

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 [Signature]

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

Claim – reply to UNCONSTITUTIONAL, fraudulent and conspiratorial preliminary objections of Cleveland-Cliffs et al, lourenco goncalves and edward tassey by their representative john c. gentile

The man, joe myers; *acting as a plaintiff*, would like to apologize to the upcoming jury for any typos in any court filings as myers is dyslexic and does not have a person to proofread in the timeframe prior to filing. In the **Claim dated 12-31-23** myers noticed many typos such as what should have stated a **“trial by jury”** myers had many instances that stated **“trail by jury”** due to dyslexia.

For the same reasons listed in the **Claim dated 12-31-23** filed by myers there are no capitalization of names so as not to diminish the rights of myers or any man or woman, **acting as defendants**.

FRAUD and CONSPIRACY

To address the man, **john c. gentile**, myers states that his unconstitutional, fraudulent and conspiratorial motion is **barratry** by gentile under the LAW **Pa. C.S.A. Title 18 Section 5109** which states no person can file an unjust court filing to harass a litigant and to defraud the court as gentile is attempting with his unlawful motion that is to perpetuate the fraud and conspiracy against myers.

gentile is attempting use rules to usurp the GUARANTEED Constitutional Rights of myers to protect myers LIFE, LIBERTY and PROPERTY as well as myers GUARANTEED Right to a **trial by jury** to present facts and evidence, which myers has established in ALL court filings of myers.

gentile KNOWS that myers has added the men and women acting as judges **william cunningham, john t. bender, alice beck dubow** and **carolyn h. nichols, acting as defendants**, for using the unconstitutional preliminary objections and rules of court that CANNOT usurp myers GUARANTEED Constitutional Rights listed above.

The following will prove gentile’s **barratry** that is fraud and conspiracy against myers.

ADDITIONAL VIOLATION OF LAWS

gentile KNOWS his **unlawful court filing** of Pennsylvania rules 1.028(a)(1), 1.028(a)(3), 1.028(a)(4) and 233.1 are in FACT NOT law and CANNOT supersede the law which is the **Constitution of the United States of America** and **The Constitution of Pennsylvania**.

In **Claim dated 12-31-23** filed by myers in **Point 43 (k) 1 thru 7** myers details how the men and women acting as judges conspired against myers by UNLAWFULLY requiring myers to follow the rules YET never required the men and women, **acting as defendants**, to follow the rules so the rules are **NULL and VOID** and **UNCONSTITUTIONAL** because rules CANNOT supersede law.

It is quite clear gentile is committing **barratry** by ignoring **Pa.C.S.A. Title 42 Section 1922. Presumptions in ascertaining legislative intent** that is very clear that NOTHING that is enacted can violate the **Constitution of the United States of America** or **The Constitution of Pennsylvania** so RULES cannot deny myers RIGHTS that are GUARANTEED. myers has the GUARANTEED RIGHT to be heard before a jury.

gentile KNOWS since myers has demanded a **trial by jury** and the jury will render a verdict and **not corrupt judges that have conspired against myers** that myers has PROVED REPEATEDLY in myers court filings of **Concise Statement dated 2-4-20** and **Claim dated 12-31-23** in **Point 43**.

"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."

gentile again commits **barratry** when he also KNOWS **The Constitution of Pennsylvania – Section 10 – Judicial administration** protects myers RIGHT to a **trial by jury** and any rulemaking LIES he attempts to state is UNLAWFUL as myers **substantive rights** to protect LIFE, LIBERTY and PROPERTY by a **trial by jury** CANNOT be usurped by any judge or legislator.

(a) "The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts ... **if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant ...**"

gentile again commits **barratry** when he also KNOWS **42 Pa.C.S.A. Section 5104** does not permit rules to supersede myers GUARANTEED RIGHT to a **trial by jury**.

(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)"*

gentile continues his **barratry** when he also KNOWS **Pa.C.S.A. Title 42 Section 1925. Constitutional construction of statutes** is very clear the rules can be severed and are IN FACT severed when myers demands a **trial by jury**.

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.

The **Claim** *dated 12-31-23* of myers can only **LAWFULLY** be heard before a **trial by jury** that is the GUARANTEED Constitutional Right of myers as established in the following **Constitutional laws**:

Constitution of the United States of America 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;**"*

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

Bill of Rights 7th Amendment – ***“In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.”***

The Constitution of Pennsylvania 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)“

gentile does not address the **19 Counts of LAW** against Cleveland-Cliffs et al, lourenco goncalves, edward tasey and all other men and women, **acting as defendants**, YET gentile UNLAWFULLY attempts to state rules of court can be above the SUPREME LAW of the land when he knows IN FACT rules ARE NOT law as the actual law states the Supreme Court can make rules but even the Supreme Court **CANNOT** even deny the RIGHT of a **trial by jury** under **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.** . . .”*

gentile KNOWS the **5th and 14th Amendments** protect myers RIGHTS of **due process** and **equal protection of the law** so the LIFE, LIBERTY and PROPERTY is GUARANTEED for myers to protect his property of lost compensation that Cleveland-Cliffs et al extorted from myers.

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.***"

AGAIN, gentile KNOWS myers has added the men and women acting as judges ***william cunningham, john t. bender, alice beck debow*** and ***carolyn h. nichols*** to this Claim, ***acting as defendants***, because the Supreme Court of Pennsylvania knew myers filed a lawful **Claim** dated 12-31-23 to refile in the Commonwealth Court.

gentile ***swore an oath*** and he KNOWS men and women acting as judges ***swore an oath*** as well to uphold the ***Constitution of the United States of America*** and ***The Constitution of Pennsylvania*** so gentile cannot use rules that he KNOWS violates myers Constitutional Rights!

As myers has repeatedly stated all laws and rules have to obey the ***Constitution of the United States of America*** and specifically **Article VI** or they are **NULL and VOID!**

NOTICE TO JUDGE

Since a judge has not been assigned to schedule the **trial by jury** demanded by myers the aforementioned laws and the following quotes by our Founders prove that **trial by jury** was a protect **We the People** from tyranny of **public servants** as myers has endured from the men and women acting as judges **william cunningham, john t. bender, alice beck debow** and **carolyn h. nichols, acting as defendants**, to this **Claim** and **Concise Statement** as the United States of America is **Constitutional Republic** for the protection of LIFE, LIBERTY and PROPERTY which is the RULE OF LAW that myers CANNOT be denied.

Also the Founders were very clear that **We the People** are **SUPERIORS and SOVEREIGNS** to the executive, legislative, judicial and ALL **public servants** and is why **We the People** as jurors can hold the **public servants** accountable to the principles of the Constitution:

- *"I consider trial by jury as the only anchor yet imagined by man by which a government can be held to the principles of its Constitution."* – **Thomas Jefferson**
- *"In free governments the rulers are the servants, and the people their superiors and sovereigns."* – **Benjamin Franklin**
- *"There is no position which depends on clearer principles, than that every act of a delegated authority contrary to the tenor of the commission under which it is exercised, **is void, No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.**"* – **Alexander Hamilton, Federalist #78**
- *"Government is instituted to protect property of every sort...This being the end of government, that alone is a just government, which impartially secures to every man, whatever is his own."* – **James Madison**
- *"It is not only his (the juror's) right but his duty...to find the verdict according to his own best understanding, judgement, and conscience, though in direct opposition to the directions of the court."* – **John Adams**
- *"The friends and adversaries of the plan of the (Constitutional) convention, if they agree on nothing else, concur at least in the value they set upon the trial by jury; or if there is any difference between them it consist of this: the*

former regard it as a valuable safeguard to liberty, the latter represent it as the very palladium of free government.” – Alexander Hamilton

- *“As the Constitution requires that the popular branch of the legislature should have an absolute check, so as to put a peremptory negative upon every act of the government, it requires that the common people, should have as complete a control, as decisive a negative, in every judgment of a court of judicature.” – John Adams*
- *“Every word of (the Constitution) decides a question between power and liberty.” – James Madison*
- *“The jury has the right to judge both the law as well as the fact in controversy.” – John Jay*

CONCLUSION

If gentile cannot understand the **19 Counts of LAW** that myers has presented against gentile's clients in **Claim dated 12-31-23** filed by myers then *Cleveland-Cliffs et al, lourenco goncalves* and *edward tassey* should find someone that knows the law and not rules to represent them.

gentile and ALL men and women, **acting as defendants**, can present their position to the jury just as myers will present the **Claim dated 12-31-23** and ALL facts and evidence to the jury and then the jury will decide the LAW.

Attached to this court filing is the **Lawful Violation Warning Letter** that is served on **john c. gentile** that warns gentile to **cease and desist** his **conspiracy** against myers or gentile will be liable for damages to myers and myers will add the man, **john c. gentile**, to the **Claim, acting as a defendant**.

This is also to warn the judge assigned to this case that if the man or woman does not immediately sign the attached order to schedule jury selections and trial by jury dates, then myers will add the man or woman to the Claim, **acting as a defendant**.

Dated January 31, 2024

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 vs. the men and women: timothy f. mccune, et al acting as defendants) Case No.: No. 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
---	---

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

Violation Warning
Conspiracy & Denial of Rights Under Color of Law

Violation Warning - 18 U.S.C. §241; §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of a man or woman - no capitalization for name

joe myers
12137 Emerald Green Court
Jacksonville, Florida 32246

Name and address of Notice Recipient

john c. gentile
One Liberty Place
1650 Market Street, 36th Floor
Philadelphia, PA 19103-7301

Statement:

john c. gentile is participating in the conspiracy against the Constitutionally protected rights of joe myers when he filed the unconstitutional, fraudulent and conspiratorial preliminary objections on 1-26-24 for case number 2019-10516 in the Butler Pennsylvania common pleas court.

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

Signature of man or woman - no capitalization

► *By: JOE MYERS*

Date ► 1 - 31 - 24

Lawful Notice and Warning

Constitutional law provides that it is a crime to violate the Rights of any man, woman or child in any way. 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 §241 if two or more persons conspire to injure, oppress, threaten, or intimidate any person... the free exercise... of any right or privilege... secured... by the Constitution or laws of the United States... is a violation... they shall be fined under this title or imprisoned for any term of years or for life, or both.

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 Constitutional 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.

Black's Law Dictionary states that capitalization of your name diminishes your status under variations of Diminutio.

Notice of Service:

I, joe myers certify that I personally served this notice to above named recipient on January 31, 2024 by way of court filing by joe myers dated 1-31-24

Public Domain: This noticed can be served by a sheriff, certified mail or any other proof of service.

Certificate of Service

joe myers, a man, acting as a plaintiff certifies that this **Claim** was served on the following via U.S. Mail, First-Class, dated January 31, 2024

This service is for Cleveland-Cliffs et al and for lourenco goncalves and edward tasey, acting as defendants to their representative the man, john c. gentile

benesch friedlander coplan & aronoff

Att: john c. gentile

One Liberty Place

1650 Market Street, 36th Floor

Philadelphia, PA 19103-7301

by: JOE MYERS

by: joe myers, a man