

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

JOE MYERS,

CIVIL DIVISION

Plaintiff,

vs.

A.D. No. 2019-10516

TIMOTHY F. MCCUNE, JOESPEH CHIVERS, JACK W. MURTAUGH, JR., GRAYDON BREWER, CARL V. NANNI, JACK LEWIS, JIM GALLAGHER, HANK LEYLAND, GREG LOVERICK, EDWARD TASSEY, CLEVELAND CLIFFS (Formerly AK STEEL) et al., and UNITED AUTO WORKERS (Formerly BUTLER ARMCO INDEPENDENT UNION).

Defendants.

PROthonotary's OFFICE - BUTLER CO. ENTERED & FILED 2024 MAR 14 PM 3:10

MEMORANDUM OPINION AND ORDER

This Court would first note that following the Supreme Court's Order denying Plaintiff's appeal in March of 2021, Plaintiff subsequently filed an amended complaint on January 8, 2024, with a revised caption in an attempt to add additional defendants to this action. Subsequently he has attempted to add further defendants with his filings by simply placing their names in the caption. There is no record that any of these defendants, including the undersigned, were properly served and thus they are not valid parties to this litigation. Any individuals not set forth in the caption above shall not be a party to this action unless there is a further Order of Court.

Defendant Chivers filed their Motion to Dismiss Pro Se Plaintiff's Amended Complaint (Styled as "Common Law Claim of Trespass") Pursuant to Pa.R.C.P. 233.1 with this Court on February 26, 2024. Oral argument on this motion was held on March 5, 2024. Plaintiff attended said hearing via video. Plaintiff refused to accept the hearing as legal and threatened to leave if a jury trial was not immediately scheduled, citing to why he believes he is entitled to a trial by jury. The Court encouraged him to stay and participate in the hearing, but that it was his right to

leave if he wished. Plaintiff disconnected from the call promptly after. The Court proceeded to hear argument on the Motion, which was joined by the other counsel present.

Defendant's Motion to Dismiss cites to Pa.R.C.P. § 233.1 and argues that the Plaintiff's Amended Complaint is frivolous litigation. Rule 233.1(a) defines frivolous litigation as (1) a pro se plaintiff is alleging the same or related claims which the pro se plaintiff raised in a prior action against the same or related defendants, and (2) these claims have already been resolved pursuant to a written settlement agreement or a court proceeding.

This Court finds that this litigation falls under Rule 233.1. The Plaintiff in this action is pro se. Plaintiff's filings, although largely legally incomprehensible, clearly state the same basic circumstances, claims, and requested relief. The Plaintiff names the same set of defendants, while occasionally attempting to add additional defendants as a punitive measure against those individuals. On November 21, 2019 this Court in an Opinion and Order previously dismissed Plaintiff's complaint with prejudice. Further, multiple other courts have also resolved these same claims brought by Plaintiff against these same defendants, including this same Court in 2004 against Defendant Chivers, and a court in Plaintiff's current home state of Florida. The explanatory comments to Rule 233.1 specifically state the Pennsylvania Supreme Court's intent with the entry of this rule was to prevent frivolous litigation by pro se parties who cannot be disciplined for abuse of the legal system as an attorney can. This litigation fulfills both prongs of Rule 233.1 and falls squarely within those guidelines as the type of behavior the Pennsylvania Supreme Court wants to prevent. Accordingly the Court enters the following Order:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

JOE MYERS,

Plaintiff,

vs.

TIMOTHY F. MCCUNE, JOESPEH CHIVERS,
JACK W. MURTAUGH, JR., GRAYDON BREWER,
CARL V. NANNI, JACK LEWIS, JIM GALLAGHER,
HANK LEYLAND, GREG LOVERICK, EDWARD
TASSEY, CLEVELAND CLIFFS (Formerly
AK STEEL) et al., and UNITED AUTO WORKERS
(Formerly BUTLER ARMCO INDEPENDENT
UNION).

Defendants.

CIVIL DIVISION

A.D. No. 2019-10516

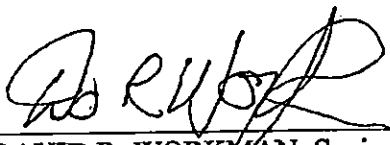
ORDER OF COURT

2024 MAR 14 PM 3:10
PROTHONOTARY'S
OFFICE - BUTLER CO.
ENTERED & FILED

AND NOW, this 14th day of March, 2024, following a hearing on Defendant Chiver's
*Motion to Dismiss Pro Se Plaintiff's Amended Complaint (Styled as "Common Law Claim of
Trespass") Pursuant to Pa.R.C.P. 233.1*, it is hereby Order:

- 1) Plaintiff's Amended Complaint and any related complaint or document is Dismissed with Prejudice.
- 2) The Plaintiff is barred from pursuing the same or related claims against these same or related parties, and the Prothonotary of Butler County is directed to forward all filings by Plaintiff to Court Administration so that the assigned Judge may review them to decide whether they are meritorious henceforth, in accordance with Pa.R.C.P. 233.1(c).

BY THE COURT,



DAVID R. WORKMAN, Senior Judge

JOE MYERS

VS.

AK STEEL, JACK W. MURTAGH, JR., EDWARD TASSEY, UNITED AUTO WORKERS-UAW, JOSEPH H. CHIVERS, GRAYDON BREWER, JIM GALLAGHER, JACK LEWIS, TIMOTHY F. MCCUNE, JOHN W. MURTAGH, JR., CLEVELAND-CLIFFS, LOURENCO GONCALVES, SHAWN FAIN, ANGELO PAPA, WILLIAM CUNNINGHAM, MICHAEL LETTRICH, MARIA MILIE JONES, DENNIS ROMAN, NICHOLAS J. KOCH, ADAM HOBAUGH, JOHN T. BENDER, ALICE BECK DUBOW, CAROLYN H. NICHOLS, JOSEPH D. SELETYN, BOBBI JO WAGNER, RICHARD A. GOLDINGER, DAVID R. WORKMAN, CARL V. NANNI, GREG LOVERICK

IN THE COURT OF COMMON PLEAS
OF BUTLER COUNTY, PA
CIVIL DIVISION
50TH JUDICIAL DISTRICT

CASE NUMBER
2019-10516

CERTIFICATION

I hereby certify:

RULE 236 NOTICE THE PROTHONOTARY OF BUTLER COUNTY, PENNSYLVANIA HEREBY CERTIFIES THAT A COPY OF THE FOREGOING MEMORANDUM OPINION & ORDER WAS MAILED TO: JOE MYERS; FROST BROWN TODD LLC; BFC&A LLP; MURTAGH HOBAUGH & CECH; MDWC&G PC; JONESPASSODELIS PLLC; LEECH TISHMAN; GRAYDON BREWER ON 3/14/24, BY FIRST CLASS MAIL, POSTAGE PREPAID.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal of the Said Court, this March 18, 2024.