter to review the evidence of court filings myers referenced, ***so all are culpable and liable for the conspiracy against myers***.

19. **Points 1, 3, 4, 13, 22, 23, 27 (a-g), 35, 37, 39, 43, 45, 49, 50** of the **Concise Statement** detail the fraudulent actions of the FRAUD UAW union, ***acting as a defendant***, (formerly Butler Armco Independent union) that lourneco goncalves *allowed to continue to masquerade as a union on the Cleveland-Cliffs Butler Pennsylvania property*.

    The UAW union president is shawn fain, ***acting as a defendant***, and is the man in charge of all his people at each company represented by UAW, including Cleveland-Cliffs, so UAW et al is culpable for the fraud committed by those that acted under the UAW and ***liable for punitive damages***.

    One of many **fraudulent** acts is Cleveland-Cliffs pays the compensation for the men and women, who at times act as officers, for their time *allegedly* representing the workers *which nullifies a union*.

    Cleveland-Cliffs also compensated the men and women, who at times act as officers, the average overtime that the officers did not have to work.

    The acts of Cleveland-Cliffs violate the **LAW** under **U.S.C. Title 29** ***Section 411 - Bill of rights; constitution and bylaws of labor organizations***:

    "(a)(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***." (emphasis added)

    "(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***." (emphasis added)

Further proof that Cleveland-Cliffs and FRAUD UAW violated the LAW is the **Appellees' Brief And Petition For Joinder Of Argument – 1892 WD 2019** filed by adam hobaugh, ***acting as a defendant***, to join with Cleveland-Cliffs which proves both are in collusion against myers.

Additionally, hobaugh files **Notice Of Address Change – 1892 WD 2019** AFTER repeated returns of myers lawful claims that myers served to murtagh, ***who acts as a defendant***, ***Exhibit CC (attached)***, *see point 40 below*.

Approximately a week prior to joe myers being unlawfully fired for ***whistleblowing*** then UAW officer, carl v. nanni, ***acting as a defendant***, stated to myers that nanni thought one of the officers were going to be fired to scare the rank and file because contract negotiations were coming up, meaning myers was expendable, **point 13** of the **Concise Statement**.

Point 4 of the **Concise Statement** details why the fraudulent UAW participated in the fraud against when joe myers asked questions about the UAW general fund myers was told to get an attorney to get the records.

This establishes that any FRAUD union on Cleveland-Cliffs Butler property is NULL and VOID as well as any actions that have been processed through the FRAUD union as well as.

20. Sometime in 1997 joe myers became part of the truck and heavy equipment section and was required to attain a CDL (Commercial Drivers License) and required to follow the law. **Point 11** of the **Concise Statement** details the law in *Armco's Safety and Security Handbook* **Exhibit 4** that myers was required to follow.

    The following pages are prohibited by Cleveland-Cliffs yet Cleveland-Cliffs committed a criminal act when supervisor edward tassey, ***acting as a defendant***, gave myers an unlawful verbal order to violate those rules that are **LAW**.

    This unlawful verbal order was given even after myers was warned for not securing a loan **Exhibit 3** and then fired on 3-23-01 when tassey

instructed myers not to secure a load on a tractor-trailer and overload the trailers which was retaliation for **whistleblowing**:

- **Page 6** "*The rules and instructions contained in this book are supplementary to applicable Federal, State, and local laws and regulations. In the event of differences,* ***the higher standard of safety shall apply***." (emphasis added)
- **Page 68** "*Those persons who operate Company or personal vehicles on company property or on local, state or federal highways for business purposes* ***must comply with all State and Federal regulations, training, and license requirements****. Operators are also required to comply with plant regulations and applicable department safety rules.* ***State Motor Code rules and regulations pertaining to the vehicle itself and operation are also to be adhered to, i.e., seat belt use, inspections, etc***." (emphasis added)
- **Pages 70 and 71:** under section "*Mobile Crane Operation*"

  "**7. Mobile Cranes** must be inspected by operator before each use. All deficiencies must be corrected prior to use."
- **Pages 76, 79, 80 and 81:** under section "*UNSAFE AND IMPROPER BEHAVIOR*" the document states "*Violations of these orders, rules, regulations, and/or policies WILL SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION, UP TO AND INCLUDING DISCHARGE.*"

  "(1) ***Violation of any Butler Operations safety order***."

  "(2) ***Violation of any Butler Operations departmental safety rule***."

  "(3) ***Willful violations of OSHA standards***."

  "(16) ***proper operation of motor vehicles***."

  "(18) ***Violations of criminal laws***."

Point 42 of the **Concise Statement** details the *AK Steel Butler Works' Safety Health and Security Handbook* **Exhibit 33**.

This handbook was published after joe myers was unlawfully fired for ***whistleblowing*** and still contains the same verbiage except for pagination differences.

21. **Point 6** of the **Concise Statement** provides the evidence of the **CRIME** committed against joe myers. **Exhibit 3** is the letter of discipline myers received *dated 7-9-98*, from then truck supervisor rick bofinger, stating that myers would receive discipline up to and including discharge for ***"not securing a load on a Stake Truck and turning the Truck over"*** in the future.

    myers was verbally instructed by the machine shop supervisor **NOT** to chain down the pinion gear *and rick bofinger knew that FACT*.

    The stake truck rolled over with myers inside the truck causing bumps and bruising of myers. This **criminal verbal order** had the potential of KILLING myers or someone else.

    bofinger knew that the same incident happened to co-worker dan redick when the same pinion gear, *again not allowed to be chained down*, shifted and titled the rear axle off the ground about 4 feet but did not roll the truck over. myers was not informed of this incident which is a **CRIME.**

    To further prove the criminal actions after the truck rolled over with myers inside the stake truck *Cleveland-Cliffs started hauling the pinion gear with a low-boy tractor-trailer as it should have been all along*.

22. **Points 5, 46, 47, 48, 54, 55, 56, 57, 58** of the **Concise Statement** details the numerous conversations and communications joe myers had with OSHA and many government ***public servants*** before and after myers was unlawfully fired for ***whistleblowing***.

    - **Point 46** details a letter **Exhibit 38** from management of Cleveland-Cliffs to OSHA that states lies and proof that joe myers claim of criminal actions are in FACT the truth.
    - **Point 47** details a letter **Exhibit 40** from joe myers to OSHA rebutting and proving the lies of Cleveland-Cliffs management in **Exhibit 38.**

- **Point 48** details a letter **Exhibit 42** from OSHA to joe myers that in FACT proved again myers was correct and Cleveland-Cliffs was committing a crime.
- **Point 48** details a letter **Government Exhibit 9** from OSHA Director of Enforcement, richard d. sultan, to joe myers in which he states he received a letter from then president bush regarding myers complaint but since OSHA did not receive a complaint from myers OSHA could not do anything YET **Exhibit 40** clearly states on *page 5 paragraph 2* that myers IN FACT did contact jim connell from OSHA multiple times in 2000 and 2001 but connell informed myers in a phone call that his superiors claimed myers complaint did not fall under OSHA jurisdiction.

23. **Point 7** of the **Concise Statement** details joe myers growing concerns of the criminal and civil liability that myers and co-workers could be held liable for when given unlawful verbal orders from Cleveland-Cliffs so myers contacted the Pennsylvania Attorney General's office and spoke to david devries sometime prior to myers being unlawfully fired for ***whistleblowing***.

    During that conversation devries stated if myers knowingly operated any equipment in violation of company directives or operated equipment knowing it was defective which are LAW and someone was hurt or killed that myers or co-workers would be held civilly and criminally liable and could possibly serve a prison sentence.

    myers made Cleveland-Cliffs aware of the crimes committed against myers and co-workers many times but specifically the letter **Exhibit 9** sent from dennis moskal on behalf of myers and the letter **Exhibit 11** myers sent to numerous Cleveland-Cliffs management and former CEO richard wardrup.

24. **Points 8** of the **Concise Statement** details the continued harassment of joe myers when myers received a letter of suspension **Exhibit 6** dated 7-28-2000 when management instructed myers to use the mobile crane and management did not follow proper safety rules prior to myers showing up with the mobile crane yet myers was the only one that received a suspension.

When myers asked edward tassey why myers was singled out, tassey told myers that when tassey questioned tom ayres (tassey's supervisor) that ayres told tassey to "**mind your own business**".

25. **Point 9** of the **Concise Statement** details the continued harassment against joe myers when myers was called into another disciplinary meeting on 12-15-00 when edward tassey was verbally again instructing myers NOT to following the law **(Exhibits 1, 4, 5, 12 and 26)** when operating the tractor-trailer in question. It is very clear tassey was unlawfully giving myers and co-workers an order to violate the law and the following description of each **Exhibit** proves that FACT:

    - **Exhibit 1** *SAFETY AND HEALTH STANDARD PROCEDURE* that was originally written 7-19-71 some 12 plus years prior to joe myers working for compensation at the Cleveland-Cliffs Butler plant. This document references the *Armco's Safety and Security Handbook* on page 8 of 10 that was given to co-workers in July 2001 just months after joe myers was fired for ***whistleblowing***. In **Point 16** of the **Concise Statement** this documents details the law that myers was instructed to obey in **Point 14** of this **Claim.**
    - **Exhibit 4** *Armco's Safety and Security Handbook* details the law that joe was instructed to obey in **Point 14** of this **Claim.**
    - **Exhibit 5** *Notice posted in each tractor* detailing the combination weight of each tractor with each trailer that stated **"DO NOT EXCEED LOAD WEIGHT"** of each combination of each tractor with each trailer.
    - **Exhibit 12** *Daily Safety Contact* to every driver dated 3-22-01 stating:

      "*Contact #1* ***Do not overload trucks. Haul within legal load limits***."

      "*Contact #2* ***Secure all loads on all vehicles***."

      This notice was given to myers the day before joe was unlawfully fired for ***whistleblowing***.

- **Exhibit 26** *International Truck Operators Manual* for the truck myers was being unlawfully verbally instructed to violate by using the truck to haul a trailer with excessive weight the truck was not rated to haul in violation of **Exhibit 5**. The Manul clearly states:

  "Your International truck has gross axle weight, gross vehicle weight and gross combination ratings. Do not exceed these ratings. Exceeding these ratings by overloading can cause component failure resulting in property damage, ***personal injury*** *or* ***death****."* (Emphasis added)

26. **Point 25** of the **Concise Statement** proves the criminal activity against joe myers and co-workers when edward tassey sent co-worker, dave masartis, a letter of discipline **Exhibit 21** that was dated 6-21-01 when tassey instructed masartis to unlawfully operate the same truck that tassey unlawfully instructed joe to operate in violation of the **Exhibits 1, 4, 5, 12 and 26**. The letter to masartis stated it was "UNSAFE PERFORMANCE" *when the coil rolled out of the trough* that masartis or myers were not allowed to chain down.

    It is very clear tassey and Cleveland-Cliffs were aware of their criminal activity and is why myers was fired for ***whistleblowing*** when tassey again unlawfully verbally ordered myers to haul the same tractor-trailer combination on 3-23-01 and when myers DID NOT refuse to operate the tractor-trailer but replied he would operate the tractor-trailer according to the law stipulated in the **Exhibits** and chains were needed, it was then tassey unlawfully had myers escorted out of the Cleveland-Cliffs Butler plant and then subsequently fired.

    Cleveland-Cliffs and tassey repeatedly gave unlawful orders to violate the law as **Exhibit 5** clearly states the combined gross weight of the tractor with any trailer is 73,280 pounds and **Exhibit 26** clearly states:

    "Exceeding these ratings by overloading can cause component failure resulting in property damage, ***personal injury*** *or* ***death****."*

    The combination weight of the loads myers was ordered to operate with the inferior tractor was in excess of 130,000 pounds.

To further prove the ***whistleblowing***, myers made Cleveland-Cliffs aware of the crimes committed against myers and co-workers many times but specifically the letter **Exhibit 9** sent from dennis moskal on behalf of joe myers and the letter **Exhibit 11** myers sent to numerous Cleveland-Cliffs management and former CEO richard wardrup on 3-21-01 **JUST 2 days** before myers was unlawfully fired for ***whistleblowing***. It was in the unlawful arbitration that Edward tassey admitted to speaking with moskal on the phone prior to myers being unlawfully fired for ***whistleblowing***.

Exhibit 11 dated 3-21-01 was sent to Cleveland-Cliffs management dick wardrup, bill gonce, tom ayres, rick winter, edward tassey and bill smith. The letter detailed the criminal actions by Cleveland-Cliffs against joe myers and co-workers. On 3-23-01 that day joe myers gave another copy of the letter to tassey before being escorted out of the Cleveland-Cliffs Butler plant.

27. **Point 10** of the **Concise Statement** is a letter **Exhibit 8** *dated 1-31-01* myers received from **Cleveland-Cliffs V.P. of Human Resources brenda harmon** regarding corporate policies covering equal employment opportunity, harassment and workplace violence. Page 3 under **POLICY** the document states:

*"**The Company further prohibits threats**, **threatening behavior**, or **acts of violence against employees** or **other individuals by anyone on AK Steel property** or **off AK Steel property if the prohibited conduct** **relates to an individual's employment with the Company**. **Such misconduct**, **regardless of who originates it or participates in it, and regardless of whether it is oral, written, or physical conduct**, must be promptly reported and will be investigated. **If found to have occurred, appropriate corrective action will be taken up to and including termination of the offending individual's employment. Criminal activity** may also be **referred to the appropriate authorities which may result in arrest and prosecution**."* (emphasis added)

myers had repeatedly reported the harassment as well as criminal and civil acts with his comments in investigation meetings as well as **Exhibits 7, 9 and 11** not to mention Cleveland-Cliffs written policies **Exhibits 1, 4, 5, 8 and 12 that validate Cleveland-Cliffs knew this was a case of CRIMINAL and COMMON LAW as Exhibit 8 PROVES and had NOTHING to do with labor law.**

28. **Points 17 and 19** of the **Concise Statement** proves further criminal actions committed by edward tassey and michael c. seyler who sent letters **Exhibits 13 and 14** to joe myers.

    Exhibit 13 is the letter *dated 4-5-01* in which tassey repeatedly stated in the letter that he gave myers *unlawful verbal orders to violate the law* referencing **Exhibit 4** that myers was insubordinate but failed to state the clauses aforementioned from **Exhibit 4** that exonerated myers which is **fraud** and proved tassey committed a crime and gave myers orders that violated the law.

    Exhibit 14 letter *dated 4-10-01* in which seyler committed a crime as well in upholding the firing of myers for **whistleblowing** which is **fraud.**

    All men and women acting as defendants have been complicit and perpetuated the **fraud** and **crimes** against myers which violates myers Constitutional rights as well as any Constitutional laws legislated and **U.S.C. Title 18 Section 241 – Conspiracy against rights** is one such law which was violated when myers tried to exercise his Constitutional rights to a trial by jury.

29. **Point 26** of the **Concise Statement** is a document **Exhibit 27** stating the *Gross Vehicle Combination Weight Rating (GVCWR)* of new trailers Cleveland-Cliffs bought after joe myers was fired for **whistleblowing** since they knew the old trailers were cracked beyond repair from the excessive overloading which is more evidence of **fraud.**

    To prove additional **fraud** in **Exhibit 27** the document states the **GVCWR** is "*UNKNOWN*" yet the same tractor was being used with the new trailers even when the owner's manual **Exhibit 26** clearly states:

    "*Exceeding these ratings by overloading can cause component failure resulting in property damage, **personal injury** or **death**.*"

The combination weight of the loads myers was ordered to operate with the inferior tractor was in excess of 130,000 pounds and that is the same weight being carried on the new trailers ***which exceeds the limits of the tractor***.

Additionally **Exhibit 27** states "*Licensed at 73,280 ... Need measurement but probably can be licensed at 80,000*" yet all Cleveland-Cliffs drivers must have a Commercial Drivers License (CDL) and follow the State Motor Code **both inside and outside** the Cleveland-Cliffs Butler plant.

By Cleveland-Cliffs own **LAW** of **Exhibits 1 and 4** they are unlawfully verbally ordering the drivers to break the **LAW** and assume lawful liability if the driver is involved in an accident resulting in injury or death, *because Cleveland-Cliffs allows the public to drive on their Bulter plants roads*.

To prove that point anyone can drive thru the Route 8 Gate and state they are going to then Hecketts Slag to buy a load of slag. Hecketts Slag is NOT a company owned by Cleveland-Cliffs but a public company.

Additionally, vendors drive on Cleveland-Cliffs Butler plant roads all the time.

These 2 issues alone of drivers, being verbally ordered to operate the grossly overloaded trucks coming of the very steep hill with an approximate 90 degree bend to the same intersection the public comes into the Cleveland-Cliffs Butler plant, are lawfully liable in the event of an accident resulting in injury or death because Cleveland-Cliffs has law written in **Exhibits 1 and 4** to protect Cleveland-Cliffs.

30. **Point 27** of the **Concise Statement** provides evidence in **Exhibit 23** which is the **Verbatim Record** *dated 8-20-01* **and joe myers rebuttals** of the **unlawful fraud** arbitration. While myers knows the arbitration was a **fraud** the **Verbatim Record** states more evidence to prove *the collective conspiracy against the rights of myers* under **U.S. Code Title 18 Section 241 – Conspiracy against rights** and *all other laws myers has referenced repeatedly*.

    b) **Page 7 lines 23-25 and Page 8 lines 1-9** john/jack w. murtagh jr., ***acting as a defendant***, states that Cleveland-Cliffs ***(fraudulently)*** stated that myers refused a direct order.

murtagh then states that myers raised concerns of exposure of criminal and civil liabilities.

This RECORD proves ALL men and women, acting as defendants, KNEW this case was always about CRIMINAL and COMMON LAW liability and NEVER a labor issue.

At that point the arbitrator and ALL men and women, acting as defendants, had a LAWFUL DUTY to stop the kangaroo court arbitration and transfer the legal matter to CRIMINAL and COMMON LAW court.

c) **Page 22 line 9** Cleveland-Cliffs Industrial Relations Manager – **bill gonce** testifies he reports directly to Middletown legal department. **Page 28 lines 4-25 and Page 29 lines 1-20** murtagh asked **gonce** if he received a letter from then myers lawful counsel moskal (**Exhibit 9**) and a letter from myers (**Exhibit 11**) and *Gonce testified he did but Defendant AK Steel legal department stated there was no need to respond*. *Both of the aforementioned letters were sent to then Defendant AK Steel CEO Wardrop, Defendant Tassey and Human Resources Manager Rick Winter as well*.

More evidence of FRAUD that ALL men and women acting as defendants have participated in against myers to deny myers ALL Constitutional RIGHTS GUARANTEED to myers and ALL MANKIND.

d) **Page 61 lines 17-21** edward tassey acting as a defendant testified myers was not insubordinate so myers UNLAWFUL termination letter (**Exhibit 13**) was **FRAUD**.

e) **Page 87 lines 7-25 and pages 88 and 89 and page 90 lines 1-3** tassey testifies to the truck rolling over with myers inside the truck and tassey also testified Cleveland-Cliffs entered (**Exhibit 3**) as evidence at the FRAUD arbitration.

f) **Page 93 lines 7-25** tassey testified that Cleveland-Cliffs document required myers to follow the PA Motor Code ***both inside and outside the plant paying particular attention to overloading*** with is a violation of the LAW of PUBLIC POLICY. Once again the UNLAWFUL termination letter (**Exhibit 13**) was **FRAUD**.

g) **Page 96 lines 20-25 and Page 97 lines 1-8** tassey testifies that he DID NOT contact OSHA, Pennsylvania State Police, Pennsylvania Attorney General's office, United States Department of Transportation or any legal counsel in regard to myers civil and criminal claims.

h) **Page 97 lines 23-25 and Page 98 lines 1-12** tassey testified that tassey had a phone conversation with then myers lawful counsel moskal. *moskal sent a letter (**Exhibit 9**) to Cleveland-Cliffs CEO and tassey questioning the criminal and civil liability being perpetrated against myers and co-workers*.

31. **Point 28** of the **Concise Statement** provides evidence that joe myers spoke to Cleveland-Cliffs Board of Director, **bonnie hill**, *on 9-18-01* to inform hill of the corruption and hill stated that myers was fired for other reasons and refused to become involved.

32. **Points 21, 29, 30, 31, 32, 33, 36, 39, 40 and 41** of the **Concise Statement** detail the *lawful malpractice* and *conspiracy against rights* of joe myers under **U.S. Code Title 18 Section 241 – Conspiracy against rights** and *all other laws myers has referenced repeatedly* committed by joseph h. chivers against myers and specifically the following evidence:

- **Exhibit B** is the demand letter that joe myers sent to joseph h. chivers *dated 10-4-01* that chivers requested from myers when chivers informed myers that the attorney for Cleveland-Cliffs stated reinstatement was out of the question but to submit a demand letter.
  Exhibit B stated myers demands were that chivers send the myers demand letter to the Cleveland-Cliffs Board of Directors stating:

  1) A statistician to determine the lump sum compensation equaling loss of future wages, pension, health benefits and any loss due myers for the unlawful firing for **whistleblowing**.
  2) That the safety program would be used for just that SAFETY and not retaliation and intimidation as myers case proved.

3) Since the then Cleveland-Cliffs CEO wardrup was responsible for the retaliation against anyone that tried to follow the law like myers did that wardrup would be required to resign.

- **Exhibit C** was a letter *dated 10-19-01* that joseph h. chivers unlawfully sent on behalf of joe myers that were NOT myers demands AT ALL which is ***lawful malpractice***!

  This action by chivers violated his own *POWER OF ATTORNEY WITH AGREEMENT FOR RETAINER AND CONTIGENT FEE* **Exhibit A** that clearly states:

  "It is understood, however, that my attorney will not enter any agreement to settle or otherwise compromise this matter without my expressed approval."

  The only lawful statement chivers made in the letter was:

  "If the matter cannot be resolved amicably at this time, it is my intent to proceed quickly to court and take any other action necessary to bring attention to AK Steel's practices."

  The **criminal actions** of chivers is proof as chivers had all of the all the evidence that myers has provided in every court filing and **NEVER** filed a lawuit on behalf of myers! Further proof is a *Conflict of Interest* that was awarded to myers when **graydon brewer** represented **joseph h. chivers** in **Claim** *Case number 04-10707*, **point 59** of *Concise Statement*.

  The court ruled Brewer and FRAUD UAW attorney john/jack murtagh, acts as a defendant, shared an office together.

  It was stated to myers by chivers that chivers and murtagh had conversations while chivers was allegedly representing myers against the FRAUD UAW and murtagh!

- **Exhibit D** is a letter *dated 10-23-01* sent by joseph h. chivers on behalf of joe myers to Cleveland-Cliffs et al. chivers stated after additional consultation with myers that myers wanted to "***convey additional demands***" which is a LIE because chivers knew myers demands all along from **Exhibit B**.

- **Exhibit E** is a letter *dated 10-25-01* from Cleveland-Cliffs stating both demand letters from joseph h. chivers were received by Cleveland-Cliffs.

- **Exhibit F** is a letter *dated 12-3-01* sent by joe myers to jospeh h. chivers stating the **lawful malpractice** of chivers against myers as well. chivers lies to Cleveland-Cliffs when chivers did not notify Cleveland-Cliffs that myers wanted Cleveland-Cliffs notified of their violation **U.S. Code Title 18 Section 241 – Conspiracy against rights** against myers.

- **Exhibit G** is the FAX *dated 1-8-02* sent by joe myers to joseph h. chivers of **Exhibit 30** the letter *dated 12-12-01* from jack/john murtagh **fraud** union attorney stating murtagh knew myers case had nothing to do with union jurisdiction when murtagh clearly KNEW it was a **CRIMINAL and COMMON LAW** jurisdiction as murtagh's statement from his own letter proves that FACT:

  "***not to mention the legality raised by Mr. Myers***"

- **Exhibit H** is the letter from joe myers *dated 1-10-02* to joseph h. chivers detailing the criminal actions and lawful malpractice of chivers against myers which ended with myers terminating chivers services.

- **Exhibit I** is the letter from joseph h. chivers *dated 1-21-02* to joe myers stating chivers received myers letter **Exhibit H**. In this letter chivers admits to sending myers back the evidence myers that myers is providing in this Claim that Chivers refused to use to LAWFULLY protect myers!

The continued unlawful actions by chivers and the *Conflict of Interest* awarded to myers when **graydon brewer** represented **joseph h. chivers** in **Claim** *Case number 04-10707* is proof chivers colluded with all of those acting as defendants at the time instead of protecting myers who paid chivers to represent myers.

33. **Point 34** of the **Concise Statement** provides evidence in **Exhibit 28** the letter *dated 11-29-01* sent by joe myers to timothy f. mccune, ***acting as a defendant***.

mccune acted as the **Butler County District Attorney** at that time. In this letter myers also made mccune aware of the conspiracy against myers rights under **U.S.C. Title 18 Section 241 – Conspiracy Against Rights** and **U.S.C. Title 18 Section 245 – Section 245 – Federally protected activities** and **Section 3559 which defines extortion** *which mccune ignored*.

- Section 3559 2(C) *"the term "extortion" means an offense* ***that has at 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." (emphasis added)*

marie milie jones and micheal lettrich, ***acting as defendants***, as alleged counsel for mccune UNLAWFULLY attempted to state that mccune has immunity when they *KNEW HE DOES NOT AND DID NOT* which is a crime to LIE in a court of law!

Nowhere in the **Constitution** or **Bill of Rights** is any PUBLIC SERVANT granted immunity ***and for good reason!***

In the **Brief of Appellee Timothy J. McCune**, on pages 8 and 9 jones and lettrich make the following quote about fraud:

"The elements of prima facia cause of action for fraud are

(1) a representation;
(2) which is material to the transaction at hand;

(3) made falsely, with knowledge of its falsity or recklessness as to whether it is true or false;
(4) with the intent of misleading another into relying on it;
(5) justifiable reliance on the misrepresentation; and
(6) *the resulting injury was proximately caused by reliance."*

Repeatedly myers has stated in **Exhibit 11** *dated 3-21-01* the crimes Cleveland-Cliffs have committed against myers and co-workers. In **Exhibit 28** *dated 11-29-01* the letter myers sent to mccune to investigate and prosecute all involved of the crimes in which myers specifically stated **U.S.C. Title 18 Section 241 – Conspiracy Against Rights** and **U.S.C. Title 18 Section 245 – Federally protected activities (b)(1)(C)** and enclosed **Exhibit 11** so mccune had the evidence to investigate and prosecute but mccune **DID NOTHING**.

Then myers received **Exhibit 31** *dated 12-19-01* from mccune in which mccune *admitted to receiving **Exhibit 11** and **union's brief*** and at that time mccune knew myers case was IN FACT ***CRIMINAL*** and had NOTHING to do with a labor issue. YET mccune stated "*I have no opinion regarding your employment claims*" when mccune AGAIN KNEW this was IN FACT under mccune's jurisdiction as co-worker, Keith Eckenrode, was killed at the Cleveland-Cliffs Butler plant a short after myers was unlawfully fired for ***whistleblowing***, WHICH IS A CRIME when mccune refused to get involved and do mccune's job as the then district attorney!

First of all with **prima facia (*first impression*)** EVIDENCE any ***idiot*** could see there was criminal activity with all of the evidence myers provided to mccune so mccune made the false statement of having "NO OPINION" of myers employment issues because IN FACT with the evidence myers provided mccune KNEW it was a criminal matter which was a FALSE FRAUDULENT statement by mccune.

Because mccune refused to do mccune's job as a district attorney it *resulted in myers losing myers livelihood and denied myers the opportunity to become gainfully employed again* **because of the LIES that were public record** from *the fraudulent arbitration and fraudulent court filings by ALL men and woman*, ***acting as defendants***.

Additionally *because every application myers filled out required myers to put terminated as the reason for separation from Cleveland-Cliffs* **which was defamation of character and libel slander.**

This **Claim** with myers is a **prime example** as mccune could be bribed to ignore myers evidence and mccune IN FACT did ignore the **evidence!**

Exhibit 31 is mccune's letter to myers *dated 12-19-01* in which mccune admits he received **Exhibit 11** the letter *dated 3-21-01* myers sent to Cleveland-Cliffs et al that details the crimes committed against myers and co-workers.

At the time myers was unlawfully fired for **whistleblowing** mccune was acting as the **Butler County District Attorney** and *his job was to investigate and prosecute crimes* and now mccune is a judge so what really happened as to WHY mccune refused to do his job as the **Butler County District Attorney** that myers tax dollars were paying mccune to do?

The United States Supreme Court unequivocally and emphatically endorsed Chief Justice Marshall's position in their opinion of ***Trump v. Vance*** that NOT EVEN the President has *absolute immunity* **so why would mccune**? ------ **OH WAIT...HE DOESN'T!!!**

mccune had the ability and LAWFUL DUTY to examine the evidence and prosecute all involved when myers provided mccune the evidence so NOW mccune's actions are criminal because if we cannot trust a PUBLIC SERVANT who receives tax dollars to do his job to investigate criminal activity and does not do it, *then that person is BY LAW a criminal*!

Since mccune acted outside his role as the **Butler County District Attorney** mccune is ***liable to pay punitive damages for the CRIMES mccune committed against myers***!

Exhibit FF (attached) is the ***Color of Law Violation Warning*** dated 10-17-19 that was sent to mccune by myers and is part of the court filings by myers **Legal Notice and Violation Warning of Denial of Plaintiff's Right Under Color of Law** *dated 10-16-19* and the **Amended Legal Notice And Violation Warning of Denial of Plaintiff's Rights Under Color of Law** *dated 10-18-19*.

This is all the more reason a COMMON LAW trial by jury is required!

34. **Point 35** of the **Concise Statement** is **Exhibit 29** the UNLAWFUL *OPINION AND AWARD* by corrupt arbitrator dean *dated 11-30-01* as dean and ALL acting as defendants KNEW this was a CRIMINAL and CIVIL **Claim** outside so-called labor law jurisdiction.

    Again, *myers in no way is conceding the arbitration is lawful* BECAUSE IT IS NOT but only using **Exhibit 29** as more evidence of the crimes committed against myers!
    While there are glaring points of corruption throughout the document, myers will focus on a couple key points.

    dean states on page 11 at the bottom of the page that *"employees are generally prohibited from engaging in self-help"* so by myers exercising the Constitutional Rights to protect myers own safety and life as well as co-workers and anyone else, *which is LAW*, dean is calling it ***"self-help"*** **which is FRAUD and UNLAWFUL for dean to even state**.

    dean validates his FRAUD when dean states on page 16 at the bottom of the second paragraph ***"...he generally does not render fully authoritative rulings on questions of statutory law."*** which proves dean knew this was never a National Labor Relations issue but IN FACT **CRIMINAL, CONSTITUTIONAL LAW and COMMON LAW**.

35. **Point 43** of the **Concise Statement** shares **Exhibit 34** that is a document *dated 9-11-02* that is another newsletter from FRAUD UAW at **Cleveland-Cliffs** Butler plant.

    In this newsletter FRAUD UAW quotes corrupt arbitrator dean which also provides more evidence of fraudulent criminal actions.

    Exhibit 34 stated dean's opinion of reinstating a co-worker after myers was unlawfully fired for ***whistleblowing*** that stated:

    "Although the Grievant clearly violated work rules with which he was familiar, the record strongly suggests that the Grievants misconduct was provoked in substantial part by the supervisor's oppressive management style."

myers has proved time after time that myers followed the rules of Cleveland-Cliffs ***which are LAW*** and was disciplined when myers was verbally directed **NOT** to chain the pinion gear down **Exhibit 3** then unlawfully fired for ***whistleblowing*** when supervisor edward tassey instructed myers to again violate the **LAW** by directing myers to **NOT** chain a load down AGAIN then unlawfully fired myers for ***whistleblowing*** when myers attempted to follow the **LAW** and tassey/Cleveland-Cliffs would not allow myers to follow the **LAW**.

ALL men and woman acting as defendants that were part of the corrupt arbitration knew that **Exhibit 4** exonerated myers and proved it was not so-called labor law but IN FACT a case of CRIMINAL and CIVIL LAW yet chose to continue with the FRAUD arbitration and not protect myers **which is FRAUD at the highest level!**

The bottom of **Exhibit 34** a book is recommended to read is called "Confessions of a Union Buster" then states:

This book will enlighten you on what despicable tactics companies will resort to in order to keep their workforce from unionizing. Some of the tactics may sound familiar.

The irony is the ***fraudulent tactics and crimes*** the FRAUD UAW union committed against myers.

36. **Point 45** of the **Concise Statement** shares **Exhibit 36** that is a document *dated 11-6-02* that is another newsletter from FRAUD UAW at **Cleveland-Cliffs** Butler plant.

    The newsletter stated that *"AK Steel has gone too far in its campaign to harass, intimidate, coerce and threaten the hardworking men and woman of Butler who have for the last 75 years made the Butler Operation one of the most profitable plants in the world."*

    More proof of the **FRAUD UAW** and the part of all men and woman, ***acting as defendants,*** to be part of **Cleveland-Cliffs EXTORTING myers future compensation of wages, pension, benefits, etc.** as ALL participated in the **Conspiracy Against myers' Rights – U.S.C. 18 Section 241.**

37. **Point 49** of the **Concise Statement** shares evidence **Exhibit 44** that is a **Butler Eagle newspaper article** that quoted jim gallagher, ***acting as a defendant***, who at times acts as an officer of the FRAUD UAW at **Cleveland-Cliffs** Butler plant and acting NOW as a defendant in this **Claim**.

    The article quotes gallagher about the management style then the article went on to state:

    "The final straw for the union came Tuesday with the firing of nine union supervisors because they did not report employees for "so-called safety violation."

    Since they were "union supervisors" that meant Cleveland-Cliffs were compensating those men and woman and the FRAUD UAW officers which is more proof there was no union at Cleveland-Cliffs.

38. **Points 51** of the **Concise Statement** shares evidence **Exhibit – U.S. Attorney General letter 2003** *dated 3-7-03* that was sent by joe myers via *Certified Mail* to then U.S. Attorney General ashcroft as well as many other PUBLIC SERVANTS that did NOTHING!!!

    This document provided all the evidence in the **Concise Statement** so while myers will prove that *statute of limitations and rules of procedure* are UNCONSTITUTIONAL, myers did IN FACT file a **Claim** within any UNCONSTITUTION *statute of limitations*.

    If ***ashcroft*** and ***mccune*** would have done THEIR JOB as PUBLIC SERVANTS then myers would have been awarded LAWFUL compensation long before NOW!

39. **Point 53** of the **Concise Statement** details the criminal action of angelo papa when he filed for a *trial by jury* in **Claim** *case number 04-10477* yet never pressed for a *trial by jury* and *never pressed the union was a fraud* even after joe myers had provided all the evidence that is part of this **Claim**.

papa committed *lawful malpractice* when he did not require a trial by jury yet let the **Claim** and God-given rights of myers be usurped by *unlawful rules of procedure* that violate the Constitutional Right of a *trial by jury* in the ***7th Amendment*** and ***Pennsylvania Declaration of Rights Section 6***.

40. **Point 60** of the **Concise Statement** details the *call on 5-16-19* joe myers had with jerry erhman, former Cleveland-Cliffs worker.

    In that phone conversation erhman informed myers that greg loverick, ***acting as a defendant***, CONSPIRED with edward tassey, ***acting as a defendant***, to assign myers to the truck that required overloading knowing it would put myers in conflict with what, *then PA Attorney General assistant david devries*, directive to myers that and co-workers would be held criminally and civilly liable operating defective mobile cranes, heavy equipment and overloaded tractor trailers that was against Cleveland-Cliffs own WRITTEN POLICY – **THE LAW** – and someone was injured or killed which made the order against the **LAW** which ultimately led to myers being unlawfully fired for ***whistleblowing*** from Cleveland-Cliffs.

    While myers and the courts KNOW a *statute of limitations* is UNCONSTITUTIONAL this call would start a new ALLEGED *statute of limitations* and a JURY has the authority to NULLIFY any UNLAWFUL statute that has prevented myers Constitutional Rights of Due Process and Equal Protection of the laws.

    myers had no knowledge of this discovery of the conspiracy between loverick and tassey **until 5-16-19**.

41. **Point 61** of the **Concise Statement** states that myers filed a **Complaint** *dated 5-29-19* adding the men, ***acting as defendants***, mccune, chivers, murtagh, brewer, nanni, lewis, gallagher, loverick, tassey, Cleveland-Cliffs and UAW.

    Exhibit CC (attached) is *evidence* that consists of the following involving the FRAUD of murtagh:

    - Returned mailings that myers sent to murtagh from *dates 7-8-19* thru *7-26-19*.

- The specific mailing that had the **Return To Sender** *date of 7-20-19* that was handwritten **Delivery Refused** on the mailing was the **Complaint** that myers mailed to murtagh adding murtagh, ***acting as a defendant,*** to his home P.O. Box since he was refusing the mail to murtagh's office when IN FACT murtagh was still the principle of the law office.

- To prove murtagh was a still an attorney at murtagh's office the printout *time/date stamped 7-24-19* reveals the profile of murtagh as a listed attorney of **The Law Offices of Murtagh Hobaugh & Cech** with addresses listed as *110 Swinderman Road, Wexford, PA 15090* and *112 Hollywood Drive, Suite 101, Butler, PA 16001* which were the addresses that myers had mailed correspondences to.

- In a print out of a time/date stamp email correspondences from myers *dated 7-13-19*, *7-15-19* and *7-24-19* with murtagh's law office email address of JWMurtagh@MHClawfirm.com and admin@mchlawfirm.com yet *on 7-15-19* hobaugh replies to myers from the admin email and **LIES** by stating ***"Mr. Murtagh retired from the practice of law in 2017."*** when IN FACT the above print out states murtagh is still a listed attorney of **The Law Offices of Murtagh Hobaugh & Cech** in ***2019***.

The FRAUD continues to perpetuate!

42. richard a. goldinger,***acting as a defendant***, is the current **Butler County District Attorney** and has refused to do his job to investigate the criminal activity and prosecute all involved!

Exhibits DD and LL *(attached)* are time/date stamped email correspondences between myers and goldinger *dated 8-12-19* thru *9-29-20*.

In **Exhibit LL *(attached)*** myers notified goldinger and informed goldinger to read the **Concise Statement**.

In that same email myers referenced the following **United States Codes (U.S.C.)** and clauses from each **U.S.C.** that goldinger should prosecute against the men and women, **acting as defendants**, and because goldinger did not then ***goldinger is part of the conspiracy***:

U.S.C. Title 18 Section 241 – Conspiracy Against Rights

U.S.C. Title 18 Section 242 – Deprivation of Rights Under Color of Law

U.S.C. Title 18 Section 245 – Federally Protected Activities

U.S.C. Title 42 Section 1982 – Property rights of citizens

U.S.C. Title 42 Section 1983 – Civil action for deprivation of rights

U.S.C. Title 42 Section 1985 – Conspiracy to interfere with civil rights

U.S.C. Title 42 Section 1986 – Action for neglect to prevent

Exhibit LL *(attached)* is goldingers reply to myers in which goldinger states:

*"I am in receipt of your email. **I do not have time to go through all of your attachments and <u>read all of you constitutional law</u>**. What crime was committed of which you are a victim do you want investigated and prosecuted." (emphasis added)*

The first glaring point is that goldinger did not want to ***investigate the crimes*** and he **DID NOT HAVE** time to read **CONSTITUTIONAL LAW** to protect the RIGHTS of LIFE, LIBERTY and PROPERTYY which IN FACT is **COMMON LAW** which is **COMMON SENSE LAW** so how can goldinger even be a district attorney when he does not know the LAW?!

goldinger would have known the following court opinions had goldinger read the ***Concise Statement*** myers asked goldinger to read and goldinger also would have know the crimes that goldinger asked myers about.

goldinger would also know **COMMON LAW** by reading the following court opinions that follow the **Constitution** from the **Concise Statement** so goldinger is ***liable to pay punitive damages for the CRIMES goldinger committed against myers:***

"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." – ***Norton v. Shelby County, 118 U.S. 425 (1886)***

"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)***

Not all court opinions by judges follow the **Constitution** which are unlawful like the opinions of **cunningham**, **bender**, **dubow** and **nichols**.

Violation of CONSTITUTIONAL LAW, FRAUD, CONSPIRACY and CRIMINAL acts make ALL court opinions and defense court filings NULL and VOID

43. **Points 62 thru 101** of the **Concise Statement** and the **Supreme Court and Superior Court of Pennsylvania** *court filings* of myers details the criminal activity of william cunningham, john t. bender, alice beck debow and coralyn h. nichols, ***acting as defendants***, that were complicit with ALL other men and women, ***acting as defendants***, to conspire against the rights of myers.

    The following are highlights detailing the **CRIMINAL ACTS** *that are detailed in the previous points*:

    a) A crime was committed when Cleveland-Cliffs verbally ordered myers to NOT secure the pinion gear and the truck rolled over with myers and Cleveland-Cliffs new the same issue happened to co-worker, dan redick, when the same truck almost rolled over on redick and myers was never informed. This CRIME had the element of killing myers.

    b) After continued harassment and being instructed to violate the law myers contacted the Pennsylvania Attorney General's office and spoke with david devries.

    After myers conveyed the crimes stated in this **Claim** devries informed myers if myers or co-workers were given verbal orders to violate Cleveland-Cliffs own written orders, **which is COMMON LAW**, and someone was hurt or killed that myers or co-workers would be lawfully liable and could go to prison for willful violation of the LAW.

    c) myers was then fired for **whistleblowing** when Cleveland-Cliffs AGAIN verbally ordered myers to NOT chain down a load which AGAIN was in violation of Cleveland-Cliffs on written orders, **which is COMMON LAW**.

d) myers then hired chivers to file a lawful Claim against Cleveland-Cliffs and FRAUD UAW but chivers stated to myers that after chivers spoke with FRAUD UAW lawyer murtagh that murtagh stated myers had to go to arbitration first which was a LIE.

e) Both chivers and papa had all the evidence myers has provided in this **Claim** yet neither filed a lawful Claim to be heard before a jury that is the Constitutional Right of myers and ALL mankind. This was a criminal act by chivers and papa when they are SUPPOSED to know the LAW yet myers has proved in this **Claim** but they do not which is FRAUD by chivers and papa.

f) papa unlawfully allowed Cleveland-Cliffs and FRAUD UAW to unlawfully move forward as a labor issue when IN FACT myers has proved in this **Claim** it is under *Constitutional Law* requiring a *Trial by Jury* Claim.

g) **s. michael yeager**, *was the only man acting as a judge,* that *honored his sworn oath* to protect the God-given rights of joe myers when he ruled it was a *Conflict of Interest* when **graydon brewer** represented **joseph h. chivers** in **Claim** *Case number 04-10707*. This validates myers continued assertion of the FRAUD and CRIMINAL activity by all men and women, ***acting as defendants***.

h) myers warned cunningham and all men and women, that were acting as legal counsel for violating the Constitution and Constitutional Rights of myers and specifically for having any court hearing without a jury present. myers provided the **WARNINGS** in **Notice to Butler County, Notice of Judicial Misconduct, Notice of Attorney Misconduct** *dated 10-11-19* and **Legal Notice and Violation Warning of Denial of Plaintiff's Right Under Color of Law** *dated 10-16-19* and the **Amended Legal Notice And Violation Warning of Denial of Plaintiff's Rights Under Color of Law** *dated 10-18-19*

i) Once myers added cunningham in the **Legal Notice and Violation Warning of Denial of Plaintiff's Right Under Color of Law** *dated 10-16-19* and the **Amended Legal Notice And Violation Warning of Denial of Plaintiff's Rights Under Color of Law** *dated 10-18-19* at that point cunnigham was required by LAW to recuse himself from the **Claim** but cunningham did not and IN FACT gave an UNLAWFUL opinion which is a CRIME!

j) cunnigham's again committed a CRIME with his UNLAWFUL **Rule1925(a) Order** *dated 1-30-20* by attempting again to use rules to deny myers Constitutional Rights that no court can deny!

k) continual CRIMINAL actions are further proved when cunningham UNLAWFULLY attempts to dismiss myers **Claim** using *rules of procedure* YET allows the men and women, ***acting as defendants***, to habitually violate the rules in the following points:

1) The lower Commonwealth Court threw out the *rules of procedure* when the Court allowed *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*** *filed on 6-19-20*.

2) The lower Commonwealth Court threw out the *rules of procedure* when the Court, *almost* ***FOUR MONTHS after*** *myers* ***Complaint*** *was filed on 5-29-19,* allowed *Hobaugh* to file his ***Notice of Appearance, Preliminary Objections*** and ***Brief in Support of Preliminary Objections*** *filed on 9-24-20.*

After 30 days from the time myers filed the Complaint cunningham was REQUIRED BY COMMON LAW to award myers compensation requested by myers.

3) The lower Commonwealth Court threw out the *rules of procedure* when the Court, *almost* ***FIVE MONTHS after*** *myers* ***Complaint*** *filed on 5-29-19*, allowed *papa* to file his ***Limited Special Appearance Preliminary Objections*** *filed on 10-22-20*.

After 30 days from the time myers filed the Complaint cunningham was REQUIRED BY COMMON LAW to award myers compensation requested by myers.

4) *On 10-16-19* myers filed ***Notice to Butler County, Notice of Judicial Misconduct and Attorney Misconduct.*** This court filing called into question the illegal acts of *ALL* men and women, ***acting as defendants***, with a license to allegedly practice law and specifically ***cunningham.***

5) After *ALL* men and woman, ***acting as defendants***, were warned when *on 10-21-19* myers filed ***Amended Legal Notice & Violation Warning of Denial of Plaintiff's Rights Under Color of Law.*** The court filing had the **Color of Law Violation Warning letter** for *ALL* men and women, ***acting as defendants***, as part of the filing.

6) *On 10-29-19* myers filed ***Amended Court Filing Adding Defendants & For Continued Violation of Plaintiff's Rights Under Color of Law.*** The court filing adds *ALL* men and women, ***acting as defendants***, with a license to allegedly practice law and specifically **cunningham.**

At that point *cunningham was* ***prohibited from any further judicial actions*** and **BY COMMON LAW WAS REQUIRED** *to recuse himself from myers claim.*

INSTEAD, ***cunninqham*** *went ahead and filed his* ***unlawful OPINION*** *on 11-21-19*.

7) Then koch filed *a* ***Motion to Strike*** *on 11-19-19* against myers court filing ***Amended Court Filing Adding Defendants for Continued Violation of Plaintiff's Rights Under Color of Law*** AGAIN unlawfully myers was to follow *rules of procedure* YET *ALL* men and women, ***acting as defendants***, DID NOT HAVE TO FOLLOW THE SAME RULES ***or the LAW***!

I) To prove more crimes committed by cunningham are statements by cunningham in the UNCONSTITUTIONAL ***Oral Argument*** record *dated 10-22-19* that was attach to myers court filing ***Response To Motion To Strike By Defendant Koch And Any Future Court Filings By Any Defendant Trying To Violate Plaintiff's Constitutional Rights***:

1) On **page 3, lines 21-25** hobaugh admits to the FRAUD of Cleveland-Cliffs and the FRAUD UAW *"This has been adjudicated, both at labor arbitration and then later at an appeal to Federal District Court that was then appealed further to the Third Circuit and dismissed in 2005."* hobaugh IN FACT knew that when myers Claim was filed it was filed demamding a trial by jury so by the laws of Pennsylvania and of the United States of America myers case was NEVER to appealed to any court but IN FACT had to be heard before as jury in the Commonwealth Court!

On **page 4, lines 9-11** after hobaugh mentioned the record could be supplemented with the court filings from the District Court and the Third Circuit then cunningham stated *"That would be helpful just in terms of what was litigated there versus what remains, if anything, here."*

cunningham was complicit with the FRAUD as Cunningham should know the law and **COMMON LAW** states that myers has the RIGHT to a trial by jury and the jury would determine the FRAUD and NOT cunningham.

2) On **page 12, lines 21-25 and page 13, line 1** *"But your right to a trail by jury in a civil matter is not absolute. It is subject to the **gate-keeping function of a judge** to determine whether there is a factual or legal basis for a claim that could get to a jury for a jury to determine."*

cunningham once again **LIES** as cunningham knows a judge has NO ***gate-keeping function*** because that violates the States ratification of the **Bill of Rights – 10 Amendments** and the following words of the **Preamble to the Bill of Rights** that were clear the States were concerned about communists like cunningham and abusing power:

"The Conventions of a number of the States, having at the time of their adopting the Constitution expressed a desire <u>in order to prevent misconstruction</u> or <u>abuse of its powers</u>, that further declaratory and restrictive clauses should be added."

The Preamble made it very clear the Amendments were LAW to protect against abuse of power like cunningham so the **6th and 7th Amendments** to **GUARANTEE** a **COMMON LAW trial by jury** are **<u>IN FACT ABSOLUTE</u>**!

cunningham with his UNLAWFUL acts has violated myers RIGHTS under the ***5th and 14th Amendments*** of ***due process of the law*** and ***equal protection of the laws*** denying myers RIGHT to protect myers LIFE, LIBERTY and PROPERTY!

5th Amendment - "... nor shall any person ... ***nor be deprived of life, liberty, or property, without due process of law;"***

14th Amendment – "***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***."

3) On **page 8, line 22** "*Who is Angelo Papa?*"

This comment by cunnigham proves cunnigham NEVER even read myers Complaint as papa was IN FACT a man, ***acting as a defendant***.

How can cunningham even make a decision when he does not even know those part of the ***Complaint*** much less the **FACTS** and **EVIDENCE**? HE CAN'T which ALSO makes cunningham's decision unlawful and cunningham had no authority to schedule ***preliminary objections*** or any hearing ***without a COMMON LAW jury present*** after myers ***required the trial by jury*** GUARANTEED by the ***Constitution of the United States of America*** and the ***Pennsylvania Constitution*** and Constitutional LAWS that protects RIGHTS.

m) Continual CRIMINAL actions are further proved when ***bender, debow*** and ***nichols*** UNLAWFULLY attempts to dismiss myers Claim using *rules of procedure* YET allows the men and women, ***acting as defendants***, to habitually violate the rules in the following points:

1) The Superior Court threw out the *rules of procedure* when *on 4-20-20* myers filed ***Appellants Brief*** which had **9 QUESTIONS** according to *rules of court* and NEITHER ***bender, dubow, nichols*** nor ALL other men and women, ***acting as defendants,*** replied to the questions. The following are the questions:

a) Will Appellee Cunningham and ANY COURT be allowed to continue to usurp and violate the Constitutional Inalienable/Unalienable Rights of Appellant since the Supreme Court has already ruled the Bill of Rights are IN FACT RIGHTS that no government can give or take away from Appellant/Anyone, specifically a RIGHT to a JURY TRIAL that Cunningham has denied Appellant repeatedly and continues to harm Appellant by denying compensatory and punitive restitution awarded by a JURY?

b) Will this Court continue to allow the unconstitutional use of statute of limitations/time bar to be used against Appellant by Appellees which violates all the RIGHTS of Appellant in the Bill of Rights and specifically Amendments 7, 9, 10 and 14 Section 1?

c) Will Appellee Cunningham and ALL other Appellees continue to be allowed to conspire to violate Appellant's Rights under Title 18 Section 241 **Conspiracy Against Rights**, 242 **Deprivation of Rights Under Color of Law** and 254 **Federally protected activities** and continue to harm Appellant by denying compensatory and punitive restitution?

d) Will Appellee AK Steel (*now Cleveland-Cliffs*) continue to be allowed to harm Appellant by the continued violation of Appellant's Constitutional Inalienable/Unalienable Rights and CONSTITUTIONAL LAWS and continue to harm Appellant by denying compensatory and punitive restitution?

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

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

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

h) Will the Court allow Appellee Koch to go unpunished for not apprising the Court and Appellant that Appellee AK Steel was being *acquired and now owned by Cleveland-Cliffs*?

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

A ***(writ of) mandamus*** is an order from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion. https://www.law.cornell.edu/wex/mandamus

The rules of procedure are ***NULL and VOID because myers was UNLAWFULLY REQUIRED*** to follow rules *yet no other man or woman*, ***acting as a defendant,*** *were required to follow the SAME rules!*

2) On 7-2-20 myers filed ***Appellant's Demur To Non-Precedential Decision and WARNING to the COURT*** warning ***bender***, ***dubow***, and ***nichols*** the men and women, ***acting as defendants,*** acting as judges, of their illegal activity against myers of UNLAWFULLY dismissing myers case because myers was 2 days late filing a ***Concise Statement.***

IN FACT ***bender***, ***dubow*** and ***nichols*** KNEW of all the violations of the SO-CALLED *rules of procedure* are UNCONSTITUTIONAL.

n) The evidence proves ***bender***, ***dubow***, and ***nichols*** *acted outside their roles as judges when they did not*:

- address the issue of workplace violations and safety, and
- prosecute the CRIMES committed against myers by ALL men and women, ***acting as defendants,*** and
- award compensation owed to the myers.

o) All men and women, ***acting as defendants,*** in this **Claim** have been complicit as NEVER once has any man or woman responded to the evidence of myers but have always attempted to use *rules of procedure* or UNLAWFUL and/or UNCONSTITUTIONAL statutes to usurp the Constitutional Rights of myers.

44. **U.S.C. Title 28 Section 2072 – The Rules Enabling Act** – (1958 ed.), provides, in pertinent part:

> *"The Supreme Court shall have the power to prescribe, by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the district courts of the United States* ***in civil actions****."*
>
> *"Such rules shall not abridge, enlarge or modify any substantive right,* ***and shall preserve the right of trial by jury****. . . ."*

In the UNCONSTITUTIONAL preliminary objections hearing on the record cunningham **LIED** to myers by stating a jury was not absolute and that rules are intended to make the courts more efficient but cunningham KNEW the rules cannot usurp **Constitutionally** protected **RIGHTS**. The LAW is very clear that myers RIGHT to a trial by jury is **GUARANTEED and has IN FACT been USURPED!**

cunningham, bender, dubow, and nichols have IN FACT abridged myers Constitutional substantive right of a ***trial by jury*** and abridged myers right of **due process** and **equal protection of the laws** and the Constitution is the SUPREME LAW of the land and SUPERCEDES ***rules of court or unconstitutional laws or even constitutional laws that are unconstitutionally applied***.

The REQUIREMENT of a Trail by Jury

There are only 3 basic tenets of the SUPREME LAWS of the Land and a **JURY** has the **RIGHT** and **POWER** to enforce a *Constitutional law* or **NULLIFY** an Unconstitutional law or **NULLIFY** a Constitutional law that is Unconstitutionally applied:

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 man or woman which are **unenforceable.**

Because of the FRAUD of ALL men and woman, ***acting as defendants***, and the abuse of power of ***cunningham, bender, dubow, nichols, mccune and goldinger*** – ***also acting as defendants***, is why a ***COMMON LAW* trial by jury** is required and is the **LAW.**

The Founders were concerned with abuse of power of PUBLIC SERVANTS and is why the **Bill of Rights** was ratified. The **Preamble to the Bill of Rights** below is very clear of that concern of abuse of power and cunningham proved it when cunningham stated in the UNCONSTITUTIONAL ***Oral Argument*** record dated 10-22-19 on **page 12, lines 21-25 and page 13, line 1:**

*"But your right to a trial by jury in a civil matter is not absolute. It is subject to the **gate-keeping function of a judge** to determine whether there is a factual or legal basis for a claim that could get to a jury for a jury to determine."*

> ***"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."

The **Preamble to the Bill of Rights** proves cunningham does not know the LAW and should stripped of his license and all cases cunningham has been an alleged judge must be reviewed to find other men or women that cunningham has denied their Constitutional Rights!

The ***Constitution*** of the United States of America, *Amendment 7* and the **Pennsylvania Constitution**, Declaration of Rights, *Section 6* as well as **42 Pa.C.S.A. Section 5104** *GUARANTEES* a **Trial by Jury** when any man or woman demands a **Trail by Jury**.

Amendment 7

*"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."*

Section 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."*

42 Pa.C.S.A. Section 5104

(a) **General rule.--***Except where the right to trial by jury is enlarged by statute, **trial by jury shall be as heretofore, and the right thereof shall remain inviolate**. Trial by jury may be waived in the manner prescribed by general rules.*

(b) **Civil verdicts.--***In any civil case a verdict rendered by at least five-sixths of the jury shall be the verdict of the jury and shall have the same effect as a unanimous verdict of the jury. (emphasis added)*

The ***Declaration of Independence*** declares our God given RIGHTS and the usurpation's and lists the usurpations of king george and violation of those RIGHTS and the following are some specific usurpation's:

- ***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**

With the corruption of cunningham who must not remember a REVOLUTION was fought against ***king george*** to ***STOP TYRANNY*** and cunninghan ***delusionally*** thinks he has *gate-keeping* authority when IN FACT cunningham knows he DOES NOT which is TREASON and a CRIME and punishable by fines, imprisonment and compensation to myers.

All other men and women, ***acting as defendants***, were part of and complicit of the FRAUD and CONSPIRACY against myers.

The JURY will be able to use the following court opinions to render their **verdict** in this **Claim**:

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

"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." – ***Norton v. Shelby County, 118 U.S. 425 (1886)***

"**In courts of justice, the law of the land is the law of every case**, criminal **as well as civil**, the safety of the public, **the rights of individuals do not depend on their opinion of what the law ought to be, but on what it is**. *The ministers of justice are not the makers of the laws*, judges and **jurors** are, in the words of the defendant's counsel, *magistrates to enforce and execute the laws*; *they are as much bound by them as the criminal they condemn*. We sit here by the authority of the law, *our duty is prescribed and defined by law*, **and if we willfully violate or disregard it**, if we sentence a prisoner without a previous law prescribing a punishment, or acquit in opposition to the enacted and established law of the country, **we should be the greatest criminals in the nation**. *We are judges of law, but what is law?* **Not the opinions of judges and jurors merely, it is the will of the people**, expressed through that department of the government, **to whom they have confided the lawmaking power**. An act of congress is the exercise of that power conferred by the nation; a judgment of the supreme court affirming its validity and decreeing its binding force, is the constitutional exercise of the judicial power of the nation, confided to that high tribunal. And when a law thus carries with it the imposing authority of the people, the states of this union, and of every department of the government created by the constitution, shall the ministers of justice, its sworn administrators, be the first to trample under their feet the supreme law of the land? *Shall we*, the creatures of the law, the servants of the constitution, *dare to assume the power of abrogating its provisions*, *disobeying its injunctions*, *and dispensing with its penalties*? **The sixth article of the constitution, declares itself and all laws and treaties made pursuant thereto, to be the supreme law of the land, *and that all judges shall be bound thereby***, notwithstanding any thing in the law or constitution of any state to the contrary." – ***United States v. Shive***

"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)***

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

"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***

"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)***

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*

"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***

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.*

The following definitions from **Black's Law Dictionary** and other sources that will provide insight for the COMMON LAW jury to render a verdict:

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 publics' 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."*

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."*

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. Bleistein. 115 N.Y. 31G, 22 X. E. 243, 7 L. R. A. 702; Moore v. Crawford, 130 U. S. 122, 9 Sup. Ct. 447,32 L. Ed. 878; 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. 1S47.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."*

Fraudulent Act *"an act that has been with bad faith and dishonesty."*

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."*

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."*

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. 7S4. 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."*

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."*

Libel is a method of defamation expressed by print, writing, pictures, signs, effigies, or any communication embodied in physical form that is injurious to a person's reputation; exposes a person to public hatred, contempt or ridicule; or injures a person in their business or profession. https://www.law.cornell.edu/wex/libel

Defamation is a statement that injures a third party's reputation. The tort of defamation includes both libel (written statements) and slander (spoken statements). State common law and statutory law governs defamation actions.
https://www.law.cornell.edu/wex/defamation

A ***(writ of) mandamus*** is an order from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion. https://www.law.cornell.edu/wex/mandamus

The jury will render their **verdict** on the **evidence provided** in the court filings of myers on the following **Counts** listed.

The Law

We the People must understand that the ***Constitution of the United States of America*** and any ***Constitution*** of any ***State*** is ratified by ***We the People*** to restrict ***PUBLIC SERVANTS like cunningham, bender, dubow and nichols against TYRANNY*** *and* ***COMMUNISM*** against ***We the People***. Constitutions are NOT written to restrict ***We the People*** but to PROTECT our RIGHTS of LIFE, LIBERTY and PROPERTY!

Common law is ***commonsense law*** by a GUARANTEED ***TRIAL BY JURY*** to protect ***We the People*** from violation of our RIGHTS by ***tyrannical*** and ***communists acts*** like those of cunningham, bender, dubow and nichols against myers.

The JURY will render their **verdict** on the **evidence provided** in the court filings of myers on the following LAWS.

The **Constitution of the United States of America** is the supreme law of the land so any legislation passed must not violate the Constitution or in is NULL and VOID and every judge is BOUND to obey the Constitution.

1) Preamble

"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."

2) 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****, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

*The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and **judicial Officers**, both of the United States and of the several States, **shall be bound by Oath or Affirmation, to support this Constitution**;"*

3) **Article I, Section 10, Clause 1:**

*"No State shall ... make any ... **Law impairing the Obligation of Contracts**"*

4) **Preamble to the Bill of Rights** is very clear the States were concerned Constitution was not restrictive enough and there were concerns of abuse of power and is why the first 10 Amendments were ratified:

"***The Conventions of a number of the States, having at the time of their adopting the Constitution expressed a desire <u>in order to prevent misconstruction</u> or <u>abuse of its powers</u>, that <u>further declaratory</u> and <u>restrictive</u> <u>clauses should be added</u>***: And as extending the ground of public confidence in the Government will best ensure the beneficent ends of its institution."

5) **7th Amendment** is very clear a Trial by Jury is GUARANTEED in a civil case.

*"In suits at common law, <u>where the value in controversy shall exceed twenty dollars</u>, the **right of trial by jury shall be preserved**, <u>and no fact tried by a jury</u>, <u>shall be otherwise reexamined in any court of the United States</u>, than according to the rules of the common law."*

The **Constitution of the Commonwealth of Pennsylvania** and **laws** are very clear of the **right to protect property** and **guarantees** a **Trial by Jury**.

6) PREAMBLE

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

ARTICLE I – DECLARATION OF RIGHTS

7) Section 1. Inherent rights of mankind.

*"**All men are born equally free and independent**, and have certain **inherent and indefeasible rights**, among which are those of enjoying and **defending life and liberty, of acquiring, possessing and protecting property and reputation**, and of pursuing their own happiness."*

8) Section 2. Political powers.

*"**All power is inherent in the people**, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper."*

9) Section 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)"

10) Section 11. Courts to be open; suits against the Commonwealth.

*"All courts shall be open; **and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay**. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct."*

11) Section 17. Ex post facto laws; impairment of contracts.

"No ex post facto law, ***nor any law impairing the obligation of contracts****, or making irrevocable any grant of special privileges or immunities, shall be passed."*

12) Section 25. Reservation of powers in people.

To guard against transgressions of the high powers *which we have delegated, we declare that everything in this article is excepted out of the general powers of government* ***and shall forever remain inviolate****. (May 16, 1967, P.L.1035, J.R.1)*

Pennsylvania Consolidated Statutes Annotated (Pa.C.S.A) – *statues are only LAW if they do not violate Constitutional Rights*:

13) Pa.C.S.A. Title 42 Section 5104

a. **General rule. --** *Except where the right to trial by jury is enlarged by statute,* ***trial by jury shall be as heretofore, and the right thereof shall remain inviolate****. Trial by jury may be waived in the manner prescribed by general rules.*

b. **Civil verdicts. --** ***In any civil case*** *a verdict rendered by at least five-sixths of the jury shall be the verdict of the jury and shall have the same effect as a unanimous verdict of the jury. (emphasis added)*

14) Pa.C.S.A. Title 42 Section 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.

15) Pa.C.S.A. Title 42 Section 1503. Applicability of colonial law.

(a) **English law.--**The common law and such of the statutes of England as were in force in the Province of Pennsylvania on May 14, 1776 and which were properly adapted to the circumstances of the inhabitants of this Commonwealth shall be deemed to have been in force in this Commonwealth from and after February 10, 1777.

(b) **Provincial statutes.--**The statutes enacted on or before May 14, 1776 under the authority of the late Proprietaries of the Province of Pennsylvania have the same validity and effect as statutes enacted under the authority of this Commonwealth.

(c) **Exceptions.--**The rules specified in subsections (a) and (b) of this section shall ***not be applicable to any statute or law which***:

(2) orders the taking or subscribing any oath, affirmation or declaration of allegiance or fidelity to the British crown;

(4) **is repugnant to the Constitution of this Commonwealth or of the United States.**

16) Pa.C.S.A. Title 42 Section 1922. Presumptions in ascertaining legislative intent.

In ascertaining the intention of the General Assembly in the enactment of a statute the following presumptions, among others, may be used:

(3) **That the General Assembly does not intend to violate the Constitution of the United States or of this Commonwealth.**

(5) That the General Assembly intends to favor the public interest as against any private interest.

17) Pa.C.S.A. Title 42 Section 1925. Constitutional construction of statutes.

The provisions of every statute shall be severable. If any provision of any statute or the application thereof to any person or circumstance is held invalid, the remainder of the statute, and the application of such provision to other persons or circumstances, shall not be affected thereby, unless the court finds that the valid provisions of the statute are so essentially and inseparably connected with, and so depend upon, the void provision or application, that it cannot be presumed the General Assembly would have enacted the remaining valid provisions without the void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

18) Pa.C.S.A. Title 42 Section 1931. Intent to defraud.

Whenever an intent to defraud is required in any statute in order to constitute an offense, the statute shall be construed to require only an intent to defraud any person or body politic.

19) Pa.C.S.A. Title 42 Section 3922. Theft by deception.

(a) Offense defined.--A person is guilty of theft if he intentionally obtains or withholds property of another by deception. A person deceives if he intentionally:

(1) creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

(2) prevents another from acquiring information which would affect his judgment of a transaction; or

(3) fails to correct a false impression which the deceiver previously created or reinforced, or which the deceiver knows to be influencing another to whom he stands in a fiduciary or confidential relationship.

SUBCHAPTER D
DEFAMATION

20) Pa.C.S.A. Title 42 Section 8344. Malice or negligence necessary to support award of damages.

In all civil actions for libel, no damages shall be recovered unless it is established to the satisfaction of the jury, under the direction of the court as in other cases, that the publication has been maliciously or negligently made, **but where malice or negligence appears such damages may be awarded as the jury shall deem proper.**

TITLE 18

CRIMES AND OFFENSES

21) Pa.C.S.A. Title 18 Section 101. Short title of title.

This title shall be known and may be cited as the "Crimes Code."

22) Pa.C.S.A. Title 18 Section 102. Territorial applicability.

(a) General rule.--Except as otherwise provided in this section, a person may be convicted under the law of this Commonwealth of an offense committed by his own conduct or the conduct of another for which he is legally accountable if either:

(1) the conduct which is an element of the offense or the result which is such an element occurs within this Commonwealth;
(2) conduct occurring outside this Commonwealth is sufficient under the law of this Commonwealth to constitute an attempt to commit an offense within this Commonwealth;
(3) conduct occurring outside this Commonwealth is sufficient under the law of this Commonwealth to constitute a conspiracy to commit an offense within this Commonwealth and an overt act in furtherance of such conspiracy occurs within this Commonwealth;
(4) conduct occurring within this Commonwealth establishes complicity in the commission of, or an attempt, solicitation or conspiracy to commit, an offense in another jurisdiction which also is an offense under the law of this Commonwealth;
(5) the offense consists of the omission to perform a legal duty imposed by the law of this Commonwealth with respect to domicile, residence or a relationship to a person, thing or transaction in this Commonwealth; or
(6) the offense is based on a statute of this Commonwealth which expressly prohibits conduct outside this Commonwealth when the conduct bears a reasonable relation to a legitimate interest of this Commonwealth and the actor knows or should know that his conduct is likely to affect that interest.

23) Pa.C.S.A. Title 18 Section Section 103. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this part, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Act" or **"action."** A bodily movement whether voluntary or involuntary.

"Actor." Includes, where relevant, a person guilty of an omission.

"Acted." Includes, where relevant, "omitted to act."

"Element of an offense." Such conduct or such attendant circumstances or such a result of conduct as:

(1) is included in the description of the forbidden conduct in the definition of the offense;
(2) establishes the required kind of culpability;
(3) negatives an excuse or justification for such conduct;
(4) negatives a defense under the statute of limitation; or
(5) establishes jurisdiction or venue.

"Intentionally." The meaning specified in section 302 of this title (relating to general requirements of culpability) and equivalent terms such as "with intent," "designed" or "with design" have the same meaning.

"Knowingly." The meaning specified in section 302 of this title (relating to general requirements of culpability) and equivalent terms such as "knowing" or "with knowledge" have the same meaning.

"Material element of an offense." An element that does not relate exclusively to the statute of limitations, jurisdiction, venue or to any other matter similarly unconnected with:

(1) the harm or evil incident to conduct, sought to be prevented by the law defining the offense; or
(2) the existence of a justification or excuse for such conduct.

"Negligently." The meaning specified in section 302 of this title (relating to general requirements of culpability) and equivalent terms such as "negligence" or "with negligence" have the same meaning.

"Omission." A failure to act.

"Purposely" or **"with purpose."** Intentionally.

"Statute." ***Includes the Constitution of Pennsylvania*** and a local law or ordinance of a political subdivision.

"Whoever." Includes any person.

24) Pa.C.S.A. Title 18 Section 301. Requirement of voluntary act.

(a) **General rule.--**A person is not guilty of an offense unless his liability is based on conduct which includes a voluntary act or the omission to perform an act of which he is physically capable.

(b) **Omission as basis of liability.--**Liability for the commission of an offense may not be based on an omission unaccompanied by action unless:

(1) the omission is expressly made sufficient by the law defining the offense; or

(2) a duty to perform the omitted act is otherwise imposed by law.

*"An **inchoate offense** is a type of crime that is committed by taking a punishable step towards the commission of another crime. The three basic inchoate offenses are **attempt**, **solicitation**, and **conspiracy**."*
https://www.law.cornell.edu/wex/inchoate_offense

INCHOATE CRIMES

25) Pa.C.S.A. Title 18 Section Section 901. Criminal attempt.

(a) **Definition of attempt.--**A person commits an attempt when, with intent to commit a specific crime, he does any act which constitutes a substantial step toward the commission of that crime.

26) Pa.C.S.A. Title 18 Section Section 903. Criminal conspiracy.

(a) **Definition of conspiracy.--**A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he:

(1) agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or

(2) agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

(b) **Scope of conspiratorial relationship.--**If a person guilty of conspiracy, as defined by subsection (a) of this section, knows that a person with whom he conspires to commit a crime has conspired with another person or persons to commit the same crime, he is guilty of conspiring with such other person or persons, to commit such crime whether or not he knows their identity.

27) Pa.C.S.A. Title 18 Section Section 911. Corrupt organizations.

(a) Findings of fact.--The General Assembly finds that:

(1) organized crime is a highly sophisticated, diversified, and widespread phenomenon which annually drains billions of dollars from the national economy by various patterns of unlawful conduct including the illegal use of force, ***fraud***, and corruption;

(2) organized crime exists on a large scale within the Commonwealth of Pennsylvania, engaging in the same patterns of unlawful conduct which characterize its activities nationally;

(4) in furtherance of such infiltration and corruption, organized crime utilizes and applies to its unlawful purposes laws of the Commonwealth of Pennsylvania conferring and relating to the privilege of engaging in various types of business and designed to insure that such businesses are conducted in furtherance of the public interest and the general economic welfare of the Commonwealth;

(h) Definitions.--As used in this section:

(1) "***Racketeering activity***" means all of the following:

(i) An act which is indictable under any of the following provisions of this title:

Chapter 39 (relating to ***theft and related offenses***)

Section 4108 (relating to commercial bribery and ***breach of duty to act disinterestedly***)

Chapter 47 (relating to bribery and ***corrupt influence***)

Chapter 49 (relating to ***falsification and intimidation***)

28) Pa.C.S.A. Title 18 Section Section 4910. Tampering with or fabricating physical evidence.

A person commits a misdemeanor of the second degree if, believing that an official proceeding or investigation is pending or about to be instituted, he:

(1) alters, destroys, conceals or removes any record, document or thing with intent to impair its verity or availability in such proceeding or investigation; or

(2) ***makes, presents*** or ***uses any record, document or thing knowing it to be false and with intent to mislead a public servant*** who is or may be engaged in such proceeding or investigation.

29) Pa.C.S.A. Title 18 Section Section 4952. Intimidation of witnesses or victims.

(a) Offense defined.--A person commits an offense if, with the intent to or with the knowledge that his conduct will obstruct, impede, impair, prevent or interfere with the administration of criminal justice, he intimidates or attempts to intimidate any witness or victim to:

(1) ***Refrain from informing or reporting*** *to any law enforcement officer, prosecuting official or judge concerning any information, document or thing relating to the commission of a crime.*
(2) ***Give any false or misleading information or testimony relating to the commission of any crime*** *to any law enforcement officer, prosecuting official or judge.*
(3) ***Withhold any testimony, information, document or thing relating to the commission of a crime*** *from any law enforcement officer, prosecuting official or judge.*
(4) ***Give any false or misleading information or testimony or refrain from giving any testimony, information, document or thing, relating to the commission of a crime****, to an attorney representing a criminal defendant.*
(5) Elude, evade or ignore any request to appear or legal process summoning him to appear to testify or supply evidence.
(6) Absent himself from any proceeding or investigation to which he has been legally summoned.

(b) Grading.--

(1) The offense is a felony of the degree indicated in paragraphs (2) through (4) if:

(i) The actor employs force, violence ***or deception***, or threatens to employ force or violence, upon the witness or victim or, with the requisite intent or knowledge upon any other person.

(ii) The actor offers any pecuniary or other benefit to the witness or victim or, with the requisite intent or knowledge, to any other person.

(iii) **The actor's conduct is in furtherance of a conspiracy to intimidate a witness or victim.**

(iv) The actor accepts, agrees or solicits another to accept any pecuniary or other benefit to intimidate a witness or victim.

(v) The actor has suffered any prior conviction for any violation of this section or any predecessor law hereto, or has been convicted, under any Federal statute or statute of any other state, of an act which would be a violation of this section if committed in this State.

(2) The offense is a felony of the first degree if a felony of the first degree or murder in the first or second degree was charged in the case in which the actor sought to influence or intimidate a witness or victim as specified in this subsection.

(3) The offense is a felony of the second degree if a felony of the second degree is the most serious offense charged in the case in which the actor sought to influence or intimidate a witness or victim as specified in this subsection.

(4) The offense is a felony of the third degree in any other case in which the actor sought to influence or intimidate a witness or victim as specified in this subsection.

30) Pa.C.S.A. Title 18 Section 4953. Retaliation against witness, victim or party.

(a) Offense defined.--A person commits an offense ***if he harms another by any unlawful act or engages in a course of conduct or repeatedly commits acts which threaten another in retaliation for anything lawfully done in the capacity of witness, victim or a party <u>in a civil matter</u>.***

(b) Grading.--The offense is a felony of the third degree if the retaliation is accomplished by any of the means specified in section 4952(b)(1) through (5) (relating to intimidation of witnesses or victims). Otherwise the offense is a misdemeanor of the second degree.

31) Pa.C.S.A. Title 18 Section 5101. Obstructing administration of law or other governmental function.

A person commits a misdemeanor of the second degree if he **intentionally obstructs, impairs or perverts the administration of law** or other governmental function by force, violence, physical interference or obstacle, **breach of official duty**, or any other **unlawful act**

32) Pa.C.S.A. Title 18 Section 5109. Barratry.

A person is guilty of a misdemeanor of the third degree if he vexes others with unjust and vexatious suits.

United States Codes (U.S.C.)

33) U.S.C. Title 28 Section 2072 – The Rules Enabling Act – (1958 ed.), provides, in pertinent part:

"The Supreme Court shall have the power to prescribe, by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the district courts of the United States ***in civil actions****."*

"Such rules shall not abridge, enlarge or modify any substantive right, ***and shall preserve the right of trial by jury****. . . ."*

34) U.S.C. 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.

35) U.S.C. Title 18 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.

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.

36) 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;

37) U.S.C. Title 42 Section 1983 – Civil action for deprivation of rights

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

38) U.S.C. Title 42 Section 1985 – Conspiracy to interfere with civil rights

(2) OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR

... or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) **DEPRIVING PERSONS OF RIGHTS OR PRIVILEGES**

... ***in any case of conspiracy*** set forth in this section, if one or more persons engaged therein do, or cause to be done, ***any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators***.

39) U.S.C. Title 42 Section 1986 – Action for neglect to prevent

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, ***are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured***, or his legal representatives, ***for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented***; ***and such damages may be recovered in an action on the case***; ***and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action***;

40) U.S.C Title 18 Section 1341 – Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, ... *or takes or receives therefrom, any such matter or thing*, ***or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed***, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both.

41) U.S.C Title 18 Chapter 96 – Racketeer Influenced and Corrupt Organizations

(1) **"racketeering activity"** means **(A)** any act or threat involving...**extortion**

42) U.S.C. Title 18 Section 1962 - Prohibited activities

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of **racketeering activity**

43) U.S.C Title 50 Section 841 – Findings and declaration of fact

The Congress finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to political parties, ***but denying to all others the liberties guaranteed by the Constitution***. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed.

(Aug. 24, 1954, ch. 886, § 2, 68 Stat. 775.)

44) U.S.C. Title 29 *Section 411 - Bill of rights; constitution and bylaws of labor organizations*:

"(a)(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***." (emphasis added)

"(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***." (emphasis added)

45) U.S.C. Title 29 Section 654 - Duties of employers and employees

(a) Each employer—

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

46) U.S.C. Title 18 Chapter 115 Section 2381 – Treason

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States.

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

47) U.S.C. 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;

Counts

In the **Counts** below myers will use the section of this **Claim** titled **The Law** to reference the statutes ***that are Constitutional***.

Also, myers will also use the section titled **The REQUIREMENT of a Trial by Jury** that provides definitions as to criminal acts by the men and women, ***acting as defendants***.

The **Preamble** to the **Constitution of the United States of America** and **Preamble** to the **Bill of Rights** proves that ***We the People*** did ordain the **Constitution** and **Bill of Rights** to restrict PUBLIC SERVANTS and that We the People are the ULTIMATE AUTHORITY!

The **Constitution of the Commonwealth of Pennsylvania** affirms and is subject to the **Constitution of the United States of America**.

The right of a trial by jury is **GUARANTEED** under the *Constitution* and *Bill of Rights* of the United States of America, *Amendment 7* and the Pennsylvania Constitution, Declaration of Rights, *Section 6* and *42 Pa.C.S.A. Section 5104*.

Our Founders new that there would be abuse of power and why the ***6th and 7th Amendments*** were ratified by ***We the People*** to make **We the People** the ***4th Branch of governance*** to ***stop tyranny*** as myers has endured from cunningham, bender, dubow and nichols.

The **jury** must only use laws that are **Constitutional** to render a verdict and **NULLIFY** ALL UNCONSTITUTIONAL codes, acts, statutes or any form of usurpation of myers RIGHTS to protect myers LIFE, LIBERTY and PROPERTY that the men and women, ***acting as defendants***, attempt to use to LIE to the jury.

Pa. C.S.A. is the citation abbreviation for **Pennsylvania Consolidated Statutes Annotated**.

The **Pa. C.S.A.** is very clear statutes CANNOT violate the violate the ***Constitution of the United States of America*** or the ***Constitution of the Commonwealth of Pennsylvania***:

Section 1503. Applicability of colonial law.

(c) Exceptions.--The rules specified in subsections (a) and (b) of this section shall ***not be applicable to any statute or law which***:

(2) orders the taking or subscribing any oath, affirmation or declaration of allegiance or fidelity to the British crown;

(4) ***is repugnant to the Constitution of this Commonwealth or of the United States.***

Count 1
Criminal Conspiracy

Pa. C.S.A. Title 42 Section 102 (a)(1)(5) that a person can be convicted of an offense of his own conduct or the conduct of another if the offense occurs within the Commonwealth and the offense consists of the omission to perform a legal duty imposed by law of a transaction in the Commonwealth.

Pa. C.S.A. Title 42 Section 1931 intent to defraud anyone.

Pa. C.S.A. Title 42 Section 3922 (b)(4)(5)(6) details theft by deception occurs when a person intentionally withhold property of another by deception and creates false impressions and fails to correct a false impression.

Pa. C.S.A. Title 42 Section 8344 details that libel defamation, malice or negligence that is verbal or written whether maliciously or negligently made that the jury can award damages.

Pa. C.S.A. Title 18 Section 301 (c)(d)(1)(2) states that a person commits a voluntary act when a persons liability is based on the voluntary act or an omission to perform an act which the person is physically capable of performing that violate the law.

Pa. C.S.A. Title 18 Section 903 (a)(1)(2) that a person is guilty of a criminal conspiracy when that person agrees with another person or persons to engage in conduct which constitutes such a crime or attempt to solicit such crime and agrees to aid such other person or persons in planning or commission of such crime or the solicitation to commit such a crime.

Pa. C.S.A. Title 18 Section 911 (a)(3)(4)(5)(h)(4)(i) that corrupt organizations engage in ***fraud*** and organized crime of racketeering by ***theft, breach of duty to act disinterestedly, corrupt influence, falsification and intimidation.***

Pa. C.S.A. Title 18 Section 4910 (3)(4) states a person commits a crime when tamper with or fabricate physical evidence or "***makes, presents*** or ***uses any record, document or thing knowing it to be false and with intent to mislead a public servant*** who is or may be engaged in such proceeding or investigation."

Pa. C.S.A. Title 18 Section 4952 (a)(1,2,3,4,5,6)(b)(1,2,3,4) states a person cannot intimidate a witness or victim or obstruct, impede, impair, prevent or interfere ***with the administration of justice***. No person can use deception or conduct to further a conspiracy to intimidate a witness or victim.

Pa. C.S.A. Title 18 Section 4953 (c)(d) states no person can retaliate against a witness or victim which conduct or repeated committed acts for following the law.

Pa. C.S.A. Title 18 Section 5101 states no person can intentionally obstruct, impair or pervert the administration of law by physical interference or obstacle, **breach of duty** or any other unlawful act.

Pa. C.S.A. Title 18 Section 5109 states no person can file an unjust court filing to defraud the court which is the term called barratry which is typically filed by so-called attorneys.

1) Cleveland-Cliffs made a contract with myers that if myers followed Cleveland-Cliffs rules **(LAW)** that myers would be compensated for myers labor in the form of money, benefits, and future pension and benefits. This contract lasted for 17 years until Cleveland-Cliffs ***breached the contract***.

2) Cleveland-Cliffs fraudulently allowed the FRAUD UAW to defraud myers and the workforce by compensating the officers and providing a on-plant "union hall" which violates **U.S.C. Title 29 *Section 411 - Bill of rights; constitution and bylaws of labor organizations*** which states because of the fraud of Cleveland-Cliffs and the FRAUD UAW the ***"... shall be of no force or effect."***

3) Cleveland-Cliffs has violated **U.S.C. Title 29 Section 654 - Duties of employers and employees**

   (a) Each employer—

   (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

4) Cleveland-Cliffs committed a crime when myers was verbally directed to not chain a pinion gear down and the truck rolled over with myers inside when the pinion gear rolled over with the potential to kill myers or someone else. **Exhibit 3** was the disciplinary warning myers received for not chaining down the pinion gear even though myers was verbally directed to not chain down the pinion gear by the machine shop supervisor because the machine shop did not want undo stress on the bearings by chaining the pinion gear down.

5) Cleveland-Cliffs **DID NOT** inform myers that the same stake truck almost rolled over on co-worker dan redick hauling the SAME pinion gear. After the truck rolling over on myers it was then myers was shown the pictures of the incident that happened to redick. **After the incident with the truck rolling over on myers Cleveland-Cliffs started hauling the pinion gear on a low-boy tactor-trailer which is more proof Clevland-Cliffs knew the pinion gear should NOT be hauled on the stake truck.**

6) After repeated issues of ***unlawful directives*** to myers and co-workers using defective mobile cranes, heavy equipment and trucks not rated for the use as ***unlawful ordered*** by Cleveland-Cliffs supervision it was then myers contacted david devries from the Pennsylvania Attorney General's office and jim connell from OSHA to report the crimes but nothing was done.

7) **Exhibits 9 and 11** are letters myers and then counsel for myers sent to Cleveland-Cliffs exposing the criminal activity by Cleveland-Cliffs.

8) After repeated ***unlawful ordered*** by Cleveland-Cliffs supervision myers was then ***unlawfully*** fired for whistleblowing.

9) **Exhibits 13 and 14** were a **violation of the law** when Cleveland-Cliffs supervisors tassey and seyler fired myers using clauses from Cleveland-Cliffs handbook ***Exhibit 4*** that was fraudulent and deceptive when other clauses from the same *handbook* that exonerated myers as well as **Exhibits 1, 4, 5, 12 and 26** that are Cleveland-Cliffs documents of more evidence proving Cleveland-Cliffs committed crimes.

myers was fired when tassey was again asking myers to haul the overloaded trailer with a tractor not rated for the excessively overloaded trailer.

The tractor was being used with the new trailers even when the owner's manual **Exhibit 26** clearly states:

"*Exceeding these ratings by overloading can cause component failure resulting in property damage,* ***personal injury*** *or* ***death***."

So myers was disciplined with **Exhibit 3** when myers was verbally directed not to chain down the pinion gear and the truck rolls over with myers inside and **NOW** myers is being directed by tassey to again not chain a load down and use a tractor inferior for the excessively overloaded trailers and tassey **FIRES** myers when myers states he needed chains and would haul to the lawful rating of the tractor-trailer combination per **Exhibit 5**.

10) After myers was ***unlawfully fired*** myers hired chivers to file a lawsuit but chivers committed fraud with negotiations with Cleveland-Cliffs and then stated to myers that myers had to go thru the fraudulent arbitration before going to court which was a **LIE and a deceptive tactic**.

11) The arbitration was a fraud as detailed in **U.S.C. Title 29 *Section 411 - Bill of rights; constitution and bylaws of labor organizations*** then chivers refused to file a lawsuit for myers so myers then hired papa.

12) **Exhibit 28** is the letter *dated 11-29-01* myers sent to then district attorney mccune and **Exhibit 31** is the response letter *dated 12-19-01* to myers.

After myers received the letter from mccune it was then myers called mccune and mccune stated to myers ***"unless there's a fatality, I'm not coming in there"*** meaning mccune would not investigate the Cleveland-Cliffs Butler plant and unfortunately Keith Ekenrode was killed at the Cleveland-Cliffs Butler plant the following year. ***Where was mccune????***

13) papa files ***case number 04-10477*** yet never pressed for a ***trial by jury*** and ***never pressed the union was a fraud*** even after joe myers had provided all the evidence that is part of this **Claim.**

14) Cleveland-Cliffs and FRAUD UAW ***unlawfully*** removed the lawsuit out of the common law court and papa did nothing to stop that ***unlawful*** actions. The lawsuit was ***unlawfully*** filed in other courts which is ***barratry*** as myers has been trying to have his **Claim *lawfully filed*** for years and now that myers has learned how to file a LAWFUL court filing all other attorneys are violating myers Constitutional RIGHTS by using rules and statutes that even the **Pa.C.S.A. Title 42 Section 1503 (c)(4)** is very clear is **NOT LAWFUL!**

15) Since myers filed the Complaint *on 5-29-19* ALL men and women, ***acting as defendants***, have not followed the law in their court filings.

16) **Exhibit DD** dated 8-12-19 and **Exhibit LL** *dated 9-28-19* and *9-29-19* are correspondences myers had with the current Butler County District Attorney goldinger, ***acting as a defendant***, who has refused to do his job and investigate the crimes and conspiracy just like mccune.

17) The crimes and conspiracy continued when cunningham, bender, dubow and nichols, ***acting as defendants***, acted outside their role acting as judges and ALSO violating myers Constitutional RIGHTS by using rules and statutes that even the **Pa.C.S.A. Title 42 Section 1503 (c)(4)** is very clear is **NOT LAWFUL!**

18) myers sent Exhibt MM dated 2-25-21 to goncalves and instructed goncalves to have his legal team review the Consice Statement but he did not!

19) ALL men and women, acting as defendants were served by myers with the ***Color of Law Violation Warning Denial of Rights Under Color of Law***.

Count 2
Breach of Contract

This **Claim** and all of myers court filings and evidence a **Point 9** in **Count 1** it is very clear that Cleveland-Cliffs breached the contract with myers and owes myers compensatory and punitive damages.

Count 3
Libel Defamation

Point 9 in **Count 1** is very clear that Cleveland-Cliffs have defamed myers with **Exhibits 13 and 14** that has become public record with the court filings by Cleveland-Cliffs or myers having to use the **Exhibits** as evidence.

Also every application myers filled out after Cleveland-Cliffs ***unlawfully fired*** myers under the section on the application why myers left Cleveland-Clifffs, myers had to put **FIRED** which prohibited myers from gainful employment.

"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***

Count 4
Fraud

This entire **Claim** details the FRAUD perpetrated against myers such as the fraudulent UAW on Cleveland-Cliffs Butler property tricking myers into the fraud arbitration and then Cleveland-Cliffs and FRAUD UAW have attempted to use it as a defense in all court filings when ALL men and women, ***acting as defendants***, knew then and know now the arbitration was a fraud and no defense at all.

Count 5
Fraudulent misrepresentation

This **Claim** and all court filings by myers and **Counts 1 and 3** prove the fraudulent misrepresentation and conspiracy of ALL men and women, ***acting as defendants***.

Count 6
Pa.C.S.A. Title 18 Section Section 911. Corrupt organizations.

(a) Findings of fact.--The General Assembly finds that:

(3) organized crime is a highly sophisticated, diversified, and widespread phenomenon which annually drains billions of dollars from the national economy by various patterns of unlawful conduct including the illegal use of force, ***fraud***, and corruption;

(h) Definitions.--As used in this section:

(4) "***Racketeering activity***" means all of the following:

(i) An act which is indictable under any of the following provisions of this title:

Chapter 39 (relating to ***theft and related offenses***)

Section 4108 (relating to commercial bribery and ***breach of duty to act disinterestedly***)

Chapter 47 (relating to bribery and ***corrupt influence***)

Chapter 49 (relating to ***falsification and intimidation***)

This **Claim** and all court filings by myers prove ***racketeering activity*** against myers and conspiracy of ALL men and women, ***acting as defendants***.

Count 7

U.S.C. Title 28 Section 2072 – The Rules Enabling Act

> *"The Supreme Court shall have the power to prescribe, by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the district courts of the United States* ***in civil actions****."*
>
> *"Such rules shall not abridge, enlarge or modify any substantive right,* ***and shall preserve the right of trial by jury****. . . ."*

This law is very clear myers RIGHT to a trail by jury cannot be denied by any rules that cunningham, bender, dubow or nichols, ***acting as defendants***, have UNLAWFULLY used against myers which is a crime and a conspiracy to deny myers Constitutional RIGHTS!

Count 8

U.S.C. 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***)."

This law is very clear that ALL men and women, **acting as defendants**, have conspired against myers rights!

Count 9

U.S.C. Title 18 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.

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."

This law is very clear anyone acting as a **judge**, like cunningham, bender, dubow or nichols, ***acting as defendants***, have UNLAWFULLY under **"color of law"** denied myers Constitutional RIGHTS which is a crime and a conspiracy!

Count 10

U.S.C. Title 18 Section 245 – Federally Protected Activities

"***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;"

This law states myers Constitutional Rights and specifically the right to a **trail by jury** is PROTECTED!

Count 11

U.S.C. Title 42 Section 1983 – Civil action for deprivation of rights

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

This law states myers ***can seek damages*** for the denial of myers Constitutional Rights from ALL men and women, ***acting as defendants***, for their part in the conspiracy against myers.

Count 12

U.S.C. Title 42 Section 1985 – Conspiracy to interfere with civil rights

(1) OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR

"... or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;"

(2) DEPRIVING PERSONS OF RIGHTS OR PRIVILEGES

"... ***in any case of conspiracy*** set forth in this section, if one or more persons engaged therein do, or cause to be done, ***any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators***."

This law states myers ***can seek damages*** from ALL men and women, ***acting as defendants***, for impeding, hindering or obstructing in any manner for the denial of myers Rights and for the loss of myers property (lost compensation).

Count 13

U.S.C. Title 42 Section 1986 – Action for neglect to prevent

> ***"Every person who, having knowledge that any of the wrongs conspired to be done***, and mentioned in section 1985 of this title, ***are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured***, or his legal representatives, ***for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented***; ***and such damages may be recovered in an action on the case***; ***and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action***;"

This law states myers ***can seek damages*** from ALL men and women, ***acting as defendants***, for their conspiracy against myers.

Count 14

U.S.C Title 18 Section 1341 – Frauds and swindles

"Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, ... *or takes or receives therefrom, any such matter or thing*, ***or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed***, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both."

This law states the criminal penalties for a conspiracy to defraud to obtain money or property and why a forensic audit must be carried out to prove who has denying myers property (compensation owed myers).

Count 15

U.S.C. Title 18 Chapter 115 Section 2381 – Treason

"Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States."

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

This law states the criminal penalties for treason and the courts ruled a man or woman acting as a judge that acts where he/she does not have the jurisdiction to act is engaged in an act or acts of treason and cunningham, bender, dubow and nichols, ***acting as defendants***, did not have the jurisdiction to deny myers Constitutional Rights.

myers request the jury to seek penalties against and cunningham, bender, dubow or nichols, ***acting as defendants***, for their treasonous acts.

Count 16

U.S.C Title 50 Section 841 – Findings and declaration of fact

"The Congress finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to political parties, ***but denying to all others the liberties guaranteed by the Constitution***. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed."

This law states the **Communist Party** has been outlawed YET cunningham, bender, dubow, nichols, mccune and goldinger, ***acting as defendants***, have committed communists acts against myers by denying myers Constitutional Rights.

Count 17

U.S.C. Title 29 Section 654 - Duties of employers and employees

"**(a)**Each employer—

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;"

This law states Cleveland-Cliffs was to provide a place of employment free from recognized hazards YET **Exhibits 1, 4, 5, 12 and 26** are just a few pieces of evidence that Cleveland-Cliffs did not provide a safe work environment and ***the jury must award myers the damages he is seeking***.

Count 18

U.S.C. Title 29 *Section 411 - Bill of rights; constitution and bylaws of labor organizations*:

"(a)(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***." (emphasis added)

"(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***." (emphasis added)

This law is very clear that the FRAUD UAW at Cleveland-Cliffs Butler plant is of no force or affect with the evidence my has provided in all court filings. ***The jury must award myers the damages he is seeking***.

Count 19
Extortion

> "***Extortion*** *refers to imposing an action or obtaining something by force or coercion*." https://www.law.cornell.edu/wex/extortion

Point 9 in Count 1 is very clear myers compensation was being extorted if myers did not violate the **LAW AGAIN**.

CONCLUSION:

joe myers, ***acting as a plaintiff***, demands **$100 million** for compensatory and punitive damages from Cleveland-Cliffs et al, **the entity acting as a defendant**, controlled by lorenco goncalves, ***acting as a defendant***, which **Exhibit AA** states gonclaves is the *Chairman*, *President* and *Chief Executive Officer* of Cleveland-Cliffs et al.

Executives and board of directors receive unreasonable compensation for committing crimes like they have against myers. **Exhibit NN *(attached)*** and **Exhibit OO *(attached)*** expose the ridiculous compensation for goncalves and other executives.

Exhibit NN *(attached)* reveals in 2017 goncalves was compensated **$22.9 million.**

Exhibit OO *(attached)* reveals the compensation goncalves received in the following respective years:

2020 - $18.5 million

2021 - $14.4 million

2022 - $18.4 million

The total of 2017, 2020, 2021 and 2022 totals **$84.2 million** so in 5 years compensation goncalves could compensation myers the for compensatory and punitive damages of $100 million myers has filed this **Claim** to receive.

Between the compensation of goncalves and the board of directors they could easily cover the **$100 million** compensatory and punitive damages myers has filed this **Claim** to receive.

myers nor the average person makes enough in a lifetime that ***goncalves makes in 1 year***, YET goncalves never made an attempt to make remedy with myers even after myers sent goncalves the letter *dated 2-25-21* **Exhibit MM *(attached)*.**

myers, ***acting as a plaintiff***, also demands **$100 million** for compensatory and punitive damages of from UAW et al, **the entity acting as a defendant**, controlled by shawn fain, ***acting as a defendant***, the *president* for UAW et al.

myers, ***acting as a plaintiff***, additionally demands **$10 million** for compensatory and punitive damages from all men and woman, ***acting as defendants***, for their involvement in the conspiracy.

Exhibit CC *(attached)* provides proof that murtagh refused to receive service of the initial Complaint filed by myers and the evidence proves that murtagh and hobaugh have the office address at ***110 Swinderman Road, Wexford, PA 15090*** so myers will be mailing the **Claim** to that address as **Exhibit PP *(attached)*** is the evidence that is time/date stamped at ***10:54 PM on 12-30-23*** from **lawyers.justia.com** with the same address for hobaugh.

myers, ***acting as a plaintiff***, requires a ***forensic audit*** completed on Cleveland-Cliffs, UAW and all men and woman, ***acting as defendants***, as to the racketeering by Cleveland-Cliffs and UAW since myers knows, the officers of the FRAUD UAW, are paid salaries and overtime by Cleveland-Cliffs which violates the law.

This ***forensic audit*** will also prove if there is/were any UNLAWFUL payments made directly or indirectly to the men and women, ***acting as defendants***, that were acting and judges and district attorneys that were also receiving compensation from the tax payors to do their job to uphold their sworn oath to the Constitution.

This case CANNOT be moved to another court as myers has filed this Claim in the Common court of law and this Claim MUST remain here do to the fraud and conspiracy against myers.

The jury selection must be scheduled and the trial by jury scheduled immediately by ***s. michael yeager***, who acts as the judge in the common law court in Butler Pennsylvania.

Dated December 31, 2023

by: JOE MYERS

joe myers, a man
12137 Emerald Green Court
Jacksonville, FL 32246
Phone: 904-254-6472
Email: LawAndMankind@gmail.com

In the Common Law Court of Common Pleas
Butler County, Commonwealth of Pennsylvania

the man: joe myers, acting as a plaintiff	) Case No.: No. 19-10516)) Constitutional/Common law civil)) Type of filing:)) **Common law trial by jury demanded and**
vs.	) **required**)
the men and women: timothy f. mccune, et al acting as defendants	) **Common law Claim of trespass - based**) **on the UNCONSTITUTIONAL legal system**) **will be an Amended Complaint and**) **Amended Concise Statement of matters**) **complained of on Appeal as though it**) **is part of this record as more**) **evidence**

ORDER

This _____ day of _____, 2024, myers common law Claim it is hereby ORDERED to be heard by a common law jury. According to Constitutional law a:

Jury selection will be set for this _____ day of _____, 2024

Common law trial by jury will commence this _____ day of _____, 2024.

By the Common Law Court

_____

Certificate of Service

joe myers certifies that this **Claim** was served on the following via U.S. Mail, First-Class, on December 31, 2023

Superior Court of Pennsylvania
Grant Building
Att: john t. bender
Att: alice beck dubow
Att: carolyn h. nichols
Att: joseph d. seletyn
Att: bobbi jo wagner
310 Grant St., Suite 600
Pittsburgh, PA 15219

Butler County District Attorney
Att: richard a. goldinger
Third Floor, County Government Center
124 W. Diamond Street
Butler, PA 16001

Erie County Courthouse
Att: william cunningham
140 West 6th Street
Erie, PA 16501

Cleveland-Cliffs
Att: lourenco goncalves
200 Public Square, Suite 3300
Cleveland, Ohio 44114

United Auto Workers – UAW
Att: shawn fain
800 East Jefferson Avenue
Detroit, Michigan 48214

JonesPassodelis PLLC
Gulf Tower /Att: marie milie jones & michael lettrich
707 Grant Street, Suite 3410
Pittsburgh, PA 15219

Murtagh, Hobaugh & Cech
Att: adam hobaugh & john/jack murtagh jr.
110 Swinderman Road
Wexford, PA 15090

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

nicholas j. koch
800 Cabin Hill Drive
Greensburg, PA 15601

timothy f. mccune
124 W. Diamond St.
Butler, PA 16003

edward tassey
103 McQuistion Road
Butler, PA 16001

nicholas j. koch
800 Cabin Hill Drive
Greensburg, PA 15601

joseph h. chivers
100 First Avenue, Suite 650
Pittsburgh, PA 15222

angelo papa
318 Highland Ave
New Castle, PA 16101

graydon brewer
48 Crystal Drive
Oakmont, PA 15139-1051

carl v. nanni
200 E. Pearl Street
Butler, PA 16001

jack lewis
870 Bullcreek Road
Butler, PA 16002

jim gallagher
200 Portman Road
Butler, PA 16002

greg loverick
100 Easy Street
Butler, PA 16001

by: JOE MYERS

by: joe myers, a man

CLIFFS

Exhibit AA

Board of Directors

ABOUT

Lourenco Goncalves

Chairman, President, and Chief Executive Officer

Lourenco Goncalves has been Chairman, President and Chief Executive Officer of Cleveland-Cliffs since August 2014. He designed and led the company through a major strategic initiative transforming Cleveland-Cliffs into a leading player in the U.S. steel industry, starting with a complete financial turnaround, followed by growth initiatives in the metallics market and the entry into the steel business. In 2017, Cliffs started the construction in Toledo, Ohio of the world's most modern Direct Reduction Plant, which started operations in November 2020. Mr. Goncalves led the acquisition of AK Steel in March 2020, followed by the acquisition of ArcelorMittal USA in December 2020. With these two major acquisitions, Cleveland-Cliffs is now the largest flat-rolled steel company and the largest iron ore pellet producer in the United States and in North America, holding an industry-leading market position in automotive steel. With the Toledo plant, Cleveland-Cliffs became the sole producer in the Great Lakes region of hot briquetted iron (HBI), an environmentally friendly metallic feedstock designed to reduce GHG emissions.

Prior to Cleveland-Cliffs, Mr. Goncalves served as Chairman of the Board, President and Chief Executive Officer of Metals USA Holdings Corp. for over 10 years. Prior to Metals USA, Mr. Goncalves served as President and Chief Executive Officer of California Steel Industries, Inc. for 5 years. Prior to that, he was employed by Companhia Siderúrgica Nacional (CSN), a major steel and mining company in Brazil, where he held several positions in operations and sales. From October 2011 to April 2014, Mr. Goncalves was a board member of Ascometal SAS, a manufacturer of special steel headquartered in Paris, France.

Mr. Goncalves serves on the Board and is Vice-Chairman of the American Iron and Steel Institute. Mr. Goncalves is a Distinguished Member and Fellow of the Association for Iron & Steel Technology (AIST). He received AIST's "Steelmaker of the Year" Award for the year 2021. Also in 2021, S&P Global Platts presented Mr. Goncalves with the "CEO/Chairperson of the Year" Global Metals Award, which honors a leader who is highly respected by both peers and competitors, admired and followed by employees, trusted by investors and welcomed by the community. Under Mr. Goncalves' leadership, Cleveland-Cliffs was awarded by S&P Global Platts the top Global Metals Award as the "2021 Metals Company of the Year" and the "2021 Deal of the Year" Global Metals Award. Mr. Goncalves was also presented with the 2021 "Steel Advocate of the Year" Award, from Fastmarkets. In 2022, Mr. Goncalves was presented with the Willy Korf/Ken Iverson Steel Vision Award, which honors individuals who have made significant contributions to the steel industry while promoting goodwill and integrity.

Mr. Goncalves earned a Master of Science degree in Metallurgical Engineering from the Federal University of Minas Gerais in Belo Horizonte, Brazil, and a Bachelor's degree in Metallurgical Engineering from the Military Institute of Engineering in Rio de Janeiro, Brazil.

CLIFFS

Exhibit BB

Board of Directors

INVESTORS

GOVERNANCE

Overview

Board of Directors

Board Committees

Governance Documents

Contact the Board

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Chairman, President, and Chief Executive Officer

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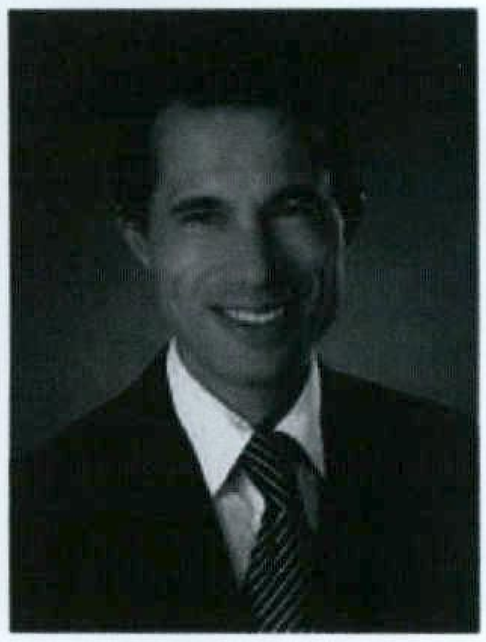
Douglas Taylor

Lead Director



Mr. Taylor has served as Chief Executive Officer and Co-Chief Investment Officer of Casablanca Capital LP, a hedge fund, since he co-founded it in 2010. Prior to Casablanca, Mr. Taylor was a Managing Director at Lazard Freres & Co. LLC, a leading financial advisory and asset management firm, from 2002 until 2010. From 2000 until 2001, Mr. Taylor served as a Managing Director of Dresdner Kleinwort Benson, and from 1993 until 2000, he held various positions, including Managing Director at Wasserstein Perella, a global mergers and acquisitions advisory and investment firm, which was bought by Dresdner Bank. Mr. Taylor began his investment banking career at Toronto Dominion Bank, a Canadian multinational banking and financial services corporation, where he served as Associate from 1990 until 1993.

From 2008 to 2010, Mr. Taylor was the Chief Financial Officer and director at Sapphire Industrials Corp., a blank check company formed for the purpose of effecting business combinations with one or more operating businesses.

Mr. Taylor holds a Bachelor of Arts degree in Economics from McGill University and a Master of Arts degree in International Affairs from Columbia University School of International and Public Affairs.

Mr. Taylor's qualifications as director include his vast financial and strategic advisory and investment experience, which included advising public companies.

John T. Baldwin

Director

From 2006 to 2013, Mr. Baldwin served as a Director and Chairman of the Audit Committee of Metals USA (NYSE: MUSA), which provides a wide range of products and services in the heavy carbon steel, flat-rolled steel, specialty metals, and building products markets. Previously, he was Senior Vice President and Chief Financial Officer of Graphic Packaging Corporation, and Vice President and Chief Financial Officer of Worthington Industries, Inc.

Prior to Worthington, Mr. Baldwin served in various financial capacities at Tenneco Inc. in both the U.S. and the U.K.. Mr. Baldwin previously served on the Board of The Genlyte Group Incorporated,

where he also was Chairman of the Audit Committee. He holds a B.S. degree from the University of Houston and a J.D. from the University of Texas School of Law.

Robert P. Fisher, Jr.

Director

During Mr. Fisher's tenure at Goldman, Sachs & Co. from 1982 to 2001, he worked extensively with many of the leading North American metals and mining companies, and also served as the head of Goldman's Investment Banking Mining Group. Mr. Fisher has vast experience in the investment and finance industries which included advising the boards of numerous public companies. Currently, Mr. Fisher is President and Chief Executive Officer of George F. Fisher, Inc., a private investment company that manages a portfolio of public and private investments.

Mr. Fisher served as a director of CML HealthCare, Inc., a leading provider of medical diagnostic services, from 2010 until 2013. Mr. Fisher served on CML's Audit and Corporate Governance Committees, and as the Chairman of CML's Human Resources Committee, Chief Executive Officer Search Committee and the Special Committee to consider strategic alternatives.

Mr. Fisher currently serves as Past President and Director Emeritus of Sailfish Point Foundation, a non-profit foundation that awards college scholarships and educational grants in Martin County, Florida, and has done so since 2012. Mr. Fisher served as President of Westchester Youth Soccer League, a non-profit organization that provides for youth soccer for 18,000 student-athletes in Westchester, Manhattan and Bronx New York, from 2004 until 2011.

Mr. Fisher holds a Bachelor of Arts degree from Dartmouth College and a Master of Arts degree in Law and Diplomacy from Tufts University.

William Gerber

Director

Mr. Gerber currently is Managing Director of Cabrillo Point Capital LLC, a private investment fund. Prior to that, he was Executive Vice President and Chief Financial Officer of Kelly Services, Inc., a global staffing solutions company.

Prior to joining Kelly Services, Mr. Gerber held senior management positions in corporate finance for The Limited, Inc. He is a member of the National Association of Corporate Directors, and serves on the Board of Wolverine World Wide Inc. Mr. Gerber also served on the board of Kaydon Corporation from 2007 to 2013 as chair of its audit committee, and previously served on the Board of Directors of Brylane, L.P.

Mr. Gerber earned his Bachelor of Science in Economics degree from the Wharton School at the University of Pennsylvania, and his Master of Business Administration from the Harvard Graduate School of Business Administration.

Susan Green

Director

Susan M. Green has over three decades of experience as a law and policy advocate in the public and private sectors. Currently, she teaches constitutional law and other courses at American University and the University of Maryland. Ms. Green began her career litigating cases on behalf of employees, labor unions, and employee benefit plans in federal and state courts across the country. Thereafter, she spent three years serving as Chief Labor Counsel to the late Senator Edward M. Kennedy. In that capacity, she managed Committee hearings and Senate floor debates; prepared Committee reports on legislation; and oversaw Senate confirmation of executive nominees.

After holding high-ranking political appointments in the U.S. Department of Labor, Ms. Green spent six years as Deputy General Counsel at the U.S. Congress Office of Compliance, which enforces labor and employment laws for over 30,000 Legislative Branch employees.

Ms. Green's community service activities include co-chairing the Schools Committee for the Harvard Club of Washington; participating as an Affiliated Researcher at the Institute for Women's Policy

Research; and serving as senior review editor for an online book review. Ms. Green received her B.A. degree from Harvard College in 1980 and graduated from Yale Law School in 1985.

Ralph Michael, III

Director

Mr. Michael has held executive level positions with companies in the insurance and financial sectors, including in his current capacity as Chairman, Fifth Third Bank, Greater Cincinnati Region.

Previously, Mr. Michael held various executive and management positions with Fifth Third Bank, Ohio Casualty Insurance Company, U.S. Bank and PNC Financial Services Group. His experience and background also enable him to provide valuable insights on a variety of Board oversight matters, including complex banking and financial issues.

He has gained experience and knowledge by serving on several other public company boards. These include capital markets and finance matters as a former director for FBR & Co. and energy-related issues as a former member of the board and former Lead Director of Key Energy Services, Inc.

Mr. Michael earned his Bachelor of Arts degree from Stanford University and his Master of Business Administration degree from the University of California at Los Angeles (UCLA) Graduate School of Management.

Janet Miller

Director

Ms. Miller was an executive officer with University Hospitals, a nationally ranked health care system headquartered in Cleveland, Ohio, prior to her retirement in May 2019. As Chief Legal Officer, Ms. Miller was a trusted advisor to the University Hospitals parent organization, as well as its many subsidiaries, on governance, internal audit, legal and enterprise risk matters. She provided strategic, tactical and legal advice in connection with acquisitions of 5 hospital

systems and their related entities. University Hospitals includes teaching hospitals, 14-wholly owned hospital locations, multiple joint ventures, affiliations and investment relationships and more than 25,000 employees. Under Ms. Miller's leadership, UH developed state-of-the-art innovations which resulted in improved patient care and management of claims, as well as new techniques to manage corporate and regulatory matters and advance internal controls.

Prior to joining University Hospitals in 2001, Ms. Miller was a partner in the Cleveland office of Jones Day and also served as the Cleveland Office Administrative Partner for Financial Matters. Ms. Miller received her undergraduate degree in accounting from the University of Michigan and a J.D. degree from the University of Notre Dame.

Gabriel Stoliar

Director

Mr. Stoliar brings to the Board his vast experience in and relating to the metals and mining industries along with his extensive experience serving on various boards of directors. Mr. Stoliar previously served as the Chief Financial Officer and subsequently as Executive Director of Planning and Business Development at Vale S.A., a Brazilian multinational diversified metals and mining company, from 1997 until 2008.

Mr. Stoliar currently serves as managing partner of Studio Investimentos, an asset management firm focused on Brazilian equities, where he has served since 2009. Mr. Stoliar served as Chairman of the board of directors at Tupy S.A., a foundry and casting companies, from 2009 to 2023. Mr. Stoliar has also served on the boards of directors of Knijnik Engenharia Integrada, an engineering company, and LogZ Logistica Brasil S.A., a ports logistic company, since 2013 and 2011, respectively.

Mr. Stoliar holds a Bachelor's of Science in Industrial Engineering from the Universdade Federal do Rio de Janeiro, a post graduate degree in Production Engineering with focus in Industrial Projects and Transportation from the Universdade Federal do Rio de Janeiro and an Executive MBA from PDG-SDE/ RJ.

Arlene Yocum

Director

Ms. Yocum brings extensive business and management experience to the Board, drawing from her career in the financial services industry and from her prior service on several other public company boards.

As former Executive Vice President and Managing Executive of Client Service, PNC Asset Management, she contributes expertise in a variety of investment and finance areas. She held key leadership roles in PNC's investment management and wealth management businesses. During the course of her career at PNC, she led several business units, as well as held strategic planning roles. Her experience also includes regulatory, risk management and compliance matters. Ms. Yocum has also served on, and assumed leadership roles with, multiple other public and private company boards of directors, including the board of Glenmede Trust Company, the board of AK Steel and the board of Key Energy where she chaired the Audit Committee.

Her community service activites include serving on the board of the Community College of Philadelphia Foundation. She is a member of the National Association of Corporate Directors (NACD) and Vice Chair of NACD Philadelphia Chapter, and a member of Women Corporate Directors.

Ms. Yocum earned her Bachelor of Arts degree from Dickinson College and her Juris Doctor degree from Villanova School of Law.

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CLIFFS

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Exhibit CC

Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246

ORLANDO FL 328
08 JUL 2019 PM 3 L

USA
NON-MACHINABLE SURCHARGE

Not At This Address
Return To Sender

UAW / Jack Murtagh
112 Hollywood Dr., Suite 101
BUTLER, PA 16001

NIXIE 152 7E 1 0207/26/19
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 32246058737 *0374-02173-08-36

16001-569126
32246>0587

Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246

ORLANDO FL 328
08 JUL 2019 PM 3 L

USA
NON-MACHINABLE SURCHARGE

UTP

Not at this address. to sender.

Jack W. Murta
110 Swinderma
Wexford, PA 15

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USPS TRACKING NUMBER

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PS00001000014

EP14F July 2013
OD: 12.5 x 9.5

Joe Myers
12137 Emerald Green Court

Jacksonville, FL 32246

DELIVERY REFUSED

RTS

John/Jack W. Murtagh
Po Box 52

Ingomar, PA 15127-0052

-R-T-S- 15127-RFS-IN *95 07/20/19

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REFUSED
UNABLE TO FORWARD
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Murtagh profile

July 24, 2019 at 8:42 PM

From joemyers7@icloud.com

Skip to navigationSkip to content

LAW OFFICES OF

MHC

MURTAGH HOBAUGH & CECH

Our Attorneys

John W. (Jack) Murtagh, Jr.

John W. (Jack) Murtagh, Jr. is a native of Brooklyn, NY and a graduate of Regis High School in Manhattan. He attended Saint Joseph's College (now University) in Philadelphia, earning an A.B. degree, magna cum laude, in Political Science, with a minor in Philosophy. After graduating from the University of Pennsylvania School of Law with a J.D. degree, cum laude, in 1972, he clerked for the Honorable Donald W. VanArtsdalen, Judge of the United States District Court for the Eastern District of Pennsylvania. He married Sheila Ann Horsman of Beaver County in 1972. Jack was appointed as a Special United States Trial Attorney with the United States Department of Justice, Criminal Division, Organized Crime and Racketeering Section in 1973, and assigned to the Pittsburgh Field Strike Force. In that capacity, he conducted grand jury investigations in Pennsylvania, West Virginia, Maryland and New Jersey, with a concentration in arson mail fraud and extortion cases. Notified of an impending transfer to another Strike Force office he resigned in order to remain in Pittsburgh, where he and Sheila chose to raise their two children, Kerin and John. While John is currently living in West View, Kerin and her family – husband Anthony, children Ryan and Gabriela - have relocated to Charlotte, NC. He practiced labor and employment law with Stan Greenfield from 1976 through 1987 when he opened an office in Wexford where he continues to represent individuals facing employment and discrimination issues. The practice today involves matters running the gamut from employment contracts, non-compete and confidentiality clauses, age, disability, race, sex, national origin and religious discrimination, unemployment compensation, grievance arbitration and commercial/business litigation. A member of the Pennsylvania and Allegheny County Bar Associations, Jack is a frequent presenter on employment law and litigation practice for the Pennsylvania Bar Institute and a contributor to various PBI publications. He also serves as a mediator and early neutral evaluator for the United States District Court for the Western District of Pennsylvania. For over 25 years, Jack has served as the Solicitor, and later Board Member, of the Northland Public Library Authority, the second largest library in Allegheny County. He has also sat as Member and Treasurer for the McCandless Industrial Development Authority, member and Past Grand Knight of Our Lady of Olives Council 3907, Knights of Columbus in Wexford, and is an avid member of the Western Pennsylvania Conservancy. Sheila and Jack have made their home in Ingomar, Town of McCandless, for 40 years, the base from which they undertake frequent trail cycling rides. When not on the trail, Jack is usually found in his vegetable gardens, one at home and one at the office.

Adam is a partner at the firm of Murtagh, Hobaugh & Cech, LLC where he concentrates his practice on representing labor unions in collective bargaining negotiations and arbitrations and representing employees in state and Federal court litigation involving discrimination on the basis of age, gender, disability, retaliation, race, color, and national origin. He also has extensive experience representing employees in claims involving wrongful termination, the Family, and Medical leave Act, and the Pennsylvania Whistleblower Law. Adam also represents small businesses and individuals with respect to employment agreements, non-competition agreements and employment handbooks. A member of the Pennsylvania, Allegheny County and Butler County Bar Associations, Adam is a frequent speaker on labor and employment law topics and has been a contributor

Adam K. Hobaugh

to various Pennsylvania Bar Institute publications. Adam received his J.D. from Duquesne University and his B.A. from Allegheny College.

Alan E. Cech

In over 30 years of practice, Alan has represented all types of businesses and individuals in litigation in state and federal courts. In addition, he represents Creditors, Creditors' Committees and Debtors in all aspects of Bankruptcy/Insolvency related litigation. Alan's litigation expertise is enhanced by his experiences as an Assistant United States Attorney, where he was named Chief of Financial Litigation, as a federal Bankruptcy Trustee, and as a Staff Attorney for the United States Department of the Interior where he was accorded Special Assistant United States Attorney status by the U.S. Justice Department to pursue litigation in Pennsylvania, Ohio, Indiana, and Illinois. Alan was appointed to the Evaluation and Review Staff for the Executive Office for United States Attorneys where he conducted evaluations of the litigation handling of United States Attorney's Offices around the country. Alan represents businesses and individuals in business and commercial matters including shareholder/partnership disputes, non-compete agreements, collection, fraudulent conveyance actions, and fiduciary fraud. He has litigated jury and non-jury trials in both state and federal court and has testified as an expert witness in bankruptcy-related litigation. Alan has represented the United States Departments of the Interior, Commerce, Health and Human Services, as well as federal agencies such as the Internal Revenue Service and the Small Business Administration. In private practice, Alan was a member of the legal team which obtained a $1.7 million dollar judgment against Co-Executors of a descendant's estate for fraud and breach of duty. As a Bankruptcy Trustee, Alan managed a large underground coal mine in southwestern Pennsylvania while negotiations for acquisition were completed. Alan is admitted to practice in all Pennsylvania and Federal Courts, including the Third Circuit Court of Appeals, the United States District Court, United States Bankruptcy Court, and the United States Tax Court. Mr. Cech received his J.D. from the University Of Pittsburgh School Of Law in 1980. He completed the United States Justice Department's Program in Trial Advocacy in 1987. Alan has served as President of community and school arts groups, as a Board Member of the McCandless Industrial Development Authority, and for 10 years served as the Solicitor for the Northland Public Library Authority.

Joseph Mack III

Before devoting his practice to acting as a mediator and arbitrator in 2015, Joe practiced labor and employment law for over thirty-five years as both outside counsel and in-house counsel. Joe was a partner in the Pittsburgh law firms Thorp Reed & Armstrong, LLP (1977-2004) and Spilman Thomas & Battle, PLLC (2005). Joe served as Senior Counsel - Labor, Employment, and Benefits for PPG Industries, Inc. from 2005 tc 2013 and then as Senior Counsel, Labor and Employment for Axiall Corporation until his retirement in 2014. Joe's experience includes litigation of numerous actions under federal and state fair employment, labor relations, and contract laws, including representation of clients in trials, injunction proceedings, administrative hearings, arbitrations, and mediations. Joe is a member of the adjunct faculty at Duquesne University School of Law, where he has taught Employment Discrimination Law for several years. He has been an adjunct faculty member teaching Labor Law in masters degree programs of St. Francis University and LaRoche College. He is a frequent lecturer on labor and employment law topics and has contributed articles to a number of publications. Joe served from 2010 through 2014 on the planning committee for the annual PBI Labor Law - West two-day continuing education program, at which he was also a presenter. He is a member o the American and Allegheny County Bar Associations. He has served a Regional Co-chair of the ABA Committee on Practice and Procedure Before the NLRB and is a contributing editor to the ABA's treatise The Developing Labor Law. Joe served as the chairperson of the ACBA Public Service Committee for two years. His non-profit board work has included The Verland Foundation, Beginning With Books and the Northland Public Library Authority. Joe received his law degree from the University of Michigan and his undergraduate degree from the University of Pennsylvania.

ADDRESS

110 Swinderman Road Wexford, PA 15090
112 Hollywood Drive, Suite 101 Butler, PA 16001

PHONE NUMBER

(724) 935-7555

EMAIL ADDRESS

admin@mhclawfirm.com

© Murtagh, Hobaugh & Cech 2019

Re: Jack Mutagh

July 24, 2019 at 9:22 PM

From Joe Myers

To Admin Account, JWMurtagh@MHClawfirm.com

urtagh of... Butler PA.pdf 559.2 KB, urtagh Refused Mailing.pdf 1.97 MB, urtagh profile.pdf 259.98 KB

Hello Adam,

Thank you for your reply. I have copied Mr. Murtagh on his email from your website JUST NOW.

Mr. Murtagh is a Defendant in the Complaint I filed. You can tell him since he has refused all my mailings to the law offices in Butler (UAW Office) and Wexford and his PO Box in Ingomar, PA he can download and read all of the pleadings at 1776ToTyranny.com

Since he is still listed on your website as an attorney of the firm as the date of this email which I have copied and emailed myself his full profile with a time date stamp which is attached then he is still an attorney in your office and yet your office refused my mailings.

As of the date of this email the quote from HIS profile on your website:

"He practiced labor and employment law with Stan Greenfield from 1976 through 1987 when he opened an office in Wexford where he continues to represent individuals...."

I will share this email and attachments with the court for his refusal of all mailings to the law offices in Butler and Wexford that your office has refused and that was refused at his PO BOX in Ingomar, PA.

Sincerely,

Joe Myers

On Jul 15, 2019, at 9:23 AM, Admin Account <admin@mhclawfirm.com> wrote:

> Dear Mr. Myers,
>
> Mr. Murtagh retired from the practice of law in 2017. This office is not authorized to provide his contact information or personal address.
>
> Regards,
> Adam Hobaugh
>
> On Sat, Jul 13, 2019 at 4:32 PM Joe Myers <joemyers7@icloud.com> wrote:
>
> > To whom it may concern,
> >
> > Can you please provide me the address for Jack Murtagh.

Thank you,

Joe Myers

--

Murtagh, Hobaugh & Cech
110 Swinderman Road
Wexford, PA 15090

724-935-7555
724-935-7099 (fax)
admin@mhclawfirm.com

Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246

Not At This Address
Return To Sender

Jack W. Murtagh
110 Swinderman Road
Wexford, PA

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Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246

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Not At This Address
UAW / Jack Murtagh Return To Sender
112 Hollywood Dr., Suite 101
Butler, PA 160

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 32246058737 *0538-00968-10-41

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Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246

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17 JUL 2019
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32246
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Not At This Address
UAW / Jack Murtagh Return To Sender
112 Hollywood Dr., Suite 101
BUTLER, PA 16

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 32246058737 *1538-01686-11-41

16001-569126
32246>0587

Investigation and prosecution

August 12, 2019 at 1:10 PM

To butlerda@co.butler.pa.us

Exhibit DD

Mr. Goldinger,

My name is Joe Myers and I am originally from Butler PA and I am requesting that you investigate and prosecute those that have been complicit in violating my Constitutional Rights.

Because the first email I sent was returned because the files were to large please go to www.1776ToTyranny.com to download the following for that provides the evidence of my case.

Complaint I filed at the Butler County Courthouse in May of this year.

Recent complaint I filed with the PA Attorney Generals office.

The letter I sent to former U.S. Attorney General Ashcroft dated 2003 that details the corruption that was perpetrated against me.

You can find all the evidence to support my case and why an investigation must take place. You can also read and download the letters I sent to President Trump and current U.S. Attorney General Barr a well.

You are welcome to contact me with any questions you may have.

Sincerely,

Joe Myers
904-254-6472

Exhibit EE

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	Name and address of Notice Recipient
Joe Myers 12137 Emerald Green Court Jacksonville, FL 32246	William R. Cunningham First Floor, County Courthouse 300 South Main Street Butler, PA 16003-1208

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

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

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

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

Notice of Service:

I, Joe Myers certify that I personally delivered this notice to above named recipient and address on October 17, 2019 at Priority U.S. Mail

Exhibit FF

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

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

▶ Joe Myers | Date ▶ October 17, 2019

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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

Exhibit GG

March 13, 2020

CLIFFS

Cleveland-Cliffs Completes Acquisition of AK Steel

CLEVELAND--(BUSINESS WIRE)-- Cleveland-Cliffs Inc. **(NYSE: CLF)** announced today that it has successfully completed the acquisition of AK Steel Holding Corporation, integrating North America's largest producer of iron ore pellets downstream into the production of value-added steel and specialty manufactured parts for the automotive industry. The combined company will be led by Chairman, President and Chief Executive Officer Lourenco Goncalves.

"This is a new era for Cleveland-Cliffs as a producer of differentiated, high quality iron ore, metallics and steel in North America. The new Cliffs will begin from a unique position of strength in our industry, with a dynamic combination of assets including two efficient integrated blast furnace steel mills, two electric arc furnace plants, a new state-of-the-art HBI plant and several other highly technologically developed facilities. We will be catering to a desirable customer base and primarily doing business in the United States, the most resilient manufacturing economy in the world," said Mr. Goncalves. "I am honored to be leading a Company that is built on such a rich history, and now combines mining, pelletizing, direct-reduction, EAF steelmaking, BF/BOF steelmaking, highly technologically developed finishing mills and automated manufacturing of auto-parts." Mr. Goncalves concluded: "I am also very pleased to welcome the AK Steel employees and the unions representing the workforce throughout the country to the Cleveland-Cliffs family. From now on, we are a single, united and very strong team."

About Cleveland-Cliffs Inc.

Founded in 1847, Cleveland-Cliffs is among the largest vertically integrated producers of differentiated iron ore and steel in North America. With an emphasis on non-commoditized products, Cliffs is uniquely positioned to supply both customized iron ore pellets and sophisticated steel solutions to a quality-focused customer base, with an industry-leading market share in the automotive industry. In 2020, Cliffs also expects to be the sole producer of hot briquetted iron (HBI) in the Great Lakes region. A commitment to environmental sustainability is core to our business operations and extends to how we partner with stakeholders across our communities and the steel value chain. Headquartered in Cleveland, Ohio, Cleveland-Cliffs employs approximately 12,000 people across mining and steel manufacturing operations in the United States, Canada and Mexico. For more information, visit http://www.clevelandcliffs.com

View source version on businesswire.com:
https://www.businesswire.com/news/home/20200313005219/en/

MEDIA CONTACT:
Patricia Persico
Director, Corporate Communications
(216) 694-5316

Exhibit HH

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	Name and address of Notice Recipient
Joe Myers 12137 Emerald Green Court Jacksonville, Florida 32246	John T. Bender 310 Grant Street, Suite 600 Pittsburgh, PA 15219-2297

Citizen's statement:

Violation of my RIGHTS under The United States of America Constitution of a JURY TRIAL, DUE PROCESS and EQUAL PROTECTION of the LAWS

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

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

Citizen's signature

▶ Joe Myers | Date ▶ July 2, 2020

Legal Notice and Warning

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18 USC §245 provided that Whoever, whether or not acting under color of law, intimidates or interferes with any person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [or] applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; shall be fined under this title, or imprisoned not more than one year, or both.
42 USC §1983 provides that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

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

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

Notice of Service:

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

Exhibit II

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	Name and address of Notice Recipient
Joe Myers 12137 Emerald Green Court Jacksonville, Florida 32246	Alice Beck Dubow 310 Grant Street, Suite 600 Pittsburgh, PA 15219-2297

Citizen's statement:

Violation of my RIGHTS under The United States of America Constitution of a JURY TRIAL, DUE PROCESS and EQUAL PROTECTION of the LAWS

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

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Citizen's signature

▶ Joe Myers | Date ▶ July 2, 2020

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Exhibit JJ

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	Name and address of Notice Recipient
Joe Myers 12137 Emerald Green Court Jacksonville, Florida 32246	Carolyn H. Nichols 310 Grant Street, Suite 600 Pittsburgh, PA 15219-2297

Citizen's statement:

Violation of my RIGHTS under The United States of America Constitution of a JURY TRIAL, DUE PROCESS and EQUAL PROTECTION of the LAWS

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

I certify that the forgoing information stated here is true and correct.
Citizen's signature

▶ Joe Myers | Date ▶ July 2, 2020

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Notice of Service:

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

Exhibit KK

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	Name and address of Notice Recipient
Joe Myers 12137 Emerald Green Court Jacksonville, Florida 32246	Joseph D. Seletyn 310 Grant Street, Suite 600 Pittsburgh, PA 15219-2297

Citizen's statement:

Violation of my RIGHTS under The United States of America Constitution of a JURY TRIAL, DUE PROCESS and EQUAL PROTECTION of the LAWS

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

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

Citizen's signature

▶ Joe Myers | Date ▶ July 2, 2020

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

18 USC §242 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States ... shall be fined under this title or imprisoned not more than one year, or both.
18 USC §245 provided that Whoever, whether or not acting under color of law, intimidates or interferes with any person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [or] applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; shall be fined under this title, or imprisoned not more than one year, or both.
42 USC §1983 provides that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

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

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

Notice of Service:

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

Gmail

1776ToTyranny Freedom <1776totyranny@gmail.com>

Demanding prosecution

Exhibit LL

1776ToTyranny Freedom <1776totyranny@gmail.com> Tue, Sep 29, 2020 at 9:31 PM
To: Office of District Attorney for Butler County <ButlerDA@co.butler.pa.us>

Mr. Goldinger,

Per your request the following is a brief overview of the myriad of CRIMES perpetrated against me. As I mentioned in my prior email the **CONCISE STATEMENT** provides ALL the EVIDENCE you need for the prosecution of ALL Appellees involved and that are a violation of the **United States Codes** that I provided in the first email.

I tried to send the email with attachments but it was undeliverable because the files were to big so I am resending this email and you will have to download the Exhibits from my website at **1776ToTyranny.com** on the "Timeline of Corruption" page.

Appellee AK Steel (**formerly Armco Steel but now Cleveland-Cliffs**) entered a civil contract with me for employment that if I followed the LAW and their written directives which is PUBLIC POLICY LAW they would compensate me with future wages, benefits, pension, etc.

Appellee AK Steel would not allow me to be part of the fraudulent Appellee UAW (**formerly Butler Armco Independent Union**) for 90 days AND Appellee AK Steel et al NEVER informed me that they paid the salaries of the Appellee UAW officers and the average overtime from the departments they worked and the officers did not have to work the overtime. Additionally, Appellee AK Steel provided an on company property union hall which is a CRIME because the National Labor Relations Act clearly states a company cannot provide any financial assistance to a union which is spelled out in the **CONCISE STATEMENT**.

That aforementioned FACT is clearly a CRIME against me and every person that has worked at the Appellee AK Steel plant do to the FRAUD of the company owning the FRAUDULENT Appellee UAW and negotiating FRAUDULENT contracts or having FRAUDULENT arbitration hearings.

On 6-22-98 (**Exhibit 3**) I was verbally instructed by Appellee AK Steel to violate their own written directives and NOT chain down a pinion gear on a Stake Truck which then rolled over with me inside the truck. I sustained bumps and bruises but could have been killed which is a CRIME.

The continued CRIME was when after the Stake Truck rolled over with me inside the truck I was shown pictures of the Stake Truck almost rolling over on co-worker Dan Redick that was proof Appellee AK Steel KNEW that it was unsafe to haul the pinion gear on the Stake Truck and the FACT that after the Stake Truck rolled over on me Appellee AK Steel required the pinion gear to be hauled with a low-boy tractor-trailer.

After this issue I was concerned about all the defective heavy equipment Appellee AK Steel was requiring me and my co-workers to operate and the legal liability that we could assume so I called the PA Attorney General's Office and spoke with David Devries. I explained to Devries about the Linkbelt crane that had a bent jib that we were verbally directed to operate, the Grove crane that had defective steering and verbally directed to operate, the overloaded trailers that we were directed to operate with a tractor not rated for the weight driving down the steep hill from the Hilltop processing that had a 90 degree bend in it to an intersection the public at large could enter the plant to purchase slag from Hecketts Slag and these are just to name a few CRIMINAL ISSUES. When I asked Devries who would assume the liability if someone was injured or killed Devries stated Appellee AK Steel et al would be held civilly liable but whoever was operating the equipment could quite possibly be held criminally liable and serve a prison term.

Exhibit 4 is the **Armco Safety and Security Handbook** that is **PUBLIC POLICY LAW** and clearly states that all employees must follow the State Motor Code both inside and outside the plant which Appellee AK Steel WAS and IS STILL directing employees to violate which is a CRIME.

On 7-28-00 (**Exhibit 6**) was a warning letter I received for inadvertently violating company General Safety Order #3 yet ***there were other salary and hourly employees*** on the railroad tracks with me BUT I was the only one that was disciplined.

A letter dated 3-1-01 (**Exhibit 9**) was a letter sent by my then legal counsel, Dennis Moskal, to numerous Appellee AK Steel supervisors and to then CEO Wardrup apprising them of the legal liability of me and co-workers.

On 3-21-01 (**Exhibit 11**) is a letter I wrote and sent to then Appellee AK Steel CEO Wardrup and numerous other supervisors detailing the retaliation against me as well as the CRIMES committed against me and co-workers. Yet on 3-23-01 (**Exhibit 13**) I was escorted out of the mill by plant security because Appellee Edward Tassey gave me a direct order AGAIN to operate a tractor (**Exhibit 26**) that was not rated to haul the grossly overloaded trailer (**Exhibit 27**) and NOT chain down the coils clearly against Appellee AK Steel written directives (**Exhibit 4**) which is **Public Policy Law**. In **Exhibit 13** Appellee Tassey uses fraudulent **INCULPATORY** excerpts of **Exhibit 4** to attempt to incriminate me but does not use the **EXCULPATORY** excerpts from **Exhibit 4** that clearly details I was following the LAW!

Appellees AK Steel et al, UAW et al, Murtagh, Chivers and Papa committed CRIMES and FRAUD with the fraudulent arbitration and defrauding the courts.

Appellee McCune (former Butler County District Attorney) committed a CRIME when he violated his SWORN OATH to uphold the Constitution by refusing to investigate the CRIMES and CONSPIRACY committed against me after I sent him the letter (**Exhibit 28**) dated 11-29-01 that details the CRIMINAL acts and CONSPIRACY against me as well as **United States Codes specifically Title 18 Section 241 – Conspiracy Against Rights**. Appellee McCune responded with his letter (**Exhibit 31**) dated 12-19-01 to me stating he had "no opinion" regarding my employment claims. His SWORN OATH to uphold the Constitution of the United States DOES NOT give him a right to his "OPINION" all he can do is follow and enforce the LAW which is the Constitution of the United States of America and ONLY Constitutional Laws. Appellee McCune also admitted he received the information I sent him as well as **Exhibit 11** that was the letter I sent to Appellee AK Steel CEO Wardrup and other supervisors detailing the retaliatory and CRIMINAL actions against me and co-workers so he had the evidence but chose to commit a CRIME by not prosecuting all involved! Appellee McCune had all the evidence of the CRIME of the truck rolling over with me inside and that I was fired for WHISTLE BLOWING and he did NOTHING which is a CRIME.

Approximately a year after I was fired for WHISTLE BLOWING Keith Ekenrode was killed and was nothing short of MANSLAUGHTER after my continued warnings to Appellee AK Steel et al and McCune! I recently spoke with Chris Cahillane who represented Keith Eckenrode's widow and he told me he was not allowed to discuss the case but if he was ordered to do so he would which would expose the corruption that took place that led to Keith's death. Chris can be reached at 412-594-5552.

My wife and I put together (**Exhibit – U.S. Attorney General Letter 2003**) dated 3-7-03 that was approximately 300 pages and was sent to then U.S. Attorney Ashcroft detailing the corruption and CIVIL and CRIMINAL activity that was perpetrated against me at the local, state and federal level. The document contained the letter to Ashcroft as well as all the **Exhibits** on my website at **1776ToTyranny.com**

After repeated attempts at the local, state and federal level I refiled my Complaint dated 5-29-19 representing myself in Butler County Court. All the judges recused themselves so Appellee Cunningham was brought in as the judge. When I filed the Complaint I DEMANDED A JURY TRIAL which is GUARANTEED under

the Constitution Amendment 7 and the **PREAMBLE** below to the **Bill of Rights** is PROOF the right to a CIVIL JURY TRIAL is GUARANTEED.

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

Appellee Cunningham, AK Steel et al, UAW et al and ALL legal counsel continued to conspire against my RIGHTS so I sent ALL Appellees the Color of Law Warning Letters (**Amended Legal Notice and Warning for Violation of Right Under Color of Law**) as part of the court filing by me dated 10-18-19.

When I filed the Complaint I sent a letter to President Trump, U.S. Attorney General Barr, Senator Rubio, Congressman Rutherford and Governor DeSantis apprising them of the CRIMES and CONSPIRACY against me at the local, state and federal level. Senator Rubio sent me an email apologizing for the corrupting I was dealing with so he started a Congressional Inquiry on my behalf and Congressman Rutherford joined the Inquiry.

On 2-20-20 the U.S. Department of Justice / Federal Bureau of Investigation sent Senator Rubio a letter (**DOJ-FBI Response to Senator Rubio**) asking me to contact the FBI's Jacksonville Field Office to provide more information. I contacted the Jacksonville FBI and after a couple months was asked to send more information so I mailed the letter dated 5-8-20 (**FBI letter**) along with other evidence. Today I spoke with the Jacksonville FBI and they are going to have the agent in charge get back to me for further investigation.

In light of the evidence I have provided you and all the evidence you can find on your own investigation you must:

- Prosecute ALL Appellees with a law license and ALL the principles of Appellee AK Steel et al and principles of Appellee UAW for their CONSPIRACY AGAINST MY CONSTITUTIONAL RIGHTS of Due Process of the LAWS and Equal Protection of the LAWS.

- Prosecute ALL Appellees for the CRIME of defrauding the courts for using labor law to supersede CRIMINAL and CIVIL LAW against me.

- Prosecute Appellee AK Steel et al for the CRIME of verbally directing me to operate the truck against their own written directives – PUBLIC POLICY LAW – that rolled over with the potential of death to me when they KNEW they had pictures of the truck almost rolling over on co-worker Dan Redick and NOT telling me.

- Prosecute Appellee AK Steel et al for the CRIME of verbally directing me to operate the truck against their own written directives – PUBLIC POLICY LAW – on 3-23-01 and then firing me for WHISTLE BLOWING.

- Prosecute Appellee UAW et al for the CRIME of masquerading as a union when IN FACT Appellee AK Steel owns the UAW on the Butler AK Steel property.

- Prosecute ALL Appellees with a law license for their part in violating their SWORN OATH to uphold the Constitution of the United States of America and their SWORN OATH OF OFFICE in

Pennsylvania by their falsehood in defrauding the courts to delay my recovering compensatory and punitive damages.

- Have ALL Appellees with a law license stripped of their law license to never be able to practice law again.

- Prosecute any Appellee for CRIMES that you see as well.

On Tue, Sep 29, 2020 at 9:02 AM Office of District Attorney for Butler County <ButlerDA@co.butler.pa.us> wrote:

I am in receipt of your email. I do not have time to go through all of your attachments and read all of your constitutional law. What crime was committed of which you are a victim do you want investigated and prosecuted?

From: 1776ToTyranny Freedom <1776totyranny@gmail.com>
Sent: Monday, September 28, 2020 4:41 PM
To: Office of District Attorney for Butler County <ButlerDA@co.butler.pa.us>
Subject: Demanding prosecution

Mr. Goldinger,

I called your office today and was given an email of rgoldinger@co.butler.pa.us to send you an email but it was undeliverable so I am resending to this email.

This email is to demand that you honor your oath to uphold the **Constitution of the United States of America** and your **Oath of Office - 42 Pennsylvania Consolidated Statutes Section 2522** and complete a thorough investigation into the criminal activity against me.

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.

Attached is the email I sent to you on 8-12-19 that YOU NEVER RESPONDED TO.

As I stated in the attached email to you I referenced you can review all of the **EVIDENCE** at my website **1776ToTyranny.com** on the **"Timeline of Corruption"** page.

I have completed the entire investigation for you on the **CONCISE STATEMENT** court filing by me on the website so all you have to do is to prosecute.

I spoke Sheriff Slupe today about making the arrests so you need to contact him.

You will find that ALL **Appellees/Defendants** have committed a crime by conspiring against my **Constitutional Sovereign Individual Rights!**

The following are just a few of the **United States Codes** that the **Appellees/Defendants** have conspired against me.

U.S.C. Title 18 Section 241 Conspiracy Against Rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section 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, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

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

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, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section 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.

U.S.C. 18 Section 245 Federally Protected Activities

(b)Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

U.S.C. Title 42 Section 1983 Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of

this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

U.S.C. 42 U.S. Code Section 1986 Action for neglect to prevent

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. (R.S. § 1981.) (emphasis added)

U.S.C. Code Section 1985 Conspiracy to interfere with civil rights

(2) Obstructing justice; intimidating party, witness, or juror

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws; (emphasis added)

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators. (R.S. § 1980.)

U.S.C. U.S. Code Section 1982 Property rights of citizens

All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property. (R.S. § 1978.)

If you choose not to investigate and prosecute then you are part of the conspiracy!

Call me to let me know you are starting the investigation and if I do not hear from you within a few days I will forward this correspondence to the **Supreme Court of Pennsylvania** where I just filed my **Notice of Appeal.**

I will **Priority Mail** this correspondence as well so you cannot say you did not receive it.

Joe Myers

904-254-6472 (call or text)

1776ToTyranny.com

"In free governments the rulers are the servants, and the people their superiors and sovereigns." – **Benjamin Franklin**

Let FREEDOM RING!

--

Joe Myers
904-254-6472 (call or text)
1776ToTyranny.com

"In free governments the rulers are the servants, and the people their superiors and sovereigns." – **Benjamin Franklin**

Let FREEDOM RING!

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2 attachments

DOJ-FBI Response to Senator Rubio dated 2-20-20.pdf
36K

FBI Letter 5-8-20.pdf
4639K

February 25, 2021

Exhibit MM

Cleveland-Cliffs Inc
Att: CEO Lourenco Goncalves
200 Public Square
Suite 3300
Cleveland, Ohio 44114-2544

RE: Update you on my legal filing

Mr. Goncalves,

Thank you or taking you time out of your busy day to read this correspondence. I wanted to apprise you of a lawsuit I filed against AK Steel prior to Cleveland-Cliffs Inc. merger/acquiring AK Steel. Legal counsel for AK Steel never apprised me of the merger/acquisition so that is the reason for letter as I added you as the new owner/partner of AK Steel in my legal court filings and do not know if you were informed before or during your purchase.

Please find enclosed my recent court filing in the Pennsylvania Supreme Court ***Petitioner's Notice of Appeal Addendum 2-23-21.*** I would encourage you to read the ORDER as part of the court filing as again, I am not sure you are aware of the issues and criminal activity at the Butler plant.

I would encourage you to go to my website at **1776ToTyranny.com** then go to the "**Timeline of CORRUPTION**" page to review my court filings and evidence that can be downloaded and printed by your legal team. To provide the timeline of what has transpired I would suggest your legal team scroll down the page and read the **Concise Statement** to get up to speed. **Senator Rubio** started a **Congressional Inquiry** on my case as well.

It appears Cleveland-Cliffs Inc. was defrauded in your merger/acquisition so I am willing to speak with your legal team to help you in any way I can to make those that defrauded you criminally and civilly responsible to recover the damages I am seeking and as of right now Cleveland-Cliffs is liable.

You or anyone from your legal team is welcome to call me anytime.

Sincerely,

Joe

Joe Myers

12137 Emerald Green Court

Jacksonville, FL 32246

904-254-6472

1776ToTyranny@gmail.com

Exhibit NN

https://www.mesabitribune.com/news/cliffs-ceo-makes-top-paid-executives-list/article_ca54a10c-62c8-11e8-b70a-2f97e3edb1f6.html

FEATURED TOP STORY

Cliffs CEO makes top-paid executives list

Goncalves made $22M in 2017

Jerry Burnes
May 28, 2018

Lourenco Goncalves, chairman, president and CEO of Cleveland-Cliffs, ranked 46th in a recent analysis of CEO compensation in 2017 by Equilar, which annually conducts a study for The New York Times.

The top-200 highest-paid CEOs were published in the Sunday edition of the Times, which analyzes executives at public companies with at least $1 billion in annual revenue that filed proxies last year by April 30.

According to Equilar, Goncalves earned a base salary of $1.3 million in 2017, a cash bonus of more than $9.2 million and other perks totaling $536,946. His total cash pay for 2017 exceeded $11 million.

Goncalves also received more than $11.8 million in stock awards in 2017, driving his total compensation to $22.911 million. That's about 148 percent higher than the $9.2 million he made in 2016.

This year, Equilar also included employee pay into its report. Median pay for Cleveland-Cliffs employees in 2017 was $100,501. Of the companies listed in the top-100 for CEO pay, Cliffs' median employee compensation was the 25th highest and 47th highest in the top 200.

According to Equilar, Goncalves' pay is 234 times the median employee at Cliffs.

Compared to other extraction industry companies, Goncalves was one spot below Jeffrey A. Miller, the new CEO of oilfield giant Halliburton, who made slightly more than $23 million in 2017. Another oil extraction company leader, Schlumberger CEO Paal Kibsgaard, was 85th making $18.4 million last year.

Cliffs employees, comparatively, made more than oilfield workers, according to the report.

The median pay for Halliburton employees was $79,636 and $88,604, for Schlumberger.

No other U.S. mining companies cracked Equilar's top-200.

Exhibit OO

CRAIN'S CLEVELAND BUSINESS

MY ACCOUNT LOGOUT SUBSCRIBE MENU

April 26, 2023 11:00 AM

Here's what top executives are paid at Cleveland-Cliffs

JEREMY NOBILE

EMAIL SHARE TWEET SHARE

Bloomberg

The Cleveland-Cliffs Cleveland Works mill.

Lourenco Goncalves, chairman, president and CEO of Cleveland-Cliffs Inc., was paid the equivalent of just under $18.5 million in 2022, according to the company's most recent proxy filing.

Goncalves' 2022 compensation package includes a base salary of $2.04 million — 5% more than his 2021 base salary of $1.94 million — as well as a mix of stock awards, incentives and other financial compensation such as 401(k) contributions and travel expenses, the company's summary compensation table shows.

At $18.46 million, Goncalves' 2022 total compensation was about 25% less than his 2021 compensation of $24.49 million. His total 2020 compensation was $18.51 million (base salary of $1.81 million).

The median annual total compensation among all Cliffs employees in 2022 was $132,220, according to the company. That amount reflects a 5% increase compared with Cliffs' median employee pay in 2021 of $125,396.

These figures mean Cliffs posted a CEO-to-employee pay ratio of 140:1 in 2022 versus a ratio of 195:1 in 2021.

The Cleveland-based flat-rolled steelmaker reported $23 billion in revenues in 2022, which was heralded as the highest yet in the company's 176-year history. Those annual revenues mark a 12% increase over 2021 revenues of $20.4 billion.

Here's a look at compensation packages some other Cliffs executives received in 2022:

- **Celso Goncalves Jr.**, chief financial officer: $3.61 million ($2.36 million in 2021)

- **Clifford Smith**, president, Cleveland-Cliffs steel: $4.95 million ($6.12 million in 2021)
- **Keith Koci**, president, Cleveland-Cliffs services: $4 million ($4.19 million in 2021)
- **James Graham**, human resources, chief legal and administrative officer and secretary: $3.38 million (Graham was not a named officer in 2021)
- **Maurice Harapiak**, former human resources and chief administrative officer: $7.1 million ($3.82 million in 2021— Harapiak left Cliffs in spring 2022 due to what the company characterized in regulatory filings as a "termination of employment without cause." Terms of his departure included a $3.78 million severance payment.)

Exhibit PP

Adam Keith Hobaugh

Adam, click here to claim your profile for free!

Compare Save

Jurisdictions Admitted to Practice

Pennsylvania

Professional Associations

Pennsylvania State Bar
Member
Current

Contact & Map

(1)
Recent (1)
(0)
Saved (0)
(0/3)
Compare (0/3)

110 Swinderman Road
Wexford, PA 15090

Email Adam Keith Hobaugh

Download vCard

(1)
Recent (1)

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Saved (0)

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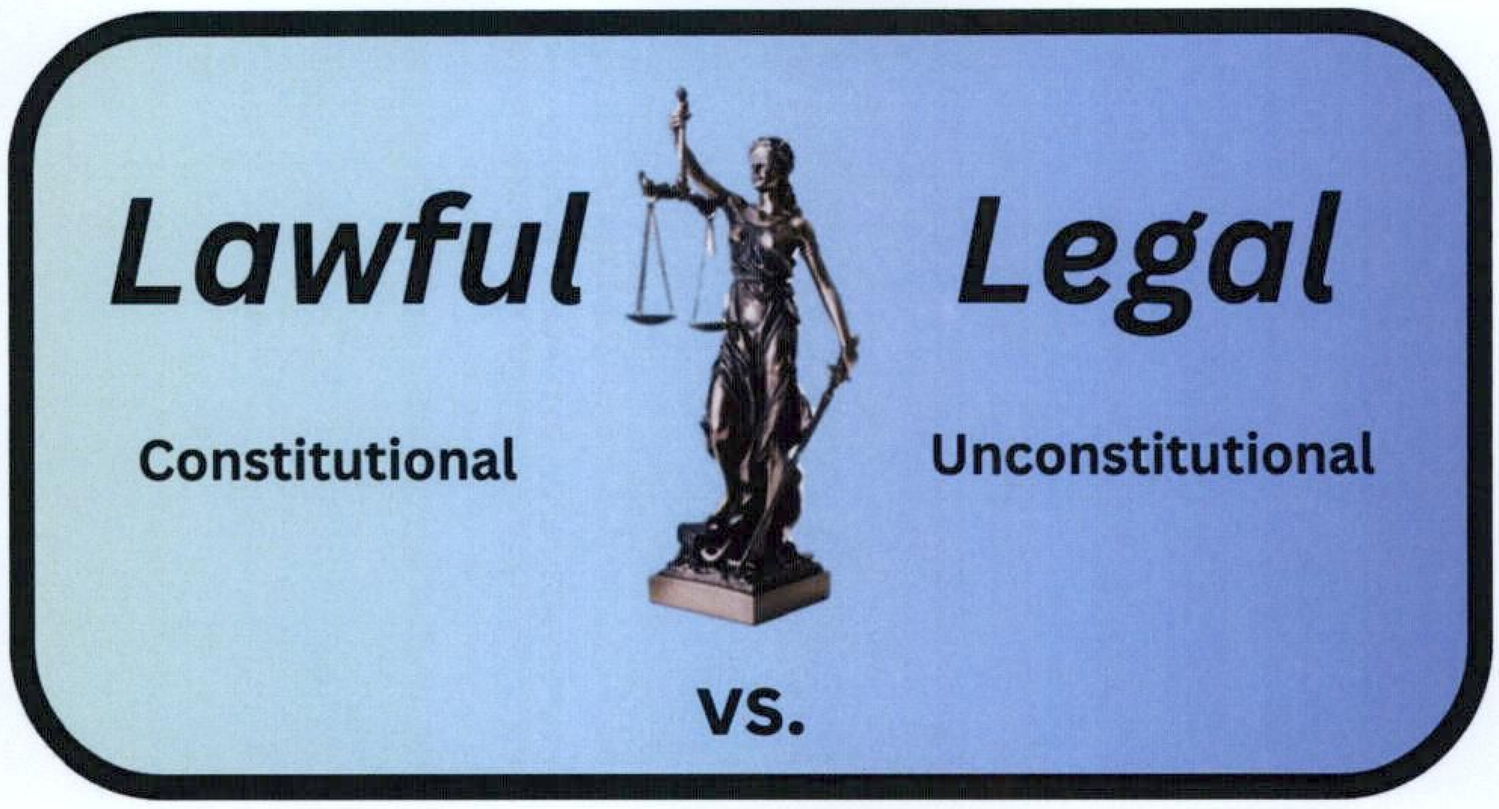
Compare (0/3)

Exhibit QQ



Learn about your role as a **man** and **woman** on a **JURY** in this document and visit **LawAndMankind.com** to research **Constitutional Law** on the **Home** page.

The following are excerpts from ***"An Essay on the Trial by Jury"*** that is a basic synopsis of the book which can be downloaded on the **Home** page in the **Trial by Jury** section.

The book was written by American lawyer Lysander Spooner and entered according to Act of Congress in 1852 at the Clerk's Office of the District Court of Massachusetts. The following excerpts (with EMPHASIS ADDED) from the book makes it crystal clear a ***Trial by Jury*** is for the protection of **We the People** against tyrannical **PUBLIC SERVANTS** as their only duty is to protect the **LIFE, LIBERTY** and **PROPERTY** of all mankind:

> FOR more than six hundred years - that is, since Magna Carta, in 1215 - there has been no clearer principle of English or American constitutional law...it is not only the right and duty of juries to judge what are the facts, what is the law, and what was the moral intent of the accused *but that it is also their right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of, such laws.*

Unless such be the right and duty of jurors, it is plain that, instead of juries being a "palladium of liberty" - a barrier against the tyranny and oppression of the government – they are really mere tools in its hands, for carrying into execution any injustice and oppression it may desire to have executed.

But for their right to judge of the law, *and the justice of the law,* juries would be no protection to an accused person, *even as to matters of fact;* for, if the government can dictate to a jury any law whatever...it can certainly dictate to them the laws of evidence. That is, it can dictate what evidence is admissible, and what inadmissible, *and also what force or weight is to be given to the evidence admitted.*

And if the government can thus dictate to a jury the laws of evidence, it can not only make it necessary for them to convict on a partial exhibition of the evidence rightfully pertaining to the case, but it can even require them to convict on any evidence whatever that it pleases to offer them. (Pages 5 and 6)

That the rights and duties of jurors must necessarily be such as are here claimed for them, will be evident when it is considered what the trial by jury is, and what is its object.

"The trial by jury" *then, is a* ***"trial by the country" - that is, by the people*** *- as distinguished from a trial by the government.*

The object of this trial" by the country," or by the people, in preference to a trial by the government, is to guard against every species of oppression by the government. In order to effect this end, it is indispensable that the people, or "the country," judge of and determine their own liberties against the government; instead of the government's judging of and determining its own powers over the people. How is it possible that juries can do anything to protect the liberties of the people against the government, if they are not allowed to determine what those liberties are?

Any government, that is its own judge of, and determines authoritatively for the people, what are its own powers over the people, is an absolute government of course. It has all the powers that it chooses to exercise. There is no other - or at least no more accurate – definition of a despotism than this.

On the other hand, any people, that judge of, and determine authoritatively for the government, what are their own liberties against the government, of course retain all the liberties they wish to enjoy. *And this is freedom.* At least, it is freedom *to them;* because, although it may be theoretically imperfect, it, nevertheless, corresponds to *their* highest notions of freedom.

To secure this right of the people to judge of their own liberties against the government, the jurors are taken, (or must be, to make them lawful jurors,) from the body of the people, *by lot,* or by some process that precludes any previous knowledge, choice, or selection of them, on the part of the government. (Page 6)

This is done to prevent the government's constituting a jury of its own partisans or friends; in other words, to prevent the government's *packing* a jury, with a view to maintain its own laws, and accomplish its own purposes. (Page 7)

But all this" trial by the country" would be no trial at all *"by* the country," but only a trial by the government, if the government could either declare who may, and who may not, be jurors, or could dictate to the jury anything whatever, either of law or evidence, that is of the essence of the trial.

If the government may decide who may, and who may not, be jurors, it will of course select only its partisans, and those friendly to its measures.

It may not only prescribe who may, and who may not, be eligible to be drawn as jurors; but it may also question each person drawn as a juror, as to his sentiments in regard to the particular law involved in each trial, before suffering him to be sworn on the panel; and exclude him if he be found unfavorable to the maintenance of such a law. (Page 8)

So, also, if the government may dictate to the jury *what laws they are to enforce,* it is no longer a "trial by the country", but a trial by the government; because the jury then try the accused, not by any standard of their own-not by their own judgments of their rightful liberties - but by a standard dictated to them by the government. And the standard, thus dictated by the government, becomes the measure of the people's liberties. If the government dictate the standard of trial, it of course dictates the results of the trial. And such a trial is no trial by the country, but only a trial by the government; and in it the government determines what are its own powers over the people, instead of the people's determining what are their own liberties against the government. In short, if the jury have no right to judge of the justice of a law of the government, they plainly can do nothing to protect the people against the oppressions of the government; for there are no oppressions which the government may not authorize by law.

The jury are also to judge whether the laws are rightly expounded to them by the court. Unless they judge on this point, they do nothing to protect their liberties against the oppressions that are capable of being practised under cover of a corrupt exposition of the laws.

If the judiciary can authoritatively dictate to a jury any exposition of the law, they can dictate to them the law itself, and such laws as they please; because laws are, in practice, one thing or another, according as they are expounded. (Page 9)

The jury must also "judge whether there really be any such law, (be it good or bad,) as the accused is charged with having transgressed. Unless they judge on this point, the people are liable to have their liberties taken from them by brute force, without any law at all.

The jury must also judge of the laws of evidence. If the government can dictate to a jury the laws of evidence, it can not only shut out any evidence it pleases, tending to vindicate the accused, but it can require that any evidence whatever, that it pleases to offer, be held as conclusive proof of any offence whatever which the government chooses to allege.

It is manifest, therefore, that the jury must judge of and try the whole case, and every part and parcel of the case, free of any dictation or authority on the part of the government.

They must judge of the existence of the law; of the true exposition of the law; *of the justice of the law;* and of the admissibility and weight of all the evidence offered; otherwise the government will have everything its own way; the jury will be mere puppets in the hands of the government; and the trial will be, in reality, a trial by the government, and not a "trial by the country."

By such trials the government will determine its own powers over the people, instead of the people's determining their own liberties against the government; and it will be an entire delusion to talk, as for centuries we have done, of the trial by jury, as a "palladium of liberty," or as any protection to the people against the oppression and tyranny of the government.

The question, then, between trial by jury, as thus described, and trial by the government, is simply a question between liberty and despotism. The authority to judge what are the powers of the government, and what the liberties of the people, must necessarily be vested in one or the other of the parties themselves - the government, or the people; because there is no third party to whom it can be entrusted. If the authority be vested in the government, the government is absolute, and the people have no liberties except such as the government sees fit to indulge them with.

If, on the other hand, that authority be vested in the people, then the people have all liberties, (as against the government.) except such as substantially the whole people (through a jury) choose to disclaim; and the government can exercise no power except such as substantially the whole people (through a jury) consent that it may exercise. (Pages 10 and 11)

THE evidence already given in the preceding chapters proves that the rights and duties of jurors, in civil suits, were anciently the same as in criminal ones; that the laws of the king were of no obligation upon the consciences of the jurors, any further than the laws were seen by them to be just; that very few laws were enacted applicable to civil suits; that when a new law was enacted, the nature of it could have been known to the jurors only by report, and was very likely not to be known to them at all; that nearly all the law involved in civil suits was *unwritten;* that there was *usually* no one in attendance upon juries who could possibly enlighten them, unless it were sheriffs, stewards, and bailiffs, who were unquestionably too ignorant and untrustworthy to instruct them authoritatively; that the jurors must therefore necessarily have judged for themselves of the whole case; and that, *as a general rule,* they could judge of it by no law but the law of nature, or the principles of justice as they existed in their own minds.

The ancient oath of jurors in civil suits, viz., that "*they would make known the truth according to their consciences,*" **implies that the jurors were above the authority of all legislation**. The modern oath, in England, viz., that they "*will well and truly try the issue between the parties, and a true verdict give, according to the evidence.*" implies the same thing.

If the laws of the king had been binding upon a jury, they would have been sworn to try the cases *according to law,* or according to the laws. (Page 110)

IT is a principle of Magna Carta, and therefore of the trial by jury, (for all parts of Magna Carta must be construed together,) that no judge or other officer *appointed by the king,* shall preside in jury trials, *in criminal cases,* or "pleas of the crown."

At the common law, all officers who held jury trials, whether in civil or criminal cases, were chosen by the people. (Page 157)"

The following are the facts of mankind:

1. **God** created **man and woman** and the **law** (protection of *life*, *liberty*, and *property*) for **man and woman** to live by;
2. **man and woman** created local government;
3. local government created State government;
4. State government created Federal government;
5. governments created **legal** societies;
6. legal societies created titles such as doctor, lawyer, farmer etc. to **unlawfully** subvert man and woman into **legal** constraints;

- Example of **law** versus **legal**: During the **Nuremberg Trials** the Nazi government created **legal** arguments, rules, acts, codes, regulations, statutes, and legal usurpations which are NOT **law** to harm and kill Jewish men and women. *The court of law* was a *trial by jury* and the *jury* stated those actions were not **lawful** to kill others for no reason. Thus, 10 members of the political and military leadership of Nazi Germany were executed. *The jury overruled all actions by the* ***tyrannical government***;

A *jury* is the highest *court of law* in the land. A *jury* is above all courts such as the supreme court, federal courts, state courts and all judges ***to protect against tyranny***. The 6th and 7th Amendments establish the jury as the 4th branch of governance to protect against abuse of power of PUBLIC SERVANTS which is very clear in the **Preamble** of the **Bill of Rights**.

God created the **law** and **man and woman** allow it be perverted by **legal** societies when we do not uphold the **law** which is superior to **legal**.

Legal arguments, rules, acts, codes, regulations, statutes, or any legal usurpation cannot deny the God given rights of *life*, *liberty* and *property* of any man or woman.

Man and woman are not titles such as referenced above; for example a doctor is under the **legal** societies **legal** arguments, rules, acts, codes, regulations, statutes, or any legal usurpation and is why doctors are threaten that they will lose their license to **"practice"** medicine if they try to offer a natural remedy that the medical association cannot regulate and profit from.

The created cannot be above the Creator. Mankind created our Founding documents to protect *life*, *liberty* and *property* for all mankind to live by so any man or woman receiving tax dollars for compensation as ***public servants*** cannot deny those rights that are established in our Founding documents that are God given RIGHTS.

Please share this information. It is vital we demand a **TRIAL BY JURY** because **We the People** retain the power in this country as we are the **4th Branch of government**. If cases are a **TRIAL BY JURY,** WE WILL restore OUR ***Constitutional Republic***!