

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

JOE MYERS,	)	Case No.: No. 19-10516
	)	
Plaintiff - APPELLANT,	)	CIVIL DIVISION
	)	
vs.	)	
	)	Type of Pleading:
TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, JACK	)	
W. MURTAGH JR., GRAYDON BREWER, CARL V.	)	<b>Concise Statement of Matters Complained of</b>
	)	<b>on Appeal</b>
	)	
NANNI, JACK LEWIS, JIM GALLAGHER, HANK	)	
	)	
LEYLAND, GREG LOVERICK, EDWARD TASSEY, AK	)	
	)	FILED BY:
STEEL et al, UAW (formerly Butler Armco	)	
Independent Union) et al, ANGELO PAPA,	)	Joe Myers, pro se
	)	12137 Emerald Green Court
WILLIAM CUNNINGHAM, MICHAEL LETTRICH,	)	Jacksonville, FL 32246
	)	
MARIA MILIE JONES, DENNIS ROMAN, NICHOLAS	)	
	)	
KOCH, ADAM HOBAUGH	)	
	)	
Defendants - APPELLEES	)	

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**Concise Statement**

All the evidence provided in this court filing can be downloaded at [www.1776ToTyranny.com](http://www.1776ToTyranny.com) on the "Timeline of CORRUPTION" page. Plaintiff Myers has stated the website in every court filing to all Defendants. Plaintiff stated this as Senator Rubio and Congressman Rutherford have started a congressional inquiry with the U.S. Department of Justice and the FBI do to the corruption Plaintiff has endured at the local, state and federal level.

1) In April of 1984 Defendant AK Steel (formerly Armco Steel) entered a **CIVIL contract** with Plaintiff Joe Myers whereby if Plaintiff followed AK Steel written directives and the LAW that AK Steel would pay wages, benefits, pension, etc. to Plaintiff. **This was NOT a labor law contract** because Plaintiff was not allowed to be part of the Defendant UAW Union (formerly Butler Armco Independent Union) for approximately 3 months. **Additionally, Defendant AK Steel pays the salaries of ALL Defendant UAW officers which makes it a company owned union which is illegal and IS and HAS been a Conflict of Interest.**

- *National Labor Relations Act (NLRB) Section 8 (a) (2) makes it an unfair labor practice for an employer "to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it." (emphasis added)*

**This is and ALWAYS has been a CIVIL legal matter but Plaintiff provided the aforementioned NLRB Section to further prove the CRIMINAL activity between Defendant AK Steel et al and Defendant UAW et al.**

- 2) Plaintiff worked in various parts of the Defendant AK Steel plant during Plaintiff's almost 17 year career. In 1997 Plaintiff became part of truck and heavy equipment section until Plaintiff was illegally fired for Whistle Blowing in March of 2001. Plaintiff was required to attain a Commercial Drivers License (CDL) for this department for use "**BOTH INSIDE AND OUTSIDE THE PLANT**".
- 3) Plaintiff had a distrust for Defendant UAW since Plaintiff found out early in Plaintiff's career that **Defendant AK Steel pays the salaries of the officers of Defendant UAW** and Defendant UAW et al validated Plaintiff's mistrust when UAW withdrew a valid Grievance filed by Plaintiff in 1998 (**Exhibit 2**) without Plaintiff's knowledge or approval. **This was more reason to not TRUST Defendant UAW.**

4) In 1999 and 2000 Plaintiff had numerous conversations with various people regarding concerns about the general fund of Defendant UAW so Plaintiff called the agency in Pittsburgh that performs audits on Union's and Plaintiff was informed the agency was very interested in coming back to do an audit of the Defendant UAW books because they had concerns. Plaintiff had numerous conversations with Defendant Leyland regarding this issue. Plaintiff then went to then Defendant UAW President Paul Kelly and requested a copy of the Union general fund documents and Kelly told Plaintiff "if you want them you will have to get an attorney to get them (records)". The next day Plaintiff went to Kelly again and requested the general fund records and Kelly gave Plaintiff the same response to have an attorney get the records. Then Paul Kelly resigns and Defendant Nanni becomes the Union president and Defendant Leyland is brought in as a Union officer **WITHOUT AN ELECTION**. After Kelly resigned Plaintiff was asked by a Defendant AK Steel dispatcher to call Defendant Lewis at the ON AK STEEL PROPERTY Union hall. When Plaintiff called Lewis Plaintiff was informed by Lewis that the Union officers wanted to meet with Plaintiff "**before the attorneys got involved**" were Lewis's words. Plaintiff went to the meeting in which Defendant Nanni started swearing at Plaintiff and accusing Plaintiff of telling people the Union officers were embezzling money. Plaintiff NEVER made that statement and told Nanni that FACT. Plaintiff did say to Nanni the Union officers made themselves look bad when they knew Plaintiff asked Kelly for the Union records and Plaintiff was told he would have to get an attorney to request the records. **This incident proved to Plaintiff the Defendant UAW et al would NEVER protect Plaintiff and the evidence throughout this and every court filing by Plaintiff will prove the point Plaintiff was targeted by Defendant AK Steel and Defendants UAW et al and ALL other Defendants.**

- 5) During the year of 2000 Plaintiff had numerous conversations with OSHA official Jim Connell about operating defective heavy equipment and overloading the tractor-trailers on roads the public uses on Defendant AK Steel property. Defendant AK Steel allows the Heckett Slag company to conduct business on AK Steel property and allowed anyone from the public to drive onto AK Steel property to purchase slag. Anyone that drove into the plant came to an intersection that was at the bottom of the extremely steep hill with an approximately 90 degree bend half way down the hill that went to the Hilltop facility of Defendant AK Steel. Plaintiff and co-workers were then and NOW still required to haul unsecured grossly overloaded trailers pulled by a truck/tractor that was not rated to haul that weight (**Exhibits 5 and 26**) from the Hilltop facility down the extremely steep hill with the approximately 90 degree bend to the intersection the public enters and down the road to the main plant on the same roads the vendors (**non-AK Steel employees**) use.
- 6) Prior to Plaintiff being illegally fired for Whistle Blowing Plaintiff was disciplined (**Exhibit 3**) when a Stake Truck Plaintiff was operating rolled onto its side **after Plaintiff was verbally instructed to NOT chain down the pinion gear (CRIME)** which was against the law and Defendant AK Steel written policy which is PUBLIC POLICY LAW. **The pinion gear rolled to the side boards of the truck rolling over the truck with Plaintiff inside that had the potential to seriously injure or KILL Plaintiff or someone else.** A similar incident previously happen to co-worker, **Dan Redick**, yet Defendant AK Steel **NEVER told Plaintiff about it (A CRIME)** which would have prevented the incident that happened to Plaintiff. After Plaintiff's incident Plaintiff was shown pictures of the Dan Redick incident that were in Defendant AK Steel files all along. Defendant AK Steel knew this was an unsafe practice but did NOTHING until after the truck rolled over on Plaintiff - **CRIME!**

After the truck rolled over with Plaintiff inside the truck it was only THEN Defendant AK Steel started requiring the **pinion gear** to be hauled by a low-boy tractor trailer PROVING AGAIN Defendant AK Steel KNEW it was dangerous to haul it by a Stake Truck. After the incident Plaintiff was required by Defendant AK Steel to take a breathalyzer test as well as a urine test as required by Pennsylvania Motor Code, which Plaintiff passed both tests. **AGAIN Defendant AK Steel followed Pennsylvania Motor Code LAW. The very act of Defendant AK Steel having pictures of the truck incident with co-worker Dan Redick and NOT informing Plaintiff was a CRIME yet Defendant McCune REFUSED to investigate the CRIME!**

- 7) After Plaintiff received discipline for the incident of the truck rolling over on Plaintiff when he was verbally directed **NOT** to chain down the pinion gear, because the machine shop did not want undo stress on the bearings, Plaintiff became concerned of criminal and civil liability so Plaintiff called the PA Attorney General's office and spoke with Mr. David Devries. After Plaintiff explained to Devries that Defendant AK Steel was verbally instructing Plaintiff and co-workers to operate defective heavy equipment and grossly overload tractor-trailers on roads that the public and vendors use that violated Defendant AK Steel written policy as well as ALL LAWS and the LAW of PUBLIC POLICY Plaintiff asked Devries if Plaintiff would be legally liable. Devries stated that not only would Plaintiff be held civilly liable but if someone was hurt or killed Plaintiff could be held criminally liable and could quite possibly serve a prison term. Plaintiff informed Defendant Tasse of the conversation Plaintiff had with Devries yet Defendant Tasse illegally fired Plaintiff in the future for WHISTLE BLOWING. **THIS CALL WITH DEVRIES AS WELL AS FUTURE EVIDENCE in this court filing PROVES this case has NOTHING to do with LABOR LAW but IN FACT this case is ALL about CRIMINAL and CIVIL LAW.**

Labor law could never protect Plaintiff civilly or criminally and  
**ALL DEFENDANTS knew THEN and know that FACT NOW!**

- 8) **Exhibit 6** is a letter of suspension Plaintiff received for the violation of General Safety Order (GSO) #3. Plaintiff assumed proper procedure was followed when AK Steel supervisor Dean Widdenhoffer as well as other co-workers were on the railroad tracks before Plaintiff. Plaintiff unknowingly violated the GSO when Plaintiff observed Widdenhoffer and co-workers on the railroad tracks so Plaintiff was not the first person to violate the GSO YET Plaintiff was the only one disciplined. Plaintiff confronted Defendant Tassey to inquire as to WHY Plaintiff was the only person disciplined and Defendant Tassey stated he had asked that question to his boss, Tom Ayers, and Defendant Tassey stated that **Ayres told Tassey to "mind his own business"**. Plaintiff instructed the Defendant UAW to file a Grievance for "discrimination" but Defendant UAW only filed the Grievance for the discipline. An investigation meeting was held on the Grievance which Defendants Lewis and Loverick attended with Plaintiff along with Defendant AK Steel representative Robert Newcombe. At the meeting Plaintiff questioned why Plaintiff was singled out and discriminated against and was told they (Defendant AK Steel and Defendant UAW) could not rule on that issue only the discipline itself. **Defendants KNEW they could not rule on discrimination because they KNEW it was another CIVIL LEGAL MATTER that they HAD NO JURISDICTION to rule on!!! More evidence of Whistle Blower retaliation!**
- 9) Another disciplinary meeting on 12-15-00 (**Exhibit 7 hand written notes by Defendant Loverick**) was held because Plaintiff hauled within the legal load limit and completed the required job assignment YET in the meeting on the issue Defendant Tassey stated he wanted Plaintiff to haul overloaded.

Plaintiff asked Defendant Tassej if Plaintiff did not haul overloaded would Plaintiff be terminated to which Defendant Tassej replied "NO" YET Defendant Tassej did terminate Plaintiff. Plaintiff wanted to follow Defendant AK Steel written directives (Exhibits 1, 4, 5, 8 and 12) and ALL LAW and the LAW of PUBLIC POLICY which AK Steel had already disciplined (Exhibit 3) Plaintiff for following verbal orders that violated AK Steel written directives yet Defendant Tassej was giving Plaintiff verbal orders again to violate written AK Steel directives. In this meeting Plaintiff stated to Defendant Tassej on page 1 "I still feel it is unsafe and I want to be disqualified and sent back to zone 6. I can't do the job safely the way you want me to. I can't afford to go to jail." Other Defendant AK Steel employees have been disqualified YET Defendant Tassej refused to disqualify Plaintiff so Tassej could illegally FIRE PLAINTIFF. On page 3 (Exhibit 7) Plaintiff requested everything from his employment file stating "I need everything for my attorney" so Defendant Tassej, Defendant UAW and Defendant Loverick knew this was about CRIMINAL and CIVIL LAW and NEVER labor law.

- 10) **Exhibit 8** is a letter dated 1-31-01 Plaintiff received from Defendant AK Steel V.P. of Human Resources **Brenda Harmon** regarding AK Steel's 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) Plaintiff had repeatedly reported the harassment as well as criminal and civil activity with his comments in investigation meetings as well as Exhibits 7, 9 and 11 not to mention Defendant AK Steel written policies Exhibits 1, 4, 5, 8 and 12 that validate Defendant AK Steel knew this was a CRIMINAL and CIVIL matter and had NOTHING to do with labor law.

11) Exhibit 4 is the Armco's Safety and Security Handbook that was given to Plaintiff and co-workers in 1999 and inforce while Plaintiff was CIVILLY contracted and employed by Defendant AK Steel. The following points validate Plaintiff's claims of FRAUD and criminal activity by ALL Defendants. This document was presented at the illegal arbitration that exonerated Plaintiff and was ignored by corrupt Arbitrator Dean. See underlined portions:

a) Page 1 states that safety is paramount and a Supervisor will "TEACH" you how to do your job safely.

b) Page 2 again speaks of safety.

c) Page 5 again expounding on safety.

d) Page 6 instructs an employee to report safety concerns "IMMEDIATELY" to your supervisor WHICH PLAINTIFF DID REPEATEDLY.

Additionally stating that "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) This last sentence vindicates Plaintiff of EVERY issue Defendant AK Steel illegally fired Plaintiff over and proves Defendant AK Steel LIED and committed FRAUD and every Defendant knew as well and are still conspiring against Plaintiff by trying to claim NLRB overrules CRIMINAL and CIVIL LAW and ALL Defendants KNOW IT DOES NOT!!!!



- e) Page 7 expounds again on the importance of safety.
- f) Page 68 details the requirement to follow the State Motor Code for ALL employees on company property.
- g) Page 71 states that ALL deficiencies on mobile cranes MUST be corrected prior to use **yet Plaintiff and co-workers were required to operate defective mobile cranes. One such incident was operating the Linkbelt crane with a bent boom extension that was removed after repairman for being bent YET Defendant AK Steel instructed the repairman to put it back on the crane and instructed Plaintiff and co-workers to operate the defective crane for almost a year before the boom extension was repaired.**
- h) Page 78 makes it clear not to be insubordinate **yet Defendant Tassej gave Plaintiff a verbal order that violated the law and Defendant AK Steel written policy WHICH IS PUBLIC POLICY LAW and then Tassej fired Plaintiff for WHISTLE BLOWING.**
- i) Page 79 makes it clear to follow Defendant AK Steel safety protocol and not to violate OSHA standards **yet that is what Defendant AK Steel did was fire Plaintiff for FORCING Plaintiff to violate their own written directives and OSHA LAW.**
- j) Pages 80 and 81 details that Plaintiff was required to properly operate vehicles and not violate criminal laws. **Defendant AK Steel IN FACT committed a crime by EXTORTING from Plaintiff and Plaintiff's family Plaintiff's wages, benefits, pension, etc. by verbally ordering Plaintiff to violate the law and AK Steel's own written directives that AK Steel had disciplined Plaintiff for before (Exhibit 3) and when Plaintiff followed the LAW and AK Steel written directives Defendant AK Steel fired Plaintiff.**

- 12) **Exhibit 9** is a letter dated 3-1-01 sent from Plaintiff's then legal counsel Dennis Moskal to Defendant AK Steel challenging the criminal and civil liability being imposed on Plaintiff and Plaintiff's co-workers and the question as to whether Defendant AK Steel company liability insurance would cover Plaintiff or co-workers in the event of an accident or fatality occurred. Moskal also raised the issues that Defendant AK Steel receives state funding for the plant railroad crossings. This letter was sent to then **Defendant AK Steel CEO, Richard Wardrop, Jr.** and **Defendant Tasse**y and they were well aware of the CIVIL and CRIMINAL issues Plaintiff has exposed in this court filing. **Once again this is evidence that ALL Defendants knew THEN and know NOW that Plaintiff's case has nothing to do with labor law but only CRIMINAL and CIVIL LAW.**
- 13) About a week before Plaintiff was escorted out of the Defendant AK Steel plant Plaintiff met with Defendant Nanni who was the Union president at the time. Plaintiff asked Nanni what the Union was going to do on behalf of Plaintiff as Plaintiff was scheduled to operate the overloaded truck on 3-23-01 even though there were people of less seniority that could have been scheduled on the truck and **one person was Defendant Loverick.** Nanni told Plaintiff that Nanni was afraid Defendant AK Steel was going to fire a Union officer to put the fear of God in the Union membership because contract negotiations were starting soon. Plaintiff stated to Nanni - so what you are saying is Plaintiff's job is expendable - and of course Nanni started swearing at Plaintiff again.
- 14) **Exhibit 11** is the letter dated 3-21-01 sent from Plaintiff to **Defendant AK Steel CEO Wardrop, Defendant Tasse**y, **Rick Winters** and **Defendant AK Steel et al** detailing the selective discipline and railroading of Plaintiff as well as the **CRIMINAL and CIVIL** liability being imposed on Plaintiff and co-workers.

**This validated that ALL Defendants Conspired Against Plaintiff's Rights U.S.C. 18 Section 241.**

- 15) **Exhibit 12** was a **Daily Safety Contact** with Plaintiff's name on it. The document stated **"Contact #1 Do not overload trucks, haul within legal load limits. Contact #2 Secure all loads on all vehicles."** This document was provided to the all drivers the day before Plaintiff was illegally fired when Defendant Tassej verbally ordered Plaintiff to violate not just this safety contact from the day before but also **Exhibits 1, 4, 5 and 8.**
- 16) **Exhibit 1** is a **Monthly Safety Packet July 2001** that provides a **Safety and Health Standard Procedure** document (**references Exhibit 4**) that was originally issued on **7-19-71** prior to Plaintiff being hired by Defendant AK Steel (see page 9 of 10). This document was given to Plaintiff's co-workers after Plaintiff was illegally **FIRE**D FOR **WHISTLE BLOWING**. The following points continue to validate Plaintiff's claims of **FRAUD** and **CRIMINAL** activity by **ALL** Defendants. **See underlined portions:**
- a) This document was presented by Defendant UAW at the illegal arbitration that Plaintiff was defrauded into attending by Defendant Murtagh and Defendant Chivers.
  - b) Page 1 of 10 states requirements for mobile equipment operators. Plaintiff was repeatedly ordered to operate defective heavy equipment and mobile cranes.
  - c) Page 4 and 5 of 10 **Defendant AK Steel made it very clear to operate vehicles in STRICT CONFORMANCE WITH ALL PROVISIONS of the State Motor Code BOTH INSIDE AND OUTSIDE THE PLANT.** PARTICULAR ATTENTION to OVERLOADING and CONDITION OF VEHICLE.

- d) Page 6 of 10 states "The operator of any motor vehicle involved in an accident resulting in death or personal injuries in any degree shall...forward a report to the appropriate State Agencies." **This proves Defendant AK Steel knew their property was not under labor law but in fact CRIMINAL and CIVIL LAW.**
- e) Page 7 of 10 continues to expound on restrictions do to loading, vehicle capacity, operation limits and specifically "ANY OTHER OPERATING INSTRUCTIONS, WARNINGS OR PRECAUTIONS LISTED IN THE OPERATOR'S MANUAL FOR THE TYPE OF VEHICLE WHICH THE EMPLOYEE IS BEING TRAINED TO OPERATE." Advisory notice by Defendant AK Steel detailing the combination weights employees were to abide by **(Exhibit 5)**. The **Operator's manual** for truck/tractor that Plaintiff was verbally instructed to use to tow the grossly overloaded trailers was very clear about NOT exceeding ratings of the tractor or serious injury or death could occur **(Exhibit 26)**.
- f) Page 8 of 10 references Defendant AK Steel Safety and Security Handbook **(Exhibit 4)** which substantiates the written regulations in this Exhibit that Plaintiff and co-workers were instructed to verbally violate and STILL ARE with excessive unsecured overloading at the Butler AK Steel Plant.
- 17) **Exhibit 13** is the letter Plaintiff received from Defendant AK Letter dated 4-5-01. The letter was signed by Defendant Tasseey intending to suspend Myers with intent to discharge Plaintiff on 4-11-01. Tasseey admitted in writing his illegal directive for Plaintiff to break the law hauling the grossly overloaded trailers with a tractor not rated to haul the load. **Exhibits 1, 4, 5, 8, 12 and 27 provide further evidence of Tasseey's CRIMINAL directive to Plaintiff.**

- 18) On 4-9-01 Plaintiff contacted **Brenda Harmon** - V.P. of Human Resources, for Defendant AK Steel - who wrote the letter (**Exhibit 8**) dated 1-31-01. Plaintiff contacted Harmon to file a complaint. Harmon called Plaintiff back and informed Plaintiff to contact **Rick Winters in Human Resources Manager at the Defendant AK Steel plant in Butler.**
- 19) **Exhibit 14** is the letter Plaintiff received from Defendant AK Steel dated 4-5-01 from Mike Seyler stating he was going to uphold Plaintiff's suspension with intent to discharge Plaintiff. Seyler as Defendant Tassej only used the parts of the **Armco Safety and Security Handbook (Exhibit 4)** to railroad Plaintiff and committed FRAUD because Defendant AK Steel et al knew that the SAME Safety and Security Handbook exonerated Plaintiff. In the same letter Seyler stated Plaintiff's claim of harassment had been reported to the aforementioned Rick Winter in Human Resources.
- 20) On 4-12-01 Plaintiff contacted Rick Winter to file a complaint with Human Resources. On 4-19-01 Winter returned a call to Plaintiff to inform Plaintiff that Winters would not pursue Plaintiff's complaint against Defendant AK Steel. The corruption continues because Defendant AK Steel pays the salary, benefits, etc. of Winter just like Defendant AK Steel UAW officers.
- 21) In April 2001 Plaintiff retained Defendant Chivers after Plaintiff explained the illegal firing of Plaintiff by Defendant AK Steel. Chivers informed Plaintiff that Defendant AK Steel's actions against Plaintiff were illegal and it was against the law of PUBLIC POLICY. Prior to retaining Chivers Plaintiff reluctantly signed a Grievance Form but Plaintiff informed Chivers that Plaintiff did not trust Defendant UAW or Defendant Murtagh and Plaintiff did not want agree to arbitration because this was not a labor law issue and Chivers agreed with Plaintiff it was IN FACT a CIVIL and CRIMIAL matter and NOT labor law.

Chivers promised to file a Complaint in court if Chivers could not resolve Plaintiff's illegal termination through negotiations. In the next month or so Chivers contacted Plaintiff and stated he had spoken to Defendant Murtagh and Murtagh told Chivers that Plaintiff could not go to CIVIL court until Plaintiff went through arbitration WHICH Plaintiff now knows was **FRAUD**. ALL Defendants THEN and NOW know that if Plaintiff would have hurt or killed anyone while being verbally directed to violate Defendant AK Steel written policy and the LAW that Defendants UAW et al, Murtagh or Chivers would not be able to protect Plaintiff criminally or civilly with labor law. **With ALL the Defendants SO-CALLED LOGIC Defendant AK Steel could order any employee to kill another employee and labor law would protect the employee that killed the other person - ABSOLUTELY INSANE!**

22) **Exhibit 15** is the Grievance Form dated 4-12-01 filed by the Defendant UAW et al that lied to Plaintiff along with Defendants Murtagh and Chivers to enter an arbitration that ALL Defendants KNEW THEN and KNOW NOW had NOTHING to do with labor law but was IN FACT under CRIMINAL and CIVIL LAW.

23) **Exhibit 16** is a letter dated 5-19-01 that Plaintiff sent Defendant UAW requesting a videographer at the illegal arbitration because Plaintiff stated LIES that were made in previous corrupt meetings regarding Plaintiff's illegal firing. **More proof that Plaintiff did not trust the fraudulent process.**

24) **Exhibit 17** is a Defendant AK Steel document dated 5-22-01 requiring AK Steel supervisor's to have a quota for writing an unsafe act and one unsafe condition on employees. Plaintiff believes the goal of Defendant AK Steel was to have each employee have a file so if they stood up against corruption they would be terminated **JUST LIKE PLAINTIFF WAS!**

- 25) **Exhibit 21** is a letter of discipline to former co-worker of Plaintiff dated 6-21-01 AFTER PLAINTIFF WAS ILLEGALLY FIRED. This letter was sent to Dave Masartis when he was operating the same truck/tractor and overloaded trailer that Plaintiff was verbally ordered to illegally operate on 3-23-01 by Defendant Tasse. Plaintiff had consistently stated the unsafe manner of hauling unsecured coils on that truck and Dave Masartis was disciplined because a coil rolled out of the trough of the trailer which Tasse stated in the letter was "UNSAFE PERFORMANCE" which validated Plaintiff's concerns all along. This was not the first time a coil rolled out of the trough of the trailer. **More evidence of FRAUD.**
- 26) **Exhibit 27** is a document of Defendant AK Steel stating the Gross Vehicle Combination Weight Rating (GVCWR) is UNKNOWN! **This again was FRAUD by Defendant Tasse illegally verbally instructing Plaintiff to operate a vehicle that even Defendants ADMIT IN WRITING they do not even know the GVCWR rating and VERBALLY directing Plaintiff and co-workers to illegally operate the grossly overloaded trailer with a tractor not rated to haul the trailer (Exhibit 26) down an EXTREMELY steep hill with an almost 90 degree bend half way down the hill to an intersection Defendant AK Steel allows the PUBLIC AT LARGE to drive on their property.**
- 27) **Exhibit 23** is the Verbatim Record dated and held on 8-20-01 of the kangaroo court arbitration. Plaintiff has provided Plaintiff's rebuttals before the Verbatim Record. The points below validate the criminal corruption of ALL Defendants at the time and the conspiracy of ALL Defendants NOW. The references below are by **PAGE** and **LINE** of the Verbatim Record:
- a) **Page 7 lines 23-25 and Page 8 lines 1-9** Defendant Murtagh states that Defendant AK Steel (**fraudulently**) state that Plaintiff refused a direct order. Murtagh then states that Plaintiff raised concerns of exposure of criminal and civil liabilities.

This RECORD proves ALL Defendants new Plaintiff's case was always about criminal and civil liability and NEVER a labor law issue. At that point the Arbitrator and ALL Defendants had a LEGAL DUTY to stop the kangaroo court arbitration and transfer the legal matter to CRIMINAL and CIVIL court.

- b) Page 22 line 9 Defendant AK Steel Industrial Relations Manager - Bill Gonce testifies he reports directly to Middletown legal department. Page 28 lines 4-25 and Page 29 lines 1-20 Defendant Murtagh asked Gonce if he received a letter from then Plaintiff's legal counsel Moskal (Exhibit 9) and a letter from Plaintiff (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 Tassej and Human Resources Manager Rick Winter as well. More evidence of FRAUD that ALL Defendants have participated in against Plaintiff to deny Plaintiff ALL Constitutional RIGHTS GUARANTEED to Plaintiff and EVERY CITIZEN.
- c) Page 61 lines 17-21 Defendant Tassej testified I was not insubordinate so Plaintiff's termination letter (Exhibit 13) was FRAUD.
- d) Page 87 lines 7-25 and pages 88 and 89 and page 90 lines 1-3 Defendant Tassej testifies to the truck rolling over with Plaintiff inside the truck and Tassej also testified Defendant AK Steel entered (Exhibit 3) as evidence at the arbitration.
- e) Page 93 lines 7-25 Defendant Tassej testified that Defendant AK Steel document required Plaintiff 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 termination letter (Exhibit 13) was FRAUD.



- f) **Page 96 lines 20-25 and Page 97 lines 1-8** Defendant 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 Plaintiff's civil and criminal claims.
- g) **Page 97 lines 23-25 and Page 98 lines 1-12** Defendant Tasseu testified that Tasseu had a phone conversation with then Plaintiff's legal counsel Moskal. Moskal sent a letter (**Exhibit 9**) to Defendant AK Steel CEO and Defendant Tasseu questioning the criminal and civil liability being perpetrated against Plaintiff and Plaintiff's co-workers.
- 28) On **9-18-01** Plaintiff called and spoke with Defendant AK Steel Board of Director, **Bonnie Hill**, to inform Hill of the corruption. Hill stated to Plaintiff it is my understanding you were fired for other reasons and refused to become involved.
- 29) **Exhibit A** is the retainer agreement between Plaintiff and Defendant Chivers. Chivers agreed to an intervention with Defendant AK Steel on behalf of Plaintiff and if a mutual agreement could not be reached Chivers would file a Complaint in court on behalf of Plaintiff which Chivers **NEVER DID which is FRAUD!**
- 30) **Exhibit B** was a letter dated 10-4-01 from Plaintiff to Defendant Chivers after a phone call in which Chivers requested that Plaintiff provide a list of Plaintiff's demands. Plaintiff's demands listed in the letter were:
- *Plaintiff's receives future lost wages, pension, benefits, etc.*
  - *Safety will be for safety and not for retaliation or intimidation.*
  - *The resignation of Defendant AK Steel CEO Wardrop because he was behind all of the issues of Defendant AK Steel and the Defendant AK Steel Boardd of Directors were well aware of as Exhibit 1A proves.*

- 31) **Exhibit C** is a letter dated 10-19-01 sent from Defendant Chivers to Defendant AK Steel in which Chivers committed legal malpractice by sending a demand letter not even close to Plaintiff's demands. Chivers illegally informed AK Steel that Plaintiff would settle for \$40,000 and reinstatement or \$150,000 and permanent resignation. Plaintiff's future losses would have totaled in the millions which **validates Chivers legal malpractice in his own writing negating the need for a Certificate of Merit!** The only statement Chiver made in this letter that honored the contract Chivers had with Plaintiff was that "If the matter cannot be resolved amicably at this time, it is my intent to proceed quickly to court and take any other actions necessary to bring attention to AK Steel's practices." **but Chivers NEVER did honor his contract with Plaintiff or file a complaint in court!**
- 32) **Exhibit D** is a letter dated 10-23-01 sent from Defendant Chivers to Defendant AK Steel after Plaintiff called Chivers to inform Chivers of his **legal malpractice**. Chivers stated in the letter that "After additional consultation with my client, he wishes to convey additional demands..." which again **WAS A LIE** because he knew very well Plaintiff's ONLY demands in Plaintiff's letter to Chivers (**Exhibit B**).
- 33) **Exhibit E** was a letter dated 10-25-01 from Defendant AK Steel rejecting Plaintiff's demands.
- 34) **Exhibit 28** was a letter dated 11-29-01 sent by Plaintiff to then Butler District Attorney Defendant McCune. Plaintiff stated the corruption Plaintiff was dealing with and stated **U.S.C. Title 18 Section 241 Conspiracy Against Rights, Section 245 Federally protected activities and Section 3559 which defines extortion.**

- 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)

**Defendant McCune could have ascertained ALL of the evidence Plaintiff has but he chose to violate his sworn duty to uphold the Constitution of the United States of America and protect Plaintiff.**

35) **Exhibit 29** is the OPINION AND AWARD by corrupt Arbitrator Dean dated 11-30-01. While there are glaring points of corruption throughout the document Plaintiff 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 Plaintiff trying to protect his own safety and life as well as co-workers and anyone else, which is CIVIL 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 NLRB issue but IN FACT a CIVIL and CRIMINAL matter. ALL Defendants part of the corrupt arbitration knew that **Exhibit 4** exonerated Plaintiff but chose to not protect Plaintiff **which is FRAUD at the highest level!**

36) **Exhibit F** is a letter dated 12-3-01 from Plaintiff to Defendant Chivers detailing Chivers points of **legal malpractice** and requesting Chivers to write a letter to Defendant AK Steel denouncing his **legal malpractice** in the prior letters and send a copy to every board of director of Defendant AK Steel **adding U.S.C. Title 18 Section 241 Conspiracy Against Rights which Chivers flatly refused before.** Chivers NEVER did honor Plaintiff's request!

- 37) **Exhibit 30** is the letter dated 12-12-01 that Plaintiff received from Defendant UAW written by Defendant Murtagh after Plaintiff requested an appeal. On page 2 of the Murtagh letter in paragraph 3 Murtagh admits in writing that Plaintiff's claim is IN FACT a CRIMINAL and CIVIL matter when he states "**...not to mention the question of legality raised by Mr. Myers.**" The aforementioned Verbatim Record (**Exhibit 23**) validates Murtagh and ALL Defendants were well aware this was a CRIMINAL and CIVIL case and **COMMITTED FRAUD** with a corrupt kangaroo court arbitration hearing. Defendants UAW et al and Murtagh have continued to put the union members in legal peril by refusing to do anything **WHICH IS FRAUD!** Murtagh KNEW all along he defrauded Plaintiff into going to a corrupt arbitration that harmed Plaintiff and Plaintiff's family of their property of future wages, pension, benefits, etc.
- 38) **Exhibit 31** is a letter dated 12-19-01 from **Defendant McCune** where he acknowledges having a copy of the letter (**Exhibit 11**) Plaintiff sent to Defendant AK Steel CEO Wardrop et al which details the corruption Plaintiff endured and **McCune REFUSED** to obey his sworn duty to uphold the Constitution of the United States of America and protect Plaintiff. The **FACT** that McCune refused to investigate the crime committed against Plaintiff when the truck rolled over on Plaintiff (**Exhibit 3**) **is a criminal act by McCune and McCune should be prosecuted!**
- 39) **Exhibit G** is the FAX dated 1-8-02 Plaintiff sent to Defendant Chivers that provided the Murtagh letter (**Exhibit 30**) sent to Plaintiff that Murtagh admits Plaintiff's case was in FACT a CRIMINAL and CIVIL matter. **Chivers was well aware of the corruption and did NOTHING!**

- 40) **Exhibit H** is a letter dated 1-10-02 sent from Plaintiff to Defendant Chivers terminating the contract for Chivers to represent Plaintiff. Plaintiff reiterated Chivers legal malpractice in the letter.
- 41) **Exhibit I** is a letter dated 1-21-01 from Defendant Chivers to Plaintiff confirming Chivers received Plaintiff's letter (**Exhibit H**). Chivers referenced in the letter that Plaintiff retained Defendant Papa and attempted to deny any legal malpractice!
- 42) **Exhibit 33** is the **AK Steel Safety Health and Security Handbook** that was published June 2002 **AFTER PLAINTIFF WAS ILLEGALLY FIRED**. This document has basically the same wording as **Exhibit 4** the only difference is pagination. **See underlined portions:**
- a) Page 7 is the same as page 6 of **Exhibit 4** and states "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."
  - b) Page 98 provides the same wording as page 68 of **Exhibit 4** that details the requirement to follow the State Motor Code for ALL employees on company property.
  - c) Page 106 is the same as page 71 of **Exhibit 4** that states that ALL deficiencies on mobile cranes MUST be corrected prior to use.
  - d) Page 114 is the same as page 79 of **Exhibit 4** that makes it clear to follow Defendant AK Steel safety protocol and not to violate OSHA standards
  - e) Pages 115 and 116 are the same as pages 80 and 81 **Exhibit 4** that details that Plaintiff was required to properly operate vehicles and not violate criminal laws.
  - f) Page 118 states "It is AK Steel's policy is to furnish evidence of any breach of honesty, theft, or attempted theft to local law enforcement authorities and to cooperate with them in all respects and to urge prosecution."

Defendant AK Steel et al violated their own policy and LAW when AK Steel extorted Plaintiff's future wages, pension, benefits, etc. and did not report the CRIME to law enforcement!

- 43) **Exhibit 34** is a document dated 9-11-02 that is a newsletter from Defendant UAW et al. In the newsletter Defendant UAW quotes corrupt Arbitrator Dean that stated in a recent award "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." The Defendant UAW et al went on to state "The Arbitrator ruled that discharge was not appropriate." While Plaintiff will NEVER concede this was ever a labor law issue this document proves Plaintiff was railroaded by the Arbitrator because the Plaintiff was following WRITTEN DIRECTIVES and the LAW and was NOT INSUBORDINATE AT ALL which is FRAUD BY ALL DEFENDANTS THEN AND NOW.
- 44) **Exhibit 35** is a letter dated 1-1-02 from Defendant AK Steel CEO Wardrop alleging his sympathy for the PREVENTABLE DEATH of KEITH ECKENRODE when Wardrop in fact was directly responsible because of his oppressive management style that Plaintiff will validate with more Exhibits. Plaintiff's case proves Wardrop could care less about safety or lives.
- 45) **Exhibit 36** is a document dated 11-6-02 that is another newsletter from Defendant UAW. Defendant UAW stated in the newsletter 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 FRAUD on the part of Defendant UAW et al against Plaintiff. Defendant UAW et al knew Defendant AK Steel EXTORTED Plaintiff's future wages, pension, benefits, etc. and yet they participated in the Conspiracy Against Plaintiff's Rights U.S.C. 18 Section 241.

46) **Exhibit 38** is a letter dated 11-12-02 from Defendant AK Steel et al to OSHA Pittsburgh Area Director, **Robert Szymanski**. The following points continue to validate Plaintiff's claims of FRAUD and CRIMINAL activity by Defendant AK Steel et al and ALL Defendants have been part of the conspiracy.

**See underlined portions:**

- a) Page 1 the last paragraph it states "Our trucks are not over loaded." and then continues to comment on the weights of the trailers. **Exhibit 27** validates the **FRAUD** of Defendant AK Steel et al as they admitted they did not even know the GVCWR of the truck/tractor and the trailer. **Exhibit 26** validates that the truck/tractor has gross axle weight, gross vehicle weight and gross combination weight ratings - **the maximum combination rating for that truck/tractor axles is 80,000 pounds.** *The Owner's Manual warns NOT to exceed those ratings by overloading or it could cause component failure resulting in personal injury or death.*
- b) Page 2 Defendant AK Steel et al states that the coils are not unsecure because the coils are in a trough and that the coils are susceptible to damage. These same coils are transported over the road and MUST be chained down but provisions are made to not damage the coils so it CAN BE DONE. **Exhibit 21** states a coil rolled out of the trough PROVING it is not secure. The letter of discipline stated it was unsafe and **was signed by Defendant Tasseey.**
- c) **Attachment 2** of Defendant AK Steel et al is a **Job Safety And Health Analysis (JSA)**. This document is **NOT** a directive as the word "**Analysis**" in the title proves YET once again Defendant AK Steel et al is committing **FRAUD** by sending the document to OSHA.

- d) There is another page provided by Defendant AK Steel et al that does not have an Attachment/Exhibit reference but it states "Operators of plant vehicles are not to transport loads which are unstable or above the rated capacity of their vehicles." The **Truck L-196** from **Exhibit 27** has a maximum combined axle rating of 52,000 (front axle 14,000 and each of the tandem axles are 19,000 each) pounds so towing the overloaded trailer exceeds the combination axle ratings of 80,000 pounds on Truck **L-196** which is **against the LAW and PUBLIC POLICY.**
- e) **Attachment 5** of Defendant AK Steel et al is the same **Safety And Health Standard Procedure** the same as **Exhibit 1** provided by Plaintiff. Defendant AK Steel et al validated Plaintiff's claims yet continue to **DEFRAUD OSHA.**
- 47) **Exhibit 40** is a letter dated 11-29-02 from Plaintiff to OSHA Pittsburgh Area Director, **Robert Szymanski**. This letter was to rebut Defendant AK Steel et al letter (**Exhibit 38**). Plaintiff details the continued LIES and FRAUD of Defendant AK Steel et al in this letter and highlights portions by underlining. Page 5 of the letter details that Plaintiff contacted OSHA prior to Plaintiff's illegal firing yet high ranking OSHA officials stated Plaintiffs issues did not fall under OSHA jurisdiction but IN FACT **Exhibit 42** proved Plaintiff's issues did fall under OSHA jurisdiction. Page 6 of this letter provides the same Exhibits stated in this court filing.
- 48) **Exhibit 42** is a letter dated 1-16-03 sent to Plaintiff from OSHA stating "As long as the weights carried do not exceed the maximum rated capacity of the equipment it is not considered a recognized hazard." IN FACT the excessively overloaded trailers did exceed the axle ratings of **Truck L-196** from **Exhibit 27**! The letter also stated "However, the condition of the roadways in the plant must be appropriate for the safe operation of the equipment, and the loads must be adequately secured."



The roadway is an extremely steep hill with approximately a 90 degree bend that comes down to the intersection at the same crossroads - that vendors and the public enter Defendant AK Steel et al property - while hauling excessively heavy trailers by **Truck L-196** from **Exhibit 27** that is not rated to tow the weight. **Exhibits 1, 4, 5, 9, 11, 12, 21 and 27 PROVE Defendant AK Steel et al have always known of their CRIMINAL and CIVIL violations and OSHA violations YET CONTINUE THEIR FRAUD!**

- 49) **Exhibit 44** is a newspaper article in which Defendant Gallagher makes numerous comments validating Plaintiff's legal claims.
- 50) **Exhibit 45** is an article from the USWA organization that states **former Defendant AK Steel CEO Wardrop** was being investigated for violating campaign financing laws.
- 51) **Exhibit - U.S. Attorney General letter 2003** is a letter that is dated 3-7-03 and sent from Plaintiff to then U.S. Attorney General Ashcroft, President Bush Jr., FBI, numerous congressman and government agencies detailing the corruption against Plaintiff and violation of Plaintiff's Constitutional Rights, U.S.C. Title 18 Section 241 Conspiracy Against Rights as well as CRIMES committed against Plaintiff. This letter was sent by Plaintiff after Plaintiff received a letter dated 5-15-02 from the U.S. Department of Justice that Plaintiff's first letter dated 11-29-01 did not provide sufficient details or evidence to warrant action by the DOJ. Plaintiff provided an approximate 300 page binder of evidence to the DOJ along with the letter dated 3-7-03 well within any UNCONSTITUTIONAL statute of limitations.
- 52) **Exhibit 1A** is an article dated 9-19-03 that stated former Defendant AK Steel CEO Wardrop resigned and that the "...board members have grown increasingly weary of the controversy surrounding Wardrop..." YET board member, Bonnie Hill, refused to help Plaintiff when Plaintiff called Hill on 9-18-01.

53) On 4-23-04 Defendant Papa filed a Complaint **A.D. No. 04-10477** (part of Exhibits) on behalf of Plaintiff JURY TRIAL DEMANDED against Defendants AK Steel and UAW (formerly Butler Armco Independent Union). Plaintiff provided Papa **Exhibit - U.S. Attorney General letter 2003** and Papa stated to Plaintiff that Papa had never had a client as prepared as Plaintiff. In the Complaint Papa stated the criminal act of Defendant AK Steel on Papa's point 17 (**Plaintiff's Exhibit 3**) "In 1998 Plaintiff, was involved in an accident (hauling a gear)..." which proves ALL Defendants THEN and NOW KNEW Defendant AK Steel committed a CRIME when they put Plaintiff in harm's way when the truck rolled over with Plaintiff inside the truck when they had pictures of the truck previously almost rolling over on co-worker, Dan Redick, yet Defendant AK Steel never informed Plaintiff that incident had happened to Redick. **ALL Defendants THEN and NOW are part of the Conspiracy Against Plaintiff's Rights U.S.C. 18 Section 241.** Papa KNEW this case was a CIVIL and CRIMINAL issue and had NOTHING to do with the National Labor Relations Act (NLRB) yet Papa let the Defendants divert the case to NLRB. Plaintiff put Plaintiff's trust and MONEY in the FACT that Papa knew CIVIL and CRIMINAL LAW yet the future proceedings proved Papa did not. Defendants AK Steel and UAW claimed the case was an NLRB issue and the case was transferred to the Western District Court of Pennsylvania **A COMPLETE DENIAL OF PLAINTIFF'S CONSTITUTIONAL RIGHT TO A JURY TRIAL and the Western District Court NEVER had jurisdiction because Plaintiff's case was a CIVIL and CRIMINAL case in state court which is FRAUD.**

54) **Government Exhibit 2** is a letter dated 9-29-04 that Plaintiff sent to then President Bush Jr. detailing the corruption at the local, state and federal level.

Plaintiff reminded Bush of the **Exhibit - U.S. Attorney General letter 2003** 300 plus page binder that Plaintiff had sent Bush.

Plaintiff reminded Bush of the violation of Plaintiff's Rights.

- 55) **Government Exhibit 6** is a letter dated 1-21-05 that Plaintiff sent to then President Bush Jr. after the Presidential Scheduling Department requested Plaintiff make a request in writing to meet with Bush in person regarding the corruption and violation of Plaintiff's Rights.
- 56) **Government Exhibit 7** is a letter dated 2-2-05 sent to Plaintiff from **Melissa S. Bennett**, Deputy Assistant to President Bush Jr. Bennett informed Plaintiff that Bush would not meet with Plaintiff.
- 57) **Government Exhibit 9** is a letter dated 3-16-05 sent to Plaintiff sent from OSHA Director of Enforcement Programs, **Richard D. Soltan**. In the letter Soltan stated "Please be advised that we cannot take any action with regard to your allegation that you were discharged by AK Steel in April 2001 for exposing unsafe work practices at AK Steel since our agency did not received of complaint of discrimination from you regarding this matter. The first indication that we have received from you regarding any alleged discrimination is when we received your letter dated January 21, 2005 addressed to President Bush." **Exhibit 40** clearly states on Page 5 that Plaintiff attempted to file a complaint with Jim Connell from OSHA in 2000 and 2001. **Exhibit - U.S. Attorney General letter 2003** also details Plaintiff's request for help from OSHA but Plaintiff was told by Connell that OSHA officials above Connell stated Plaintiff's issues did not fall under OSHA jurisdiction.
- 58) **Government Exhibit 13** is a letter dated 6-4-07 from Senator Bill Nelson to Plaintiff. Nelson stated he was pursuing Plaintiff's case but nothing has been done.

59) **Conflict of Interest Order 11-20-2007 A.D. No. 04-10707** was an Order removing Defendant Brewer as legal counsel for Defendant Chivers because Brewer shared an office with Defendant Murtagh and the judge ruled it was IN FACT a Conflict of Interest even after Plaintiff informed Defendant Papa that it was but Papa said it was not a Conflict of Interest. Leaving the courtroom that day Defendant Brewer came up to Plaintiff and stated that Papa had failed to protect Plaintiff's statute of limitations. This case proves WHY statute of limitations are UNCONSTITUTIONAL because all Defendants now seem to know the law but did not know the law to protect Plaintiff and WHY ALL Defendants with a law degree should be banned from practicing law and prosecuted.

60) On 5-16-19 Plaintiff was informed in a phone conversation with Jerry Erhman (former AK Steel employee) that Defendant Loverick told Defendant Tassey to assign Plaintiff to the truck that required overloading knowing it would put Plaintiff in conflict with then PA Attorney General David Devries directive to Plaintiff that he would be held criminally and civilly liable operating defective mobile cranes, heavy equipment and overloaded tractor trailers that was against Defendant AK Steel et al's own WRITTEN POLICY which made the order against the LAW and **PUBLIC POLICY** which ultimately led to Plaintiff being illegally terminated from AK Steel. **Plaintiff had no knowledge of this discovery until 5-16-19.**

61) Plaintiff filed a **CIVIL COMPLAINT DEMANDING A JURY TRIAL** dated 5-29-19 against Defendants McCune, Chivers, Murtagh, Brewer, Nanni, Lewis, Gallagher, Leyland, Loverick, Tassey, AK Steel et al and UAW et al. The Complaint listed **VIOLATION OF U.S. CONSTITUTIONAL RIGHTS, VIOLATION OF PENNSYLVANIA CONSTITUTIONAL RIGHTS, VIOLATION OF PUBLIC POLICY, FRAUD, MATERAIL FRAUD, FRAUDULANT MISREPRESENTATION, LEGAL MALPRACTICE, LEGAL NEGLIGENCE, BREACH OF CONTRACT.**

The Preamble to the Bill of Rights is VERY CLEAR on WHY the colonists added the **Bill of Rights** and ratified the Amendments. *"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 colonists were very concerned about government overreach after they had rescued We The People from the tyranny of King George. That is WHY the **Bill of Rights** was added to further restrain the Government (**Defendant Cunningham**) and why Plaintiff has a **RIGHT** to be heard before a JURY and WHY there is **NO statute of limitations on the Constitutional Rights of Plaintiff or ANYONE**. Plaintiff has provided in all court filings the website of [www.1776ToTyranny.com](http://www.1776ToTyranny.com) that has all the evidence on the **Timeline of CORRUPTION** page that can be downloaded and read as well as all court filings.

62) On 5-30-19 Doerr was assigned as the judge on Plaintiff's case.

63) Court filing dated 6-18-19 **Preliminary Objections and Brief In Support Of Preliminary Objections** by Defendant Nicholas Koch legal counsel for Defendants AK Steel et al and Defendant Tassej.

64) Court filing dated 6-20-19 by Defendant Koch that was a **Praeipie For Appearance AFTER** Koch had filed **Preliminary Objections and Brief In Support Of Preliminary Objections** YET Defendant Cunningham NEVER questioned that but has continued to challenge Plaintiff on following the Rules of Civil Procedure WHICH have violated Plaintiff's Constitutional RIGHTS!

- 65) Court filing dated 6-24-19 Plaintiff responded to Defendant Koch's **Preliminary Objections** by stating that his court filing was unconstitutional because it violated Plaintiff's United States and Pennsylvania Constitutional RIGHT to a TRIAL BY JURY and that ALL Defendants can plead their case before a JURY just like Plaintiff not one CORRUPT JUDGE.
- 66) Court filing dated 6-28-19 **Praeipie For Appearance** filed by Defendants Jones and Lettrich on behalf of Defendant McCune.
- 67) Court filing dated 6-28-19 **Praeipie For Appearance** filed by Defendant Roman on behalf of Defendant Chivers.
- 68) Court filing dated 7-2-19 **Notice Of Intention To Enter Judgement Of Non Pros** filed by Defendant Roman on behalf of Defendant Chivers. Roman KNEW he committed an illegal act in making this filing because when Defendant Papa filed a Complaint on behalf of Plaintiff against Defendant Chivers for legal malpractice **A.D. No. 04-10707** that could be Plaintiff's **Certificate of Merit BUT the FACT that Defendant Chivers SIGNED Exhibits C and D committing legal malpractice in writing is WHY a Certificate of Merit is not needed and WHY the Judgement of NON PROS is a FRAUD!**
- 69) Court filing dated 7-3-19 **Preliminary Objections and Brief In Support Of Preliminary Objections** was filed by Defendants Jones and Lettrich. Jones and Lettrich state in the filing that Plaintiff accused Defendant McCune for not prosecuting those that committed a crime against Plaintiff and then claimed that McCune has "**high public official immunity**" which flies in the face of the United States Constitution which states We The People established the Constitution in the PREAMBLE and provide the guidelines as to how government officials perform their job so We The People are the ultimate authority.

Then Jones and Lettrich quote CASE OPINION not CASE LAW Durham v. McElynn "high public officials are immune from suits seeking damages for actions taken or statements made in the course of their official duties." Once again the United States Constitution does not provide ANY immunity for ANYONE and the quotes states "actions taken". The problem with their argument is McCune **DID NOT TAK ANY ACTION AT ALL** which Jones and Lettrich validated when they state "Because then - District Attorney McCune declined to prosecute Plaintiff's adversaries..." When Defendant McCune REFUSED to prosecute ALL DEFENDANTS involved McCune violated his sworn oath to uphold the United States Constitution and protect Plaintiff's life and property. **Exhibit 3** is the evidence that proved Defendant AK Steel committed a CRIME when the truck rolled over with Plaintiff inside with the potential to harm or kill Plaintiff or someone else when Defendant AK Steel having pictures of it almost rolling the truck over on co-worker, Dan Redick AND DID NOT INFORM PLAINTIIF. Defendants Jones and Lettrich **fraudulently claim** that in their point 13 that "Rule 1028(a)(4) of the Pennsylvania Rules of Civil Procedure permits the filing of preliminary objections for "legal insufficiency of a pleading (demurrer)." when Jones and Lettrich KNEW Plaintiff made clear and valid claims because they argued them in their court filing and they KNOW the United States Constitution is the SUPREME LAW of the land and that the Pennsylvania Rules of Civil Procedure is NOT LAW AT ALL!

70) Court filing dated 7-6-19 **Response to Notice Of Intention To Enter Judgement Of Non Pros** filed by Plaintiff. Plaintiff states that the **Notice Of Intention To Enter Judgement Of Non Pros** filed by Defendant Roman was UNCONSTITUTIONAL and violated Plaintiff's RIGHTS.

- 71) Court filing dated 7-10-19 was Plaintiff's response to **Preliminary Objections and Brief In Support Of Preliminary Objections** filed by Defendants Jones and Lettrich. Plaintiff once again explained that ALL Defendants can argue their case before JURY just as Plaintiff since Plaintiff DEMANDED A JURY TRIAL.
- 72) Court filing dated 8-7-19 **Preacipe of Notice to add Defendant Papa's name to Complaint and all Pleadings Praecipe of Notice Of Ignoring The Complaint by certain Defendant** was filed by Plaintiff. Plaintiff explained that Defendant Papa has always been part of the original Complaint and it was just Papa's name was inadvertently missing in the header of the Complaint. Plaintiff had also made the Court aware that Defendants UAW, Murtagh, Brewer, Papa, Nanni, Lewis, Gallagher, Leyland and Loverick of Obstructing Justice. Plaintiff provided the returned mail court filings (sent by Plaintiff to Defendants) from Defendant UAW and Defendant Murtagh and Plaintiff's conversations and emails with Defendant Hobough that was part of the refusal of court filings. Then Defendant Hobough becomes legal counsel for Defendant UAW et al and Defendant Murtgah in a court filing almost 4 months after Plaintiff filed the initial Complaint dated 5-29-19.
- 73) Court filing dated 8-5-19 **Praecipe For Judgement Of Non Pros** filed by Defendant Roman on behalf of Defendant Chivers. Once again this was an illegal act by Roman when Roman KNEW that Defendant Papa filed a Complaint on behalf of Plaintiff against Defendant Chivers for legal malpractice **A.D. No. 04-10707** that could be Plaintiff's **Certificate of Merit BUT the FACT that Defendant Chivers SIGNED Exhibits C and D committing legal malpractice in writing is WHY a Certificate of Merit is not needed and WHY the Judgement of NON PROS is a FRAUD!**



- 74) Court filing dated 8-12-19 **Response To Praeipce For Judgement Of Non Pros** filed by Plaintiff that explained to Defendant Roman that Roman was prohibited from filing the **Praeipce For Judgement Of Non Pros** without a JURY present. Once again violating Plaintiff's Constitutional RIGHT to a TRAIL BY JURY.
- 75) Plaintiff filed a Complaint on 8-12-19 with current Butler County District Attorney Richard A. Goldinger. As Defendant McCune to date Goldinger has not contacted Plaintiff or investigated the crime at all.
- 76) Court filing dated 8-14-19 **Notice of recording of Non Pros.**
- 77) Court filing dated 8-20-19 **Response Notice of recording of Non Pros** filed by Plaintiff notifying the Court the judgement was unconstitutional.
- Plaintiff replied to Defendant Roman that the **Praeipce For Judgement Of Non Pros** violated Plaintiff's Constitutional RIGHT to a JURY TRIAL.
- 78) Court filing dated 9-9-19 UNCONSTITUTIONAL **Scheduling Order** for oral arguments on all Preliminary Objections. The Order also stated that ALL the Butler County judges recused themselves from Plaintiff's case and Defendant Cunningham was assigned to the case.
- 79) Court filing dated 9-19-19 **Response to Scheduling Order.**
- Plaintiff informed the Court there would be no oral arguments or ANY proceedings without Plaintiff or a JURY. Plaintiff also informed the Court that Defendant Papa was not on the **Scheduling Order** so Plaintiff added Papa to the **Response to Scheduling Order**. Plaintiff warned the Court that if a JURY TRIAL date is not set the Court is **Obstructing Justice**. Plaintiff provided the PREAMBLE of the United States Constitution and it CLEARLY states to **ESTABLISH JUSTICE**. Plaintiff stated once Plaintiff DEMANDED A JURY TRIAL the Court must honor Plaintiff's Constitutional RIGHT!

- 80) Court filing dated 9-24-19 **Praeipce For Appearance** filed by Defendant Hobaugh to represent Defendants Murtagh, Nanni, Lewis, Leyland, Gallagher, Loverick and UAW. This court filing by Hobaugh was almost 4 months after Plaintiff filed the initial Complaint.
- 81) Court filing dated 9-24-19 **Notice Of Intention To Enter Judgement Of Non Pros** filed by Defendant Hobaugh. Again UNCONSTITUTIONAL without a JURY present and Murtagh admitted in his own letter (Exhibit 30) that Plaintiff raised the questions of legality which makes Murtagh part of the FRAUD against Plaintiff and violation of Plaintiff's Rights of the Constitution of the United States of America.
- 82) Court filing dated 9-24-19 **Preliminary Objections and Brief In Support Of Preliminary Objections** filed by Defendant Hobaugh. Again UNCONSTITUTIONAL without a JURY present.
- 83) Court filing dated 9-28-19 **Contempt of Court and Obstructing Justice and Response to Objections Preliminary Objections and Brief In Support Of Preliminary Objections** filed by Plaintiff. Plaintiff explains once again that the **Preliminary Objections and Brief In Support Of Preliminary Objections** filed by Defendant Hobaugh is IN FACT AGAIN UNCONSTITUTIONAL without a JURY.. Defendant Hobaugh knew that Defendant Murtagh committed legal malpractice when he defrauded Plaintiff to participate in the illegal arbitration and Murtagh's own writing in his letter (**Exhibit 30**) to Plaintiff stating "not to mention the question of legality raised by Mr. Myers" as well as his statements of legality raised by Plaintiff in the aforementioned Verbatim Record (**Exhibit 23**) which is why no Certificate of Merit is needed.
- 84) Court filing dated 10-11-19 **Notice to Butler County -Judge- Attorneys** filed by Plaintiff. Plaintiff put Butler County on notice of the kangaroo court and corruption against Plaintiff.

*Plaintiff also made the Defendant Cunningham and ALL Defendants ware that Senator Rubio and Congressman Rutherford had started a congressional inquiry with the United States Department of Justice and the FBI regarding the corruption of at the local, state and Federal level against Plaintiff.*

85) Court filing dated 10-16-19 (part of exhibits) **Legal Notice and Warning for Violation of Rights Under Color of Law** filed by Plaintiff. Plaintiff made Defendant Cunningham and ALL Defendants aware that they were violating Plaintiff's RIGHTS.

86) Plaintiff mailed Defendant Cunningham and ALL other Defendants the **Warning Letters for Violation of Rights Under Color of Law** on 10-18-19.

87) Court filing dated 10-18-19 (part of exhibits) **Legal Notice and Warning for Violation of Rights Under Color of Law** filed by Plaintiff. In the court filing Plaintiff added the **Warning Letters for Violation of Rights Under Color of Law** for each Defendant.

88) Court filing dated 10-18-19 **Limited Special Appearance Preliminary Objections** filed by Defendant Papa trying to intimidate Plaintiff.

89) On 10-22-19 the UNCONSTITUTIONAL Oral arguments Preliminary Objections hearing was held in spite of Plaintiff's warnings All Defendants and specifically Defendant Cunningham! It was a kangaroo court hearing and violated Plaintiff's Constitutional RIGHT to a JURY TRIAL as Plaintiff proves by the **TRANSCRIPT (part of exhibits)** of the fraudulent hearing!

**See underlined portions:**

a) **Page 3 lines 19 thru 25** Defendant Hobaugh states that Plaintiff "fails to state a claim as a matter of law." Plaintiff has stated the violation of Plaintiff's Constitutional Rights all along WHICH IS THE SUPREME LAW OF THE LAND which is **FRAUD** by Hobaugh.

Hobaugh then commits **FRAUD** again by stating this case has been adjudicated at labor arbitration, Federal District Court and the Third Circuit court when Hobaugh KNEW all the aforementioned evidence and SPECIFICALLY Hobaugh's client Defendant Murtagh stated in **Exhibit 30** that Plaintiff had raised legality so Hobaugh KNEW labor arbitration had NO jurisdiction and that Plaintiff's case should have remained in state court as a CIVIL matter and not at all in the federal courts that Defendant AK Steel et al and Defendant UAW et al defrauded the courts by not addressing the evidence of Defendant AK steel committing a CRIME when the truck rolled over on Plaintiff even after Defendant AK Steel had pictures of the truck almost rolling over on Dan Redick and NEVER told Plaintiff.

- b) **Page 4 lines 3 thru 11** Defendant Cunningham is asking Defendant Hobaugh to provide Cunningham with the fraudulent aforementioned courts when Cunningham and Hobaugh KNEW Plaintiff's case was and always has been a CIVIL case and NOT NLRB labor issues.
- c) **Page 6 lines 15 thru 18** Defendant Cunningham even admits "*the statute of limitations is a jury question.*"
- d) **Page 7 lines 1 and 2** Defendant Hobaugh states "*take judicial notice that, sir, and it's no longer a jury question.*" which Hobaugh knows is a violation of Plaintiff's Constitutional RIGHT to a Jury Trial that Hobaugh or Cunningham can take away from Plaintiff or any citizen because it is **GURANTEED In the BILL OF RIGHTS.**
- e) **Page 7 lines 9 thru 25** Plaintiff stated that the case has always been about criminal and civil law and NEVER about labor law. Plaintiff stated the criminal act by Defendant AK Steel when the truck rolled over with Plaintiff inside the truck and AK Steel NEVER informed Plaintiff of the incident almost rolling over on co-worker Dan Redick that AK Steel had pictures of.

Plaintiff stated to Defendant Cunningham that the truck rolling over was a violation of PUBLIC POLICY LAW.

- f) **Page 7 lines 23 thru 25 and page 8 lines 1 thru 5** Plaintiff informed the court that Plaintiff's case was always about criminal and civil law as Plaintiff had contacted the PA Attorney General's Office before Plaintiff was fired and Plaintiff had informed Defendant Tasse of that fact prior to Tasse firing Plaintiff.
- g) **Page 8 lines 6 thru 13** Plaintiff informed Defendant Cunningham that Defendant Chivers and Defendant Murtagh conspired to defraud Plaintiff into entering the fraudulent arbitration. Plaintiff also informed Defendant Cunningham that Defendant Chiver sent 2 demand letters to Defendant AK Steel on behalf of Plaintiff that were not at all Plaintiff's demands which is **LEGAL MALPRACTICE**.
- h) **Page 8 lines 14 thru 25** Plaintiff stated to Defendant Cunningham that Plaintiff's case was a jury case because Plaintiff has never been allowed JURY TRIAL guaranteed by the Constitution. Cunningham questioned whether Plaintiff meant Federal Court and Plaintiff stated it should never went to Federal Court because Plaintiff never gave Defendant Papa permission to go to Federal Court and Plaintiff only asked Papa to file a JURY TRIAL. Cunningham then states **"Who is Angelo Papa?"** and Plaintiff informed Cunningham that was the legal counsel Plaintiff hired after Defendant Chivers. ***This is more evidence that Cunningham never read Plaintiff's court filings and only relied on Defendants court filings thereby NOT ruling on FACTS and LAW presented by Plaintiff.***
- i) **Page 9 lines 12 and 21** Defendant Cunningham asked Plaintiff how Plaintiff added Defendant Papa to the court filing without leave of Court and Plaintiff explained Papa had been in all the court filings it was just his name was missing in the header.

Cunningham challenged Plaintiff to follow the Rules of Civil Procedure but NEVER once questioned Defendant Koch for filing Koch's **Praeipce for Appearance** dated 6-20-19 after Koch filed Koch's **Prelinminary Objections** dated 6-18-19. Nor did Cunningham question Defendant Hobaugh when Hobaugh filed his **Praeipce for Appearance** dated 9-24-19 some 4 months after Plaintiff filed the initial **Complaint** dated 5-29-19.

- j) **Page 9 lines 22 thru 25 and page 10 lines 1 thru 5** Defendant Cunningham asked Plaintiff if Plaintiff had **"Any other response to the UAW preliminary objections."** Plaintiff reaffirmed the Defendant UAW et al arguments **"flies in the face of the Constitution."** Plaintiff stated the Constitution guarantees Plaintiff a jury trial. Plaintiff quoted *Miranda v. Arizona* **"Where rights are secured by the Constitution are involved there can be no rule making or legislation which would abdicate them."**
- k) **Page 10 lines 22** Defendant Lettrich claims that Defendant McCune has **"high public official immunity."** which flies in the face of the SUPREME LAW which is the Constitution that ALL citizens are subject to! **This if more FRAUD!**
- l) **Page 12 lines 1 thru 18** Defendant Cunningham asks Plaintiff to respond to Defendant Lettrich. **Plaintiff states the Constitution is the LAW and the JURY is the great equalizer to the corruption of legislators and courts.**
- m) **Page 12 lines 20 thru 25** Defendant Cunningham states that Plaintiff **"cited the Miranda case which is a right to counsel in a criminal case. But your right to a jury trial in a civil matter is not absolute. It is subject to the gate-keeping function of a Judge to determine whether there is factual or legal basis for a claim that could get to a jury..."**

Now there are a few points of criminal actions by Defendant Cunningham below:

- Defendant Cunningham states that the Miranda case is about a right to counsel in a criminal case YET Cunningham is either corrupt or to ignorant to UNDERSTAND that the quote Plaintiff stated IN FACT says **"Where rights are secured by the Constitution are involved there can be no rule making or legislation which would abdicate them."** The quote implicitly states RIGHTS that are SECURED BY THE CONSTITUTION and those RIGHTS cannot be legislated away!!!
- Defendant Cunningham again is either corrupt or ignorant when Cunningham UNCONSTITUTIONALLY claims Cunningham performs a **"gate-keeping function"** to determine whether Plaintiff can **"get to a jury"**. I guess Cunningham did not read the usurpations of King George in the **Declaration of Independence**. One of many of the usurpations was the denial of a jury trial. Maybe Cunningham should be referred to as **Mini-Me King George!**
- **Page 16 lines 20 thru 25 and page 17 lines 14 thru 21** Defendant Cunningham reaffirms his **Mini-Me King George** corruption by ILLEGALLY and UNCONSTITUTIONALLY telling Plaintiff that **"Your right to a trial by jury is not absolute."** Cunningham is EXACTLY why The Preamble to the Bill of Rights is VERY CLEAR on WHY the colonists added the **Bill of Rights** and ratified the Amendments. **"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 colonists were very concerned about government overreach after they had rescued We The People from the tyranny of King George.

That is WHY the **Bill of Rights** was added to further restrain the Government (**Defendant Cunningham**) and why Plaintiff has a **RIGHT** to be heard before a JURY and WHY there is **NO statute of limitations on the Constitutional Rights of Plaintiff or ANYONE.**

90) Court filing dated 10-28-19 (part of exhibits) **Amended Court Filing Adding Defendants** filed by Plaintiff. Plaintiff named Defendant Cunningham and ALL legal counsel for ALL initial Defendants as Defendants. Plaintiff stated that ALL Defendants with a law license violated **42 Pennsylvania Consolidated Statutes 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 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."**

Plaintiff additionally added the following:

- a) Page 1 the second paragraph Plaintiff WARNED Cunningham, Lettrich, Jones, Roman, Koch, Papa, and Hobaugh for violating Plaintiff's Constitutional Rights in court filings 10-16-19 and 10-18-19 and named them as Defendants for their defiance.



- b) Page 1 the last paragraph Plaintiff informed Defendant Cunningham that Cunningham had usurped the authority of the Constitution of the United States of America and was immediately removed from Plaintiff's case and was now a defendant.
- c) Page 2 details the crimes that Defendant Cunningham made in the fraudulent court hearing on 10-22-19. Cunningham proved he never read any of Plaintiff's court filings.
- d) Pages 13 thru 15 Plaintiff invoked against all Defendants:  
**U.S.C. Title 18 Section 241 Conspiracy Against Rights, U.S.C. Title 18 Section 245 Federally Protected Activities, U.S.C. Title 18 Section 242 Deprivation of Rights Under Color of Law and U.S.C. Title 18 Section 3559 Sentencing classification of offense (2) (C)** which is the definition of **EXTORTION**.
- e) Page 18 Plaintiff states Plaintiff is seeking \$100 million in punitive and compensatory damages from Defendant AK Steel et al and that Plaintiff is seeking \$10 million in punitive and compensatory damages from all other Defendants.
- f) On page 19 Plaintiff states that if the next judge does not schedule an immediate date for Jury selection and a date for a Jury Trial then it is Obstruction of the Jury Court and Obstruction of Justice.
- 91) Court filing dated 10-31-19 **Supplemental to Brief in Support of Preliminary Objections** filed by Defendant Hobaugh. Hobaugh submitted this court filing after Defendant Cunningham asked Hobaugh in the UNCONSTITUTIONAL hearing on 10-22-19 to supply the previous UNCONSTITUTIONAL court filings that illegally pertained to labor law WHEN IN FACT Defendant Cunningham KNEW than Plaintiff had filed a CIVIL case and NOTHING to do with labor law.

- 92) Court filing dated 10-31-19 **Response to Supplemental to Brief in Support of Preliminary Objections** filed by Plaintiff. Plaintiff detailed how and why the entire court process has violated Plaintiff's Constitutional RIGHTS!
- 93) Court filing dated 11-18-19 **Motion to Strike** filed by Defendant Koch. Once again violating Plaintiff's Constitutional RIGHTS.
- 94) Court filing dated 11-25-19 **Response to Motion to Strike** filed by Plaintiff. Plaintiff details the BLATANT disregard that Defendants had against Plaintiff's Constitutional RIGHTS.
- 95) **Fraudulent Court Document** dated 11-21-19 filed by Defendant Cunningham that Plaintiff never received until after Plaintiff filed the court filing dated 11-25-19 **Response to Motion to Strike**. Defendant Cunningham was prohibited from filing the FRAUDULENT Order because Cunningham was named a Defendant in Plaintiff's court filing dated 10-28-19 (part of exhibits) **Amended Court Filing Adding Defendants**.
- 96) Court filing dated 11-21-19 **Notice of Appeal** filed by Plaintiff to the Pennsylvania Supreme Court. Plaintiff filed the Appeal to the Pennsylvania Supreme Court because 42 Pa.C.S. Section 722 point 3 states **"Matters where the qualifications, tenure or right to serve, or the manner of service, of any member of the judiciary is drawn in question."** Myers stated he was drawing into question the **"manner of service"** of Defendant Cunningham and his illegal ruling and this point references **"ANY MEMBER OF THE JUDICIARY"**.
- 97) **Supreme Court of Pennsylvania Order** 12-12-19 stating Plaintiff's **Notice of Appeal** was transferred down to the Superior Court of Pennsylvania.
- 98) **Letter from the Superior Court Prothonotary** dated 12-30-19 stating Plaintiff must provide complete their Docketing Statement and return.

99) **Superior Court of Pennsylvania Docketing Statement** dated 1-7-20 filed by Plaintiff Plaintiff completed the form and added a statement that the **Notice of Appeal** filed by Plaintiff was transferred to the Superior Court in error. Plaintiff stated the **Notice of Appeal** must be at the Pennsylvania Supreme Court because Plaintiff was calling into question the manner of service of Defendant Cunningham. Cunningham violated Plaintiff's Constitutional RIGHTS and the Supreme Court only has jurisdiction over discipline of judges under 42 Pa.C.S. Section 722 point 3 states "**Matters where the qualifications, tenure or right to serve, or the manner of service, of any member of the judiciary is drawn in question.**" Additionally Plaintiff requested Extraordinary Jurisdiction of the Supreme Court because Defendant AK Steel is continuing commit the illegal hauling with the overloaded trailers and because Cleveland-Cliffs is in the process of purchasing Defendant AK Steel and Cleveland-Cliffs has a right to know they could be assuming a major lawsuit.

100) **Rule 1926(b) Rule Order** dated 1-2-20 was received by Plaintiff on 1-11-20.

101) **Motion for Relief / Motion For Extension For Rule 1925(b) Order** dated 1-14-20 was sent by Plaintiff to the Butler County Prothonotary and the Superior Court Prothonotary requesting that Defendant Cunningham removed from Plaintiff's case and to Cease and Desist from filing any more court documents. Plaintiff also was requesting an extension to provide the Concise Statement since Defendant signed the Rule 1925(b) Order on 1-2-20 and then never sent it to the Butler County Prothonotary because it was not time/date stamped until 1-6-20 at 1:39 PM and Plaintiff never received the Order in the mail until the 1-11-20.

**ISSUES:**

a) It was a **CRIME** when Defendant AK Steel instructed Plaintiff to haul the pinion gear on the Stake Truck and verbally directed Plaintiff to not chain/secure the load and the truck rolled over with Plaintiff inside the truck WHEN Defendant AK Steel KNEW they had pictures of the Stake Truck almost rolling over on Dan Redick and NEVER informed Plaintiff and was a CRIMINAL ACT by Defendant AK Steel. **Exhibit 3** is the evidence. **PLAINTIFF COULD HAVE BEEN KILLED!** This very act of **FRAUD** as well as **criminal and civil activity** by Defendant AK Steel has no statute of limitations because AK Steel has continued **FRAUD** with their recent court filings.

b) ALL Defendant claim there are statute of limitations when IN FACT there are NO statute of limitations on the Constitutional Rights of Plaintiff or ANY CITIZEN. Even though Defendants have tried to fraudulently claim a statute of limitations they knew that Plaintiff was just informed on 5-16-19 that Defendant Loverick colluded with Defendant Tassej to schedule Plaintiff on the truck so Tassej could fire Plaintiff by verbally ordering Plaintiff to operate the truck against Defendant AK Steel written directives which is PUBLIC POLICY LAW.

***Norton v. Shelby County, 118 U.S. 425 (1886)*** "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."

c) ALL Defendants KNEW this case was NEVER about labor law yet they have continued to DEFRAUD the courts when IN FACT ALL Defendants KNEW this case was ONLY CRIMINAL and CIVIL LAW.

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

*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.

d) Defendant Murtagh and Defendant Chivers committed **FRAUD** against Plaintiff by telling Plaintiff that Plaintiff had to go to Arbitration before Plaintiff could go to CIVIL Court and now ALL Defendants are stating Plaintiff is time barred under labor law which has ALL the elements of **FRAUD**.

- e) All Defendants and specifically Defendant Cunningham violated Plaintiff's Constitutional RIGHT to a JURY TRIAL and ALL Constitutional RIGHTS of Plaintiff.

**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

- f) This entire **Concise Statement** and **Exhibits** prove ALL Defendants have violated **U.S.C. Title Section 241 Conspiracy Against Rights** against Plaintiff.
- g) **The Constitution of the United States September 17, 1787 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.**  
(Emphasis added)

All Defendants have tried to circumvent JUSTICE of the Plaintiff.

- h) Defendant McCune does not have high public immunity, NO ONE DOES. McCune had a duty to protect Plaintiff's Constitutional Rights of life and property (future wages, pension, benefits, etc)

Williamson v. U.S. Department of Agriculture, 815 F.2d. 369, ACLU Foundation v. Barr, 952 F.2d. 457, 293 U.S. App. DC 101, (CA DC 1991). *"It is the duty of all officials whether legislative, judicial, executive, administrative, or ministerial to so perform every official act as not to violate constitutional provisions."*

- i) Defendant Papa was to protect Plaintiff's Constitutional Right to a trial by jury but Papa allowed the Defendants to defraud the courts under labor law when Papa knew Plaintiff's case was criminal and civil.
- j) Defendant Chivers knew Plaintiff had legal issues with Defendant Murtagh yet Chivers retains Defendant Brewer.

**Conflict of Interest Order 11-20-2007 A.D. No. 04-10707** was an Order removing Defendant Brewer as legal counsel for Defendant Chivers because Brewer shared an office with Defendant Murtagh and the judge ruled it was IN FACT a Conflict of Interest. Plaintiff informed Defendant Papa that it was a but Papa said it was not a Conflict of Interest yet the judge ruled in IN FACT was.

- k) **Article 1 The Legislative Branch, Section 10 - Powers prohibited of States: No State shall** enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; **pass any** Bill of Attainder, ex post facto Law, **or Law impairing the Obligation of Contracts**, or grant any Title of Nobility. (Emphasis added)

It is very clear NO STATE can PASS ANY LAW impairing Plaintiff's CIVIL CONTRACT with Defendant AK Steel. This also proves that Plaintiff's case is under CIVIL jurisdiction.

- 1) **Article VI - Debts, Supremacy, Oaths: 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.** (Emphasis added)

Defendant Cunningham has refused to honor his oath to uphold the Constitution.

This statement in the **Preamble to the Bill of Rights** was very clear that our Representatives were very concerned of government usurpations which Defendant Cunningham has clearly demonstrated when he stated **"Your right to a trial by jury is not absolute."**!

"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, Amendment 7 - Trial by Jury in Civil Cases. Ratified 12/15/1791:** 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)

- m) Defendants McCune, Chivers, Papa and Murtagh have committed legal malpractice against Plaintiff. Plaintiff has provided the proof and evidence in this Concise Statement that is indisputable.
- n) Defendant AK Steel **EXTORTED** Plaintiff's property of future wages, pensions, benefits, etc. when Plaintiff would not break the law.

**LAWS and RULES:**

1. **Bill of Rights, Amendment 7 - Trial by Jury in Civil Cases. Ratified 12/15/1791:** 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)
2. **Bill of Rights, Amendment 9 - Construction of Constitution. Ratified 12/15/1791:** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. (Emphasis added)

3. Bill of Rights, Amendment 10 - Powers of the States and People. Ratified 12/15/1791: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

4. Bill of Rights, Amendment 14 - Citizenship Rights. Ratified 7/9/1868: 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

5. The Constitution of the Commonwealth of Pennsylvania Declaration of Rights Section 6:

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)

6. 42 Pennsylvania Consolidated Statutes § 2522 - Oath Of Office § 2522.

Oath of office:

*Before entering upon the duties of his office, each attorney at law shall take and subscribe the following oath or affirmation before a person authorized to administer oaths:*

*"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity, as well to the court as to the client, that I will use no falsehood, nor delay the cause of any person for lucre or malice."*

*Any person refusing to take the oath or affirmation shall forfeit his office.*

**7. U.S. Code: Title 18 Section 241 / Conspiracy Against Rights**

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same).

It further makes it unlawful for two or more persons to go in disguise on the highway or on the premises of another with the intent to prevent or hinder his/her free exercise or enjoyment of any rights so secured.

**8. Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law**

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be subjected any person to different punishments, pains, or penalties, than those prescribed for punishment of citizens on account of such person being an alien or by reason of his/her color or race.

Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws, statutes ordinances, or customs.

**9. 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;

**10. U.S. Code: Title 18 Section 3559/Sentencing classification of offenses (2) (C)**

(2) Definitions.-For purposes of this subsection-

(C) the term "extortion" means an offense that has as its elements the extraction of anything of value from another person by threatening or placing that person in fear of injury to any person or kidnapping of any person;

**ANALYSIS:**

A criminal act was committed against Plaintiff by Defendant AK Steel when the truck rolled over with Plaintiff inside when Defendant AK Steel had pictures of the truck almost rolling over on Dan Redick and NEVER told Plaintiff.

Defendant AK Steel continued to harass Plaintiff after Plaintiff informed Defendant Tassej that Plaintiff had contacted David Devries from the PA Attorney General's office regarding the criminal directives to operate defective heavy equipment and tractor-trailers against Defendant AK Steel written directives and the LAW.

Plaintiff was ultimately fired for Whistle Blowing. Defendant AK Steel have defrauded the courts stating Plaintiff was insubordinate when IN FACT Plaintiff was following Defendant AK Steel written directives (**Exhibits 1, 4, 5 and 12 any many more**) which is PUBLIC POLICY LAW.

**Exhibit 9** letter from Moskal then legal counsel for Plaintiff as well as **Exhibit 11** Plaintiff's letter both sent to then Defendant AK Steel CEO Wardrop and Defendant Tassej exposing the criminal and civil liability being imposed on Plaintiff and co-workers.

Defendant AK Steel Industrial Relations Manager Bill Gonce testified legal department stated there was no need to respond to Plaintiff or Plaintiff's then legal counsel.

There is no Certificate of Merit needed for the legal malpractice against Defendant attorneys because they have all self-written evidence.

ALL Defendant attorneys now all of the sudden know the law to try to protect them but DID NOT know the law to protect Plaintiff.

Plaintiff has had his property of future wages, pension, benefits, etc. extorted from Plaintiff and ALL Defendants have been complicit in Conspiracy Against Plaintiff's Rights U.S.C. Title 18 Section 241 as well as ALL of Plaintiff's Constitutional Rights.

ALL Defendants with a law license must lose their license and banned from practicing law in the United States for their part in the conspiracy against Plaintiff.

There must be a full investigation by the Supreme Court into the corruption at the local and state level against Plaintiff.

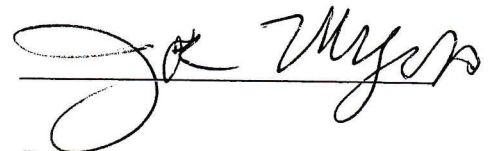
**EVERY PART of the Concise Statement is to be part of ALL remedies for the Plaintiff.**

**CONCLUSION:**

Plaintiff demands \$100 million for punitive and compensatory damages from Defendant AK Steel and \$10 million from each of the other Defendants for punitive and compensatory damages for their involvement of the conspiracy.

This court must also notify Cleveland-Cliffs organization that is in the process of purchasing Defendant AK Steel so Cleveland-Cliffs is aware of the legal issue they will be part of since Defendant Koch did not notify the court as to this transaction.

Dated this 4<sup>th</sup> day of February, 2020

A handwritten signature in black ink, appearing to read "Joe Myers", written over a horizontal line.

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

CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing Concise Statement of Matters Complained of on Appeal was served on the following via U.S. Mail, First-Class, this 4<sup>th</sup> day of February, 2020.

**William Cunningham**  
**500 N. Jefferson St.**  
**Kittanning, PA 16201-1228**

**Frost Brown Todd LLC**  
**Union Trust Building / Att: Nicholas J. Koch**  
**501 Grant Street, Suite 800**  
**Pittsburgh, PA 15219**

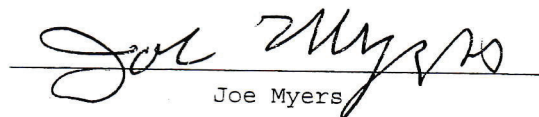
**JonesPassodelis PLLC**  
**Gulf Tower /Att: Marie Millie Jones & Michael Letterich**  
**707 Grant Street, Suite 3410**  
**Pittsburgh, PA 15219**

**Angelo Papa**  
**318 Highland Ave**  
**New Castle, PA 16101**

**Graydon Brewer**  
**48 Crystal Drive**  
**Oakmont, PA 15139-1051**

**Murtagh, Hobaugh & Cech**  
**Att: Adam Hobaugh**  
**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**

  
Joe Myers