

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

JOE MYERS,	)	Case No.: No. 19-10516
)	
Plaintiff,	)	CIVIL DIVISION
)	
vs.)	
)	
TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, JACK	)	Type of Pleading:
W. MURTAGH JR., GRAYDON BREWER, CARL V.	)	LEGAL NOTICE AND VIOLATION WARNING OF
NANNI, JACK LEWIS, JIM GALLAGHER, HANK	)	DENIAL OF PLAINTIFFS RIGHTS UNDER COLOR OF
LEYLAND, GREG LOVERICK, EDWARD TASSEY, AK	)	LAW of The United States of America
)	
STEEL et al, UAW (formerly Butler Armco	)	FILED BY:
Independent Union) et al, ANGELO PAPA)	
Defendants	)	Joe Myers, pro se
	)	12137 Emerald Green Court
	)	Jacksonville, FL 32246
)	

All Exhibits referenced in this court filing and every other filing by Plaintiff can be read and downloaded at www.1776ToTyranny.com

Plaintiff filed a court filing of **NOTICE TO BUTLER COUNTY/NOTICE OF JUDICIAL MISCONDUCT/NOTICE OF ATTORNEY MISCONDUCT** dated 10-11-19 and all court filings by Plaintiff details the **DENIAL of Plaintiffs Rights Under Color of Law** by Judge Cunningham, Defendants and Defendants legal counsels and this court filing is to serve the warning to the aforementioned that if all the unlawful Preliminary Objections, request for argument, Judgement of Non Pros and the hearing scheduled for 10-22-19 by Judge Cunningham are not rescinded and a **JURY** selection date and **JURY TRAIL** date are not immediately scheduled then Plaintiff will send all the attached **Color of Law Violation Warning forms** to the **Federal Bureau of Investigations** as Federal law provides that it is a crime to violate the Rights of a citizen under the color-of-law.

A person can be arrested for this crime and that person can also be held personally liable for CIVIL DAMAGES.

Plaintiff puts BUTLER COUNTY on notice of this filing and will be sending a copy of this filing to U.S Representative Kelly, Congressman Rutherford, Senator Rubio and Mayor of Butler Benjamin A. Smith. In the event Butler County does not intervene to stop the JUDICIAL MISCONDUCT and DEFENDANT ATTORNEYS MISCONDUCT for their willful violation of Plaintiff's CONSTITUTIONAL RIGHTS of The United States of America to a JURY TRIAL and DUE PROGRESS and DENIAL of Plaintiffs Rights Under Color of Law then Plaintiff intends to file a lawsuit against Butler County for aiding and abetting the kangaroo court and their blatant disregard for Plaintiff's Constitutional Rights of The United States of America and CAUSATION.

The United States of America Constitution, Bill of Rights Amendment VII

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

The Constitution of Pennsylvania of The United States of America, Article 1 Declaration of Rights § 6. Trial by jury

"Trial by jury shall be as heretofore, and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused. (May 18, 1971, P.L.765, J.R.1; Nov. 3, 1998, P.L.1328, J.R.2)"

inviolate - If something is inviolate, it has not been or cannot be harmed or affected by anything. <https://www.collinsdictionary.com/us/dictionary/english/inviolate>

• Judge William Cunningham has DENIED Plaintiffs Rights Under Color of Law for scheduling a hearing on Defendants Preliminary Objections and request for argument when Cunningham knows he has no authority to schedule a hearing without a JURY when Plaintiff has DEMANDED A JURY TRIAL. EVERY preliminary objections, request for arguments, Rules of Civil Procedure, statute of limitations or case law of the Defendants CLEARLY violates and flies in the face of Plaintiffs Constitutional Rights of The United States of America TRAIL BY JURY and of The United States of America Constitutional Amendment XIV, Section 1 that CLEARLY states "...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." Cunningham has further denied Plaintiff DUE PROCESS. Cunningham is complicit in violating Plaintiffs CONSTITUTIONAL RIGHTS of The United States of America by scheduling Preliminary Objections hearing because Cunningham knows once the Plaintiff Demanded a JURY TRIAL the JURY replaces Cunningham as the judge and all Cunningham is required to do is follow The United States of America and Pennsylvania Constitution and not the UNCONSTITUTIONAL procedural nonsense that is a violation Under Color of Law! Cunningham also knows the Defendants will be able to make their case before the JURY and not him. By Cunningham allowing this circus he is willfully violating Plaintiffs Constitutional Rights of The United States of America..."In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved" - The United States of America Constitution..."Trial by jury shall be as heretofore, and the right thereof remain inviolate." - Pennsylvania Constitution of The United States of America

- Defendant McCune clearly DENIED Plaintiffs Rights Under Color of Law when he was complicit in allowing Defendant AK Steel to put Plaintiff and co-workers in danger when McCune ignored Plaintiffs plea for help and then McCune stated to Plaintiff in a phone conversation that McCune was not coming in to investigate AK Steel unless there was a fatality and there was unfortunately a fatality the following year. McCune stated in his letter (Exhibit 31) to Plaintiff that McCune had no opinion on Plaintiffs employment matter yet his JOB as a district attorney was to investigate and prosecute criminal activity under his sworn oath to uphold The United States of America Constitution when AK Steel did not notify or change the way AK Steel hauled the pinion gear that shifted and rolled over the truck Plaintiff was driving and Plaintiff received a letter dated 7-9-98 (Exhibit 3) of disciplinary action. Plaintiff could have been very easily seriously injured or killed because AK Steel never mentioned the prior dangerous similar incident with the hauling of the pinion gear. After the stake truck rolled over on Plaintiff Defendant AK Steel changed the policy to haul the pinion gear with a lowboy tractor trailer. Additionally the danger of Defendant AK Steel requiring Plaintiff and co-workers to operate defective mobile cranes and heavy equipment endangering Plaintiff and the co-workers as well as the public that entered the plant on roads that Plaintiff and co-workers were being verbally instructed to operate grossly overloaded tractor trailers and coming down an extremely steep hill from the Hilltop part of the plant that had almost a 90 degree bend in it to an intersection that the public would enter the plant coming off of Rout 8 South. McCune failed to look at evidence such as the manual (Exhibit 26) for one of the trucks hauling the grossly overloaded trailers. The manual clearly warns of exceeding the manufactures recommendation for gross vehicle combination weight of truck and trailer. The manual CLEARLY states "...overloading can cause component failure resulting in property damage, personal injury or death..."

- Defendants AK Steel et al and Tassej clearly DENIED Plaintiffs Rights Under Color of Law when they were complicit in the aforementioned that McCune ignored as well as Tassej fired Plaintiff when Tassej verbally ordered Plaintiff to violate public policy as well as AK Steel written policy which is the Safety and Security Handbook (Exhibit 4 when Armco - Exhibit 33 when AK Steel) even after AK Steel gave Plaintiff disciplinary action when the truck rolled over on Plaintiff. Plaintiffs letter (Exhibit 11) sent to AK Steel management such as then AK Steel CEO Wardrop and Tassej that details the corruption that was perpetrated against Plaintiff. The letter states that AK Steel and Tassej also ordered Plaintiff to operate defective heavy equipment and defective mobile cranes against public policy and AK Steel Safety and Security Handbook. AK Steel fired Plaintiff using portions of the Safety and Security Handbook yet that same document has the directives that Plaintiff was verbally ordered to violate regarding the operation of tractor trailers, heavy equipment and mobile cranes. Defendant AK Steel put Plaintiff in danger and the rest of the workers with verbal orders that violated AK Steel Safety and Security Handbook and Defendant McCune ignored Plaintiffs plea for help with the crimes being perpetrated against Plaintiff and co-workers. Tassej sent Plaintiff a letter dated 4-5-01 (Exhibit 13) in which Tassej states Plaintiff was insubordinate quoting from the Safety and Security Handbook yet what Tassej did not do was state the portion of that SAME Safety and Security Handbook on page 6 that 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." and page 68 states Plaintiff was bound by the PA Motor code. Page 71 states regarding mobile cranes "All deficiencies must be corrected prior to use." yet Tassej had a damaged boom extension put back on a crane and ordered Plaintiff to operate the defective crane. Page 79 states that an employee will be disciplined for violating safety orders or willful violation of OSHA standards.

Tassey ordered Plaintiff to violate AK Steel written policy then fired Plaintiff when Plaintiff informed Tassey after speaking with the PA Attorney General's office that Plaintiff could face potential civil and criminal liability in the event something happened. Approximately a month prior to Plaintiff being fired Tassey received a letter (Exhibit 9) and phone call from Plaintiffs prior legal counsel Dennis Moskal questioning the civil and criminal liability Plaintiff and co-workers faced. Bottom line is Plaintiff was fired for WHISTEL BLOWING and AK Steel and McCune were complicit in violating all Plaintiffs Constitutional Rights of The United States of America such as a Trial by JURY, Due Process and forcing Plaintiff to be criminally or civilly liable or be fired!

- Defendant McCune's legal counsel Jones and Lettrich know they have DENIED Plaintiffs Rights Under Color of Law when they filed Preliminary Objections and asking for a date for argument in an attempt to deceive Plaintiff and the JURY that their UNCONSTITUTIONAL procedural maneuvers supersedes Plaintiffs Constitutional Rights and Due Process of The United States of America such as a statute of limitations when IN FACT the JURY has the RIGHT and OBLIGATION to NULLIFY or rule a law UNCONSTITUTIONAL. Jones and Lettrich also are trying to deceive Plaintiff and the JURY that McCune has High Public Official Immunity when IN FACT Jones and Lettrich know the DENIAL of Plaintiffs Rights Under Color of Law can be a felony when attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law. A person can be arrested for this crime and can also be held personally liable for CIVIL DAMAGES.

- Defendants Murtagh, Nanni, Lewis, Gallagher, Leyland and Loverick know they have DENIED Plaintiffs Rights Under Color of Law when they deceived Plaintiff into believing Plaintiff had to use the grievance process when they knew labor law cannot protect Plaintiff from criminal and civil liability then after the arbitration told Plaintiff there was nothing the Defendants could do for Plaintiff and stated Plaintiff lost under binding arbitration. Defendants were complicit in the corruption of Defendant AK Steel Defendant McCune. IN FACT Defendants know the DENIAL of Plaintiffs Rights Under Color of Law can be a felony when attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law. A person can be arrested for this crime and can also be held personally liable for CIVIL DAMAGES.

- Defendants Murtagh, Nanni, Lewis, Gallagher, Leyland and Loverick's legal counsel Adam Hobaugh knows he has DENIED Plaintiffs Rights Under Color of Law when Hobaugh filed preliminary objections and filing judgement of non pros in an attempt to deceive Plaintiff and the JURY that Hobaugh's UNCONSTITUTIONAL procedural maneuvers supersedes Plaintiffs Constitutional Rights and Due Process of The United States of America such as a statute of limitations when IN FACT the JURY has the RIGHT and OBLIGATION to NULLIFY or rule a law UNCONSTITUTIONAL. IN FACT Hobaugh knows the DENIAL of Plaintiffs Rights Under Color of Law can be a felony when attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law. A person can be arrested for this crime and can also be held personally liable for CIVIL DAMAGES.

- Defendant Chivers knows he has DENIED Plaintiffs Rights Under Color of Law when Chivers had his legal counsel Dennis Roman file preliminary objections and filing judgement of non pros in an attempt to deceive Plaintiff and the JURY that Chivers/Roman's UNCONSTITUTIONAL procedural maneuvers supersedes Plaintiffs Constitutional Rights and Due Process of The United States of America such as a statute of limitations when IN FACT the JURY has the RIGHT and OBLIGATION to NULLIFY or rule a law UNCONSTITUTIONAL. Chiver KNEW labor law would not protect Plaintiff from civil or criminal liability. Chivers KNEW he committed legal malpractice when Chivers sent a demand notice on Plaintiff's behalf to Defendant AK Steel contrary to what Plaintiff requested (See Explanation for Enclosures A through I). Chivers hired Defendant Brewer to be Chivers counsel when Chivers KNEW Brewer shared the same office with Defendant Murtagh even after Plaintiff informed Chivers Plaintiff did not trust Murtagh while Chivers was representing Plaintiff. IN FACT Chivers knows the DENIAL of Plaintiffs Rights Under Color of Law can be a felony when attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law. A person can be arrested for this crime and can also be held personally liable for CIVIL DAMAGES.
- Defendant Chivers legal counsel Dennis Roman knows he has DENIED Plaintiffs Rights Under Color of Law when Roman filed preliminary objections and filing judgement of non pros in an attempt to deceive Plaintiff and the JURY that Chivers/Roman's UNCONSTITUTIONAL procedural maneuvers supersedes Plaintiffs Constitutional Rights and Due Process of The United States of America such as a statute of limitations when IN FACT the JURY has the RIGHT and OBLIGATION to NULLIFY or rule a law UNCONSTITUTIONAL. Roman KNEW labor law would not protect Plaintiff from civil or criminal liability. Roman KNEW Chivers committed legal malpractice when Chivers sent a demand notice on Plaintiff's behalf to Defendant AK Steel contrary to what Plaintiff requested (See Explanation for Enclosures A through I).

Roman KNEW it was illegal for Chivers to hire Defendant Brewer to be Chivers counsel when Chivers KNEW Brewer shared the same office with Defendant Murtagh even after Plaintiff informed Chivers Plaintiff did not trust Murtagh while Chivers was representing Plaintiff. IN FACT Roman knows the DENIAL of Plaintiffs Rights Under Color of Law can be a felony when attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law. A person can be arrested for this crime and can also be held personally liable for CIVIL DAMAGES.

- Defendant Brewer knows he has DENIED Plaintiffs Rights Under Color of Law when Brewer agreed to represent Chivers when Brewer shared an office with Defendant Murtagh. Brewer and Chivers lost the Conflict of Interest case that Plaintiff filed against them. Brewer KNEW Chivers committed legal malpractice when Chivers sent a demand notice on Plaintiff's behalf to Defendant AK Steel contrary to what Plaintiff requested (See Explanation for Enclosures A through I). Brewer KNEW it was illegal for Chivers to hire Defendant Brewer to be Chivers counsel when Chivers KNEW Brewer shared the same office with Defendant Murtagh even after Plaintiff informed Chivers Plaintiff did not trust Murtagh while Chivers was representing Plaintiff. IN FACT Brewer knows the DENIAL of Plaintiffs Rights Under Color of Law can be a felony when attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law. A person can be arrested for this crime and can also be held personally liable for CIVIL DAMAGES.
- Defendant Papa knows he has DENIED Plaintiffs Rights Under Color of Law when he did not DEMAND THE JURY TRIAL as Plaintiff is NOW. After the UNCONSTITUTIONAL RULING in Butler County Papa filed the case in federal court on Plaintiffs behalf without Plaintiffs knowledge or approval instead of DEMANDING THE JURY TRIAL in Butler County as Plaintiff demanded Papa to do.

When Plaintiff informed Papa that Defendant Brewer shared an office with Murtagh and it was a Conflict of Interest Papa said it was not so Plaintiff file the Conflict of Interest and WON (See Conflict of Interest Court Order 11-20-07). Papa KNEW Brewer agreed to represent Chivers even when Papa KNEW Brewer shared an office with Defendant Murtagh. Papa KNEW Brewer and Chivers lost the Conflict of Interest case that Plaintiff filed against them. Papa KNEW Brewer and Chivers committed legal malpractice when Brewer KNEW Chivers sent a demand notice on Plaintiff's behalf to Defendant AK Steel contrary to what Plaintiff requested (See Explanation for Enclosures A through I). Papa KNEW it was illegal for Chivers to hire Defendant Brewer to be Chivers counsel when Chivers KNEW Brewer shared the same office with Defendant Murtagh even after Plaintiff informed Chivers Plaintiff did not trust Murtagh while Chivers was representing Plaintiff. IN FACT Papa knows the DENIAL of Plaintiffs Rights Under Color of Law can be a felony when attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law. A person can be arrested for this crime and can also be held personally liable for CIVIL DAMAGES.

The Founders and Framers knew there would be corruption such as Plaintiff is dealing with right NOW and the JURY is there to STOP IT by either declaring a law or statute unconstitutional or setting it aside declaring it was not applied properly to the case before the JURY!

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, 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."

Judge Cunningham and Defendant's legal counsel have **OBSTRUCTED JUSTICE** by denying Plaintiff **DUE PROCESS** by their attempt to circumvent Plaintiff's **CONSTITUTIONAL RIGHT** to a **TRIAL BY JURY** that has **NEVER HAPPENED YET** through procedural corruption that they know is **UNCONSTITUTIONAL!** It is illegal for Defendants to use ANY defense that **THEY KNOW DOES NOT AND CANNOT** supersede the **SUPREME LAW - THE CONSTITUTION of The United States of America** - that **DENY'S** Plaintiff's **CONSTITUTIONAL RIGHT** to a **TRIAL BY JURY**.

Judge Cunningham and Defendant's legal counsel are trying to **ILLEGALLY AND UNCONSTITUTIONALLY** use statutes and procedures to enforce them on Plaintiff to deny Plaintiff's **CONSTITUTIONAL RIGHTS** of The United States of America of **DUE PROCESS** and a **TRIAL BY JURY** which violates **Amendment XIV, Section 1 of the United States Constitution**. Defendant **AK Steel EXTORTED** Plaintiff's property of future earnings and damaged Plaintiffs reputation and all other Defendants have been complicit and Judge Cunningham is now participating in.

Amendment XIV, Section 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."

The following are just a few of many laws Judge Cunningham and Defendants and Defendant's legal counsel are violating and details are in the 10-11-19 court filing:

- U.S. Code: Title 18 Section 241 / Conspiracy Against Rights
- U.S. Code: Title 18 Section 245 / Federally protected activities (1)(b)
- Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law
- U.S. Code: Title 18 Section 3559/Sentencing classification of offenses (2)(C)
- U.S. Code: Title 15 Section 2087/Whistleblower protection (a)(1,2,3 and 4)
- U.S. Code: Title 29 Section 654/Duties of Employers and Employees (a)(1 and 2)
- Retaliatory Discharge

Here are a few quotes from history as to why a JURY is so important:

"It is not only the juror's right, but his duty, to find the verdict according to his own best understanding, judgment and conscience, though in direct opposition to the instruction of the court." John Adams, 1771

"I consider trial by jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution." Thomas Jefferson

Below are 8 points from The National Judicial College as to the WHY a JURY TRIAL is the most important part of justice in our country. Some highlights are below:

- The Founding Fathers believed the Right of a trial by a jury of peers was so important that it is in our United States Constitution
- The courts can overturn laws or acts of government that violate Constitutional Rights.
- The Founders included jury trials in the constitution because jury trials prevent tyranny. The definition of tyranny is oppressive power exerted by the government. Tyranny also exists when absolute power is vested in a single ruler.
- Jury trials are the opposite of tyranny because the citizens on the jury are given the absolute power to make the final decision.
- We do not want judges and lawyers making every important decision; they are not representative of the people of the United States.
- Juries provide the voice of common sense and the perspective of the citizen to our developing body of law.
- In a civil case, a jury of citizens will determine community standards and expectations in accordance with the law.

1. The American jury trial is a constitutional right. The founding fathers believed that the right to be tried by a jury of your peers was so important that it merited inclusion in the highest law of the land. Amendments 6 and 7 of the Bill of Rights contain this right:

Amendment VI In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII 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 re-examined in any Court of the United States, than according to the rules of the common law.

2. The jury trial is a vital part of America's system of checks and balances. "Checks and balances" means that the judicial branch of government is equal to the other two branches (executive and legislative) and the courts can overturn laws or acts of government that violate constitutional rights. Our system of checks and balances requires a strong judicial branch. A strong judicial branch requires a healthy jury trial option. Jury service is your chance to have a voice in the judicial branch of government.

3. The founding fathers included jury trials in the constitution because jury trials prevent tyranny. The definition of tyranny is oppressive power exerted by the government. Tyranny also exists when absolute power is vested in a single ruler. Jury trials are the opposite of tyranny because the citizens on the jury are given the absolute power to make the final decision.

4. Trial by jury is a unique part of America's democracy. Most countries do not have jury trials. It is one of the things that make us unique as a country, and something we should be proud of.

5. Jury trials provide an opportunity for citizens to participate in the process of governing. Serving on a jury is the most direct and impactful way for citizens to connect to the constitution. It is more active and participatory than voting. Citizens can help perpetuate our system of laws, and stabilize our democracy.

6. Jury trials educate jurors about the justice system. People who serve on juries have a greater respect for the system when they leave. Serving on a jury gives people insight into the justice system and their own communities, and corrects misapprehensions about what takes place in a courtroom.

7. Jury trials provide a method of peaceful dispute resolution. Most citizens will be impacted at some point in their life by a conflict, such as a divorce, a personal injury due to negligence, a contractual dispute, an employment dispute, etc. There are many ways to resolve such disagreements, but if other methods fail, a jury trial is one way to have final resolution in a peaceful manner.

8. Jury trials offer the voice of the people to the civil and criminal justice systems. If you are accused of a crime, you have the right to ask for a jury of your peers to judge your guilt or innocence. In a civil case, a jury of citizens will determine community standards and expectations in accordance with the law. We do not want judges and lawyers making every important decision; they are not representative of the people of the United States. Juries provide the voice of common sense and the perspective of the citizen to our developing body of law.

Just like the six shooter was the great equalizer to the old west so too is a JURY TRIAL. Plaintiff has the RIGHT, deserves and DEMANDS a JURY TRIAL to be the great equalizer to the corruption the Plaintiff has endured! When corruption takes place the JURY has the CONSTITUTIONAL RIGHT AND OBLIGATION to right the wrong and NOT a group of good old boy attorneys and judges and is also WHY the Plaintiff has the RIGHT to and DEMANDS a JURY TRIAL!

Plaintiff has already and will PROVE to the JURY through the Complaint that Plaintiff filed and evidence that Defendants violated Plaintiff's Constitutional Rights of The United States of America and Pennsylvania thereby committed fraud, material fraud, fraudulent misrepresentation, legal negligence, breach of contract or have been complicit as well as they have violated the law and public policy. Defendant attorneys committed legal malpractice. All Defendants knew the law or should have known the law when they committed fraudulent acts and there is NO EXCUSE FOR NOT KNOWING THE LAW.

IGNORANTIA LEGIS NON EXCUSAT a Latin phrase meaning that the ignorance of the law is not an excuse. - Black's Law Dictionary. Cases to substantiate *Lambert v. California* and *Barlow v. United States*

16th American Jurisprudence 2d, Section 177 late 2nd, section 256:

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it. The general rule is that an unconstitutional statute, though having the form and the name of law, is in reality no law, but is wholly void, and ineffective for any purpose, since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it."

16th American Jurisprudence, 2nd Section 177:

The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it ... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

Under The United States of America Constitution Plaintiff refuses to allow Judge Cunningham and the corrupt attorneys to decide this case; they are not representative of the people of the United States.

Judge Cunningham must either:

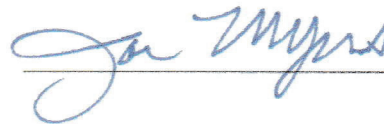
- Recuse himself from this case, or
- Remove the UNCONSTITUTIONAL NON PROS against PLAINTIFF and cancel the 10-22-19 UNCONSTITUTIONAL Preliminary Objections hearing and schedule the date for JURY selection and JURY TRIAL date, or
- Plaintiff will hold Cunningham in Contempt of Court and protest the hearing when Plaintiff arrives on 10-22-19 and seek sanctions against Cunningham.

WITHOUT further delay Judge Cunningham MUST obey the SUPREME LAW of the land which is the United States Constitution and the SUPREME LAW of Pennsylvania which is the Pennsylvania Constitution and set a date for JURY selection and then set the JURY TRIAL date or it is CONTEMPT of the JURY COURT and
Obstruction of Justice.

If the JURY selection date and JURY TRIAL date is not immediately schedule Plaintiff will submit the attached LEGAL NOTICE AND VIOLATION WARNING OF DENIAL OF PLAINTIFFS RIGHTS UNDER COLOR OF LAW of The United States of America.

The legal notice and violation warning forms are to be part of and included
in this court filing.

Dated this 16th day of October, 2019



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

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, PENNSYLVANIA**

JOE MYERS,)	Case No.: No. 19-10516
)	
Plaintiff,)	CIVIL DIVISION
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vs.)	
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TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, JACK)	
W. MURTAGH JR., GRAYDON BREWER, CARL V.)	
)	
NANNI, JACK LEWIS, JIM GALLAGHER, HANK)	
)	
LEYLAND, GREG LOVERICK, EDWARD TASSEY, AK)	
)	
STEEL et al, UAW (formerly Butler Armco)	
Independent Union) et al, ANGELO PAPA)	
)	
Defendants)	
)	

ORDER

AND NOW, to-wit, this _____ day of _____, 2019, upon consideration of Plaintiff's LEGAL NOTICE AND VIOLATION WARNING OF DENIAL OF PLAINTIFFS RIGHTS UNDER COLOR OF LAW of The United States of America it is hereby ORDERED that Plaintiff has a CONSTITUTIONAL RIGHT of DUE PROCESS and to be heard by a JURY of Plaintiff's peers. It is ADJUDGED and DECREED that Jury selection will be set for this _____ day of _____, 2019 JURY TRIAL will commence this _____ day of _____, 2019.

BY THE COURT

CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing LEGAL NOTICE AND VIOLATION WARNING OF DENIAL OF PLAINTIFFS RIGHTS UNDER COLOR OF LAW of The United States of America was served on the following via U.S. Mail, First-Class, this 16th day of October, 2019.

Marie Milie Jones / Michael R Lettrich counsel for Defendant Timothy F. McCune
Gulf Tower, 707 Grant Street, Suite 3410, Pittsburgh, PA 15219

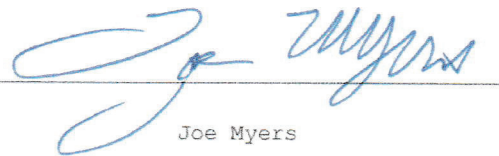
Dennis Roman counsel for Defendant Joseph Chivers
Union Trust Building, 510 Grant Street, Suite 700, Pittsburgh, PA 15219

Adam Hobaugh counsel for Defendants Murtagh, Nanni, Gallagher, Lewis, Leyland,
Loverick and UAW et al
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Defendant Graydon Brewer
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Oakmont, PA 15139

Defendant Angelo Papa
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New Castle, PA 16101

Nicholas J. Koch counsel for Defendants AK Steel et al and Tassey
Union Trust Building, 501 Grant Street, Suite 800, Pittsburgh, PA 15219


Joe Myers