

COMMONWEALTH COURT OF PENNSYLVANIA

Joe Myers, **Appellant**

vs.

Timothy F. McCune, Joseph H. Chivers,
John/Jack W. Murtagh Jr., Graydon
Brewer, Carl V. Nanni, Jack Lewis, Jim
Gallagher, Hank Leyland, Greg Loverick,
Edward Tassej, AK Steel et al, UAW
(formerly Butler Armco Independent
Union) et al, Angelo Papa, William
Cunningham, Michael Lettrich, Maria Milie
Jones, Dennis Roman, Nicholas Koch,
Adam Hobaugh, **Appellees**

PROTHONOTARY

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Commonwealth Ct. Docket No. 19-105-16

Notice of Appeal

Notice is hereby given that Joe Myers, Appellant above named, hereby appeals to the Supreme Court of Pennsylvania from the order entered in this matter on the 21st day of November, 2019. This order has been entered in the docket as evidenced by the attached copy of the docket entry.

CIVIL DIVISION
A.D. No 19-10516

Joe Myers
12137 Emerald Green Court
Jacksonville, Florida 32246

INDEX

(All references in the Jurisdictional Statement will be the number points in this index)

1. Declaration of Independence IN CONGRESS, July 4, 1776 (points related to this appeal):

The unanimous Declaration of the thirteen united States of America...the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, - That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness...But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.- Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government.

The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

- He has refused his Assent to Laws, the most wholesome and necessary for the public good.
- He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.
- He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.
- He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.
- He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.
- He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.
- He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.
- He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.
- He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.
- He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.
- He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.
- He has affected to render the Military independent of and superior to the Civil power.
- He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:
 - For Quartering large bodies of armed troops among us:
 - For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:
- For cutting off our Trade with all parts of the world:
- For imposing Taxes on us without our Consent: For depriving us in many cases, of the benefits of Trial by Jury:

- For transporting us beyond Seas to be tried for pretended offences
- For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:
- For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:
- For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.
- He has abdicated Government here, by declaring us out of his Protection and waging War against us.
- He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.
- He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy of the Head of a civilized nation.
- He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.
- He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity.

We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor. (Emphasis added throughout point 1)

2. **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)

3. **Article 1 The Legislative Branch, Section 1 - The Legislature: All legislative Powers herein granted shall be vested in a Congress of the United States**, which shall consist of a Senate and House of Representatives. (Emphasis added)

4. **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)
5. **Article. IV. - The States Section 1 - Each State to Honor all others: Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.** And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof. (Emphasis added)
6. **Article. IV. - The States Section 4 - Republican government: The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them** against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) **against domestic Violence.** (Emphasis added)
7. **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)

8. **Article VI - Debts, Supremacy, Oaths: The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution;** but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

(Emphasis added)

9. **Preamble to the Bill of Rights**

Congress of the United States begun and held at the City of New York, on Wednesday the fourth of March, one thousand seven hundred and eighty-nine.

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.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring that the following Articles be proposed to the Legislatures of the several states as Amendments to the Constitution of the United States, all or any of which articles, when ratified by three fourths of the said Legislatures to be valid to all intents and purposes as part of the said Constitution; viz.

Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress and Ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution. (Emphasis added)

10. **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)

11. **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)

12. **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.

13. **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.

14. **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)

15. **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.

16. **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.

17. **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.

18. **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;

19. **U.S. Code: Title 18 Section 35559/Sentencing classification of offenses (2) (C)**

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

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

20. **Marbury v. Madison, 5 U.S. 137 (1803)** "All laws which are repugnant to the Constitution are null and void."

21. **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."

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

23. **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
24. **Cooper v. Aaron**, 358 U.S. 1, 78 S.Ct. 1401 (1958) "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it."
25. **Cohens v. Virginia**, 19 US (6 Wheat) 264, 404, 5 L.Ed 257 (1821) "When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason."
26. **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."
27. **U.S. v. Prudden**, 424 F.2d. 1021; **U.S. v. Tweel**, 550 F. 2d. 297, 299, 300 (1977) Silence can only be equated with fraud when there is a legal and moral duty to speak or when an inquiry left unanswered would be intentionally misleading. We cannot condone this shocking conduct... If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately.

28. **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.*
29. **Taylor v. Books A Million, Inc.**, 296 F.3d 376, 378 (5th Cir.2002) (quoting **Miller v. Stanmore**, 636 F.2d 986, 988 (5th Cir.1981)) *"It is well-established that 'pro se complaints are held to less stringent standards than formal pleadings drafted by lawyers."*
30. **McCartney v. First City Bank**, 970 F.2d 45, 47 (5th Cir.1992) *"In considering a motion to dismiss for failure to state a claim under Rule 12(b)(6), the court must accept all well-pleaded facts as true and view them in the light most favorable to the plaintiff."*
31. **McCartney v. First City Bank**, 970 F.2d 45, 47 (5th Cir.1992) *"In considering a motion to dismiss for failure to state a claim under Rule 12(b)(6), the court must accept all well-pleaded facts as true and view them in the light most favorable to the plaintiff."*

32. **Miranda vs. Arizona, 384 US 436 p. 491** *"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."*
33. **Exhibit 3** - Letter of discipline dated 7-9-98 Appellant Myers received when the stake truck rolled over after Myers was verbally instructed to not chain down the load. The illegal verbal order violated Appellee AK Steel written policy as well as the law of public policy and of COMMON SENSE to protect everyone.
34. **Exhibit 6** - Letter of discipline dated 7-28-00 Appellant Myers received for violating a General Safety Order. Myers was the only one to receive discipline even though there were other co-workers and supervisors at the area violating the General Safety Order as well. Myers was being singled out because he had contacted the PA Attorney General's office to expose the illegal activity of Appellee AK Steel and their supervisors.
35. **Exhibit 9** - Letter dated 3-1-01 sent to Appellee AK Steel by Appellant Myers legal counsel at that time, Dennis Moskal. The letter detailed criminal and civil liability placed on Myers and his co-workers and calling into question whether AK Steel plant is actually private property when AK Steel receives state funds for railroad crossings on AK Steel property. **Exhibit 42** from OSHA validates the illegal activity as well.

36. **Exhibit 11** - Letter dated 3-21-01 sent to Appellee AK Steel CEO and Appellee Edward Tassej detailing the retaliatory discharge as well as the criminal and civil liability being imposed on Appellant Myers and co-workers when verbally directed to overload tractor trailers, haul unsecured loads and operate defective mobile cranes/heavy equipment.
37. **Exhibit 12** - Appellee AK Steel safety contact dated 3-22-01 to Appellant Myers and co-workers that was a directive that stated "**Do not overload trucks, haul within the legal load limits. Secure all loads on all vehicles.**" the day before Myers was escorted out of AK Steel plant. Yet Appellant Myers and co-workers were being verbally ordered to violate the law and Appellee AK Steel's own written directives as spelled out in all the evidence Myers has such as Exhibit 11 and AK Steel documents all available at 1776ToTyranny.com
38. **Exhibit 13** - Letter dated 4-5-01 that was sent to Appellant Myers from Appellee AK Steel signed by Appellee Tassej intending to suspend Myers with intent to discharge Myers on 4-11-01. Tassej admitted in writing his illegal directive for Myers to break the law hauling the grossly overloaded trailers with a tractor not rated to haul the load.
39. **Exhibit 21** - Letter of discipline to co-worker of Appellee Myers dated 6-21-01 approximately 3 months after Myers was terminated. The letter was for discipline because a coil rolled to the edge of the tractor trailer, which is the very same truck issue Myers was wanting to use chains on the coils but was not allowed.

40. **Exhibit 26** - The manual from the truck of Appellee AK Steel that validates Appellant Myers legal liability concern. The manual states **"Your International truck has gross axle weight, gross vehicle weight and gross combination weight ratings. Do not exceed these ratings. Exceeding these ratings by overloading can cause component failure resulting in property damage, personal injury or death."** This is also an OSHA violation warning as well as creating criminal and civil liability for Myers and co-workers.

41. Appellee Chivers informed Appellant Myers at their first meeting that it was illegal what Appellee AK Steel did and he would try to reach a settlement and if one could not be reached Chivers would proceed to civil court.

Appellant Myers told Appellee Chivers he did not trust Appellee UAW union and this was not a labor law issue but in fact a criminal and civil matter to which Chivers agreed. A short time later Chivers informed Myers that he talked with Appellee Murtagh who was Appellee UAW counsel.

After Appellee Chivers talked with Appellee Murtagh it was then Chivers told Appellant Myers that Murtagh stated that Myers could not go to civil court until Myers went to arbitration. **This WAS A LIE AND FRAUD** because ALL Appellees **knew THEN** and **know NOW** labor law cannot supersede criminal and civil law **but especially ALL of Myers Constitutional Rights and protections.**

Myers attended the Arbitration because of the **lies and FRAUD of all Appellees involved** and of course Arbitrator Dean illegally upheld Myers termination even though Dean stated in his Opinion on page 7 in paragraph 3 that **"The Employer acknowledges that it cannot compel the Grievant to commit an illegal act."** YET IN FACT THAT IS EXACTLY WHAT APPELLEE AK STEEL DID WHEN VERBALLY DIRECTING MYERS TO VIOLATE THEIR OWN WRITTEN POLICY WHICH IS AGAINST THE LAW (**see point 40**)! Dean also states on page 11 in paragraph 2 **"As both parties are aware, employees are generally prohibited from engaging in self-help by refusing supervisory directives."** What the arbitrator is saying there is unlawful and corrupt by stating Myers cannot protect himself from criminal and civil liability in the event Myers had an accident with the grossly overloaded tractor-trailers or defective heavy equipment. Dean then states on page 16 in paragraph 2 **"As both parties are aware, although an arbitrator can render interpretations of the parties' collective bargaining agreement which are binding upon both of them, he generally does not render fully authoritative rulings on questions of statutory law."** Dean knows he cannot rule on criminal and civil law because he has no authority! (**Full transcript of Arbitration can be read and downloaded at the website www.1776ToTyranny.com on the "Timeline of CORRUPTION" page**)

Appellee Chivers asked for Appellant Myers demands so Myers sent his demands in a letter dated 10-4-01 (**Exhibit B**). Chivers sent a letter **OF FRAUD** dated 10-19-01 (**Exhibit B**) to Appellee AK Steel that did not have Myers demands at all! Myers confronted Chivers so then Chivers sends another letter dated 10-23-01 (**Exhibit D**) to Appellee AK Steel with Myers demands which was rejected because Chivers committed legal malpractice **which does not require a Certificate of Merit** when the evidence has Chivers signature on the aforementioned letter **OF FRAUD** from Chivers.

42. **Exhibit 28** - Letter dated 11-29-01 that Appellant Myers sent to Appellee McCune detailing the legal liability against Myers and co-workers. The letter states Appellee AK Steel had violated **USC Title 18 Sections 241, 254 and 3559** against Myers because they conspired against his rights and extorted Myers' property which is future wages. In a phone conversation with McCune he stated to Myers **"Unless there is a fatality, I'm not coming in there."** Unfortunately, there was a fatality, Keith Ekenrode, the following year and to the knowledge of Myers it appears McCune never did investigate even after Myers warnings to him. McCune could have ascertained all that Myers has but he chose to commit a crime by not doing his job as a prosecutor!
43. **Exhibit 30** - Appellant Myers asked Appellee UAW to appeal the corrupt arbitration and received a letter dated 12-12-01 from UAW and Appellee Murtagh stating they would not. Murtagh knew this case was never under the Labor Management Relations Act (LMRA) and admitted it because he stated **"not to mention the legality raised by Mr. Myers"** yet all Appellees are still claiming Myers is time-barred under the LMRA which cannot supersede criminal and civil law.
44. **Exhibit 42** - Letter dated 1-16-2003 was sent to Appellee Myers from OSHA. The letter did state that OSHA does indeed have jurisdiction over Appellee AK Steel under OSHA Act Section 5(a)(1) **"shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."** **Exhibit 26** is evidence that AK Steel put Myers and co-workers in a position of legal liability and still are to this day because the loads on the trail exceed the tractors ratings.

45. Violation Warnings for Denial of Rights Under Color of Law were sent to ALL Appellees and were part of the court filings by Appellant Myers dated 10-16-19 and 10-18-19. To minimize paper I have appended the Violation Warning for Appellee Cunningham and can provide the others at your request or any other documents. All the documents can be download at www.1776ToTyranny.com on page "Timeline of CORRUPTION".

46. Associated Press announced Tuesday, December 3rd 2019 / Cleveland-Cliffs buying AK Steel in \$1.1B stock deal. Appellee Koch never disclosed this fact. Has Koch notified the SEC to protect Cleveland-Cliffs from the liability of this lawsuit?

Jurisdictional Statement

Appellant Myers files this Notice to Appeal as the Supreme Court has jurisdiction because the lower courts have either erred in their Opinions or the courts deliberately chose to usurp the Constitutional Rights of Appellant by denying him his property, due process, equal protection of the laws, impairing the Obligation of Contracts **(point 4)** and all other God-given rights under the Constitution of the United States of America.

Our Representatives of the colonies spelled out in the usurpations of King George in the Declaration of Independence what the courts are doing to Appellant Myers now with PRETENDED LEGISLATION **(see points 1 thru 15)**.

The courts have usurped their power under the Constitution of the United States of America by stating they can create law when IN FACT only Congress has the power to make laws.

Article 1 The Legislative Branch, Section 1 - The Legislature: All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. (Emphasis added)

ALL means ALL and that is ALL that ALL means.

This Notice of Appeal is due to the most recent illegal Opinion dated 11-21-19 by Appellee Cunningham appended.

"In free governments, the rulers are the servants and the people their superiors and sovereigns." - Benjamin Franklin

Procedural History

In light of a current congressional inquiry by Senator Rubio and Congressman Rutherford with the U.S. Department of Justice and the FBI all the evidence can be accessed at www.1776ToTyranny.com on page **"Timeline of CORRUPTION"**. Do to the request to be minimal the evidence not in this Notice of Appeal will be in the Brief.

Appellee AK Steel (formerly Armco Steel) entered a civil contract when AK Steel hired Appellant Myers. AK Steel agreed to pay wages and benefits to Myers in exchange for Myers following the law and AK Steel written directives. Myers was not allowed by AK Steel to be part of the Appellee UAW union for a period of time so Myers employment contract has nothing to do with Labor Management Relations Act (LMRA) and only a civil matter.

Appellee AK Steel written Safety and Security Handbook 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."**

Appellee AK Steel repeatedly required Appellant Myers and co-workers to violate their own directives and public policy law by verbally instructing them to the contrary which in this incident Myers could have been killed or someone else **(see point 33)**. This similar incident happened to co-worker Dan Reddick prior to Myers incident but Myers was never told about the incident **further FRAUD by Appellee AK Steel.**

After the aforementioned incident Myers called the PA Attorney General's office and spoke to David Devries. Myers apprised Devries as to the verbal orders to violate AK Steel written policy of overloading unsecured trucks as well as defective mobile cranes and heavy equipment and the fact that the public drove inside the plant. Devries informed Myers that not only could Myers be held civilly liable he could possibly serve a prison sentence for knowingly violating AK Steel written policy as well as Federal, State and local laws of public policy. Myers informed his supervisor Appellee Edward Tassej as to what Devries had said yet Tassej continued to give illegal verbal orders as aforementioned.

Appellant Myers received a letter of discipline dated 7-28-00 (**see point 34**) when he, co-workers and supervisor Dean Widdenhoffer did not follow a General Safety Order YET not one other person was disciplined just Myers. This was clearly retaliation against Myers for his Whistleblowing.

Appellant Myers then retained Attorney Dennis Moskal who sent a letter to Appellant AK Steel detailing criminal and civil liability being imposed on Myers and co-workers (**see point 35**).

Appellant Myers sent a letter dated 3-21-01 (**see point 36**) to Appellee AK Steel detailing the retaliatory discipline and the civil and criminal liability AK Steel was placing on Myers and co-workers.

Appellee AK Steel safety contact dated 3-22-01 (**see point 37**) to Appellant Myers and co-workers that was a directive that stated "**Do not overload trucks, haul within the legal load limits. Secure all loads on all vehicles.**" the day before Myers was escorted out of AK Steel plant.

On 3-23-01 Appellant Myers was escorted out of Appellee AK Steel plant when Appellee Tasseey gave Myers a verbal order to violate the law and Appellee AK Steel written directives. Myers received the letter dated 4-5-01 **(see point 38)** signed by Tasseey admitting in writing to violating the law. **Point 40** validates AK steel and Tasseey broke the law.

Letter of discipline to co-worker of Appellee Myers dated 6-21-01 **(see point 39)** approximately 3 months after Myers was terminated. The letter was for discipline because a coil rolled to the edge of the tractor trailer, which is the very same truck issue and WHY Myers wanted to use chains on the coils but was not VERBALLY allowed.

The manual **(see point 40)** from the truck of Appellee AK Steel that validates Appellant Myers legal liability concern. The manual states **"Your International truck has gross axle weight, gross vehicle weight and gross combination weight ratings. Do not exceed these ratings. Exceeding these ratings by overloading can cause component failure resulting in property damage, personal injury or death."** This is also an OSHA violation as well as creating criminal and civil liability for Myers and co-workers.

Appellant Myers retained Appellee Chivers prior to the Arbitration held on 8-20-01. For full explanation of FRAUD and LEGAL MALPRACTICE involving Appellee UAW, Appellee Murtagh and Chivers **(see point 41)**.

Letter dated 11-29-01 **(see point 42)** that Appellant Myers sent to Appellee McCune. The illegal actions of McCune ignoring Myers evidence is legal malpractice by McCune who should have ascertained all the evidence Myers has provided.

Appellant Myers asked Appellee UAW to appeal the corrupt arbitration and received a letter dated 12-12-01 **(see point 42)** from UAW and Appellee Murtagh stating they would not. Murtagh knew this case was never under the Labor Management Relations Act (LMRA) and admitted it because he stated **"not to mention the legality raised by Mr. Myers"** yet all Appellees are still claiming Myers is time-barred under the LMRA which THEY KNOW cannot supersede criminal and civil law.

The FACT that Appellee AK Steel pays Appellee UAW union officer's salary is ILLEGAL because AK Steel is paying those that were "supposed" to be protecting Appellant Myers.

Letter dated 1-16-03 was sent to Appellant Myers from OSHA **(see point 44)**. The letter VALIDATED Myers claims of legality.

Appellant Myers then retains Appellee Papa. Papa files against Appellees AK Steel, UAW and Chivers demanding a jury trial. Chivers hires Appellee Brewer who shares an office with Appellee Murtagh. Myers informs Papa that is a Conflict of Interest to which Papa states - **no it was not** - so Myers files a Conflict of Interests and Judge Yeager rules it is IN FACT a Conflict of Interest see Court of Common Pleas Butler County A.D. 04-10707.

Appellee Koch neglected to inform the court that Appellee AK Steel is being acquired by Cleveland-Cliffs Inc. Koch has a duty to notify the SEC and Cleveland-Cliffs Inc. the potential liability that Cleveland-Cliffs Inc. could be assuming.

The following reasons are why the Opinion and Order dated 11-21-19 by Appellee Cunningham is illegal and unconstitutional:

FIRST, Appellee Cunningham was prohibited from ruling on this case as Appellant Myers added Violation Warnings for Denial of Rights Under Color of Law for ALL Appellees to the court filings dated 10-16-19 and 10-18-19.

Appellant Myers also named Appellee Cunningham as a Defendant in Amended court filing dated 10-28-19 a month prior to Cunningham's OPINION dated 11-21-19 which makes it a Conflict of Interest and illegal for Cunningham to give ANY OPION or ORDER.

Appellee Cunningham allowed the other Appellees to use a statute of limitations of Labor Management Relations Act (LMRA) when IN FACT Appellant Myers filed a **Civil Complaint** which details FRAUD and has NOTHING to do with LMRA.

Fraud is very apparent throughout the evidence by ALL Appelles!

Appellee Cunningham required Appellant Myers to follow the Rules of Civil Procedure but did not require the same of the other Appellees.

- Appellee Koch filed Preliminary Objections on 6-18-19 and then filed his Notice of Appearance on 6-20-19.
- Appellee Hobough kept returning Appellant Myers' court mailings and then Cunningham allowed Hobough to submit his first court filing on 9-24-19 some 4 MONTHS after Appellant's original Complaint dated 5-29-19.
- Cunningham knows LMRA has NOTHING to do with nor can it supersede criminal and civil law.

Appellee Cunningham states in his ILLEGAL OPINION that Appellee McCune has "high public official immunity" which flies in the face of the Constitution of the United States "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" (see point 7) which makes McCune and EVERY person subject to the supreme law which is the Constitution so "high public official immunity" is in FACT ILLEGAL because it illegally TRIES to state that any judge or official can break the law and not be held liable to the Constitution.

Furthermore Appellee Cunningham references caselaw as law and he and this court KNOW that only Congress can create law "**Article 1** so that means when any judge or court tries to state "caselaw" is "law" that is illegal as well because Article 1 clearly states to the contrary!

Appellee Cunningham NEVER mentions Appellee Chivers, Brewer, Papa, Lettrich, Jones, Roman, Koch, Hobaugh, or Murtagh in his ILLEGAL OPINION.

Appellee Cunningham admitted he was aware that he was a Defendant as well as the aforementioned were Defendants also as he states in his ILLEGAL OPINION under CONCLUSION "**Plaintiff's Complaint (as well as his other filings)...**" which prove Cunningham knew he was a Defendant yet he filed an ILLEGAL ORDER that is invalid!

The statement in the **Preamble to the Bill of Rights** was very clear that our Representatives were very concerned of government usurpations which Appellee Cunningham has demonstrated!

"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."

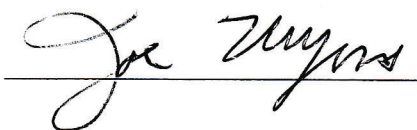
Appellee Cunningham could not have read the original Complaint dated 5-29-19 as Appellant Myers stated that Myers was informed on 5-16-19 that Appellee Loverick had conspired with Appellee Tasse and Myers knew nothing of that collusion until this year.

As Appellant Myers has stated only Congress can pass law and Myers has provided numerous CASEOPINIONS that support that Myers Constitutional Rights and property have been violated **(see points 20-32)**.

Appellant Myers seeks **Extraordinary Jurisdiction** to the Supreme Court of Pennsylvania for the illegal activity still taking place at the Appellee AK Steel plant in Butler, PA.

This is a Petition to file Brief per the evidence provided in light of the continued FRAUD and Appellees trying to circumvent the law to suit their criminal activity against Appellant Myers to deprive Myers of Constitutional Rights and property. Myers seeks to be made whole in all his Rights and specifically a JURY TRIAL as though the termination happened today.

Dated this 18th day of December, 2019

A handwritten signature in cursive script that reads "Joe Myers". The signature is written in black ink and is positioned above a horizontal line.

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

JOE MYERS,

Plaintiff

v.

TIMOTHY F. MCCUNE, JOSEPH
CHIVERS, JACK W. MURTAUGH, JR.,
GRAYDON BREWER, CARL V. NANNI,
JACK LEWIS, JIM GALLAGHER, HANK
LEYLAND, GREG LOVERCHECK,
EDWARD TASSEY, AK STEEL, UAW
(formerly Butler Armco Independent
Union),

Defendants

IN THE COURT OF COMMON PLEAS
OF BUTLER COUNTY, PENNSYLVANIA

PROthonotary
W. M. ...

2019 NOV 21 A 10:45

PROTHONOTARY'S
OFFICE-BUTLER CO.
ENTERED & FILED

NO. A.D. No. 19-10516

OPINION

The presenting matters are the Preliminary Objections to the Plaintiff's Complaint filed by various Defendants. For the reasons explained hereafter, the Preliminary Objections are GRANTED *en toto* such that this case is DISMISSED with prejudice against the objecting Defendants.

PROCEDURAL HISTORY

The Plaintiff's pro se Complaint, filed on May 29, 2019, is largely indecipherable in terms of presenting a factual or legal basis for a claim against any of the Defendants. To the extent a factual picture can be ascertained from Plaintiff's rambling references to his constitutional rights, it appears the Plaintiff was terminated from his employment with AK Steel on April 10, 2001. *Plaintiff's Complaint, p.4.* With the assistance of his union representatives, the Plaintiff challenged the basis for his termination before an arbitrator. On November 29, 2011, the arbitrator upheld the Plaintiff's termination.

As the public records reflect, the Plaintiff subsequently filed a lawsuit on April 22, 2004 in the Butler County Court of Common Pleas against AK Steel Corporation and Butler Armco Independent Union, U.A.W. (hereafter Union). The case was then removed by the Defendants to the federal district court and docketed at Civil Action No. 04-674 in the United States District Court for the Western District of Pennsylvania. The case was reviewed by the federal court pursuant to the preempting law, the Labor Management Relations Act (“LMRA”), 29 U.S.C. Section 185(a).

Plaintiff’s lawsuit claimed that the Union representatives failed to adequately represent him regarding his discharge, specifically for refusing to appeal the arbitrator’s ruling. In Plaintiff’s view, there was a breach of contract by his Union representatives. Plaintiff also alleged a breach of contract against AK Steel Corporation in addition to a state law fraud claim. The gravamen of the Plaintiff’s case was the contention that the defendants committed fraud by failing to inform him that the arbitrator’s ruling was unappealable and that he had a six-month window time to file an unfair labor practice claim.

By Opinion and Order dated October 4, 2004, the Honorable Judge Donetta W. Ambrose, then the Chief U.S. District Judge for the Western District of Pennsylvania, dismissed all of the Plaintiff’s claims as time-barred. The Plaintiff’s appeal to the Third Circuit Court of Appeals resulted in the affirmance of the trial court’s ruling by Opinion/Order filed December 8, 2005. *See Myers v AK Steel Corporation*, 156 F. App. 528 (3d Cir. 2005).

On May 29, 2019, Plaintiff filed the case *sub judice* in the Butler County Court of Common Pleas. The original named Defendants were Timothy F. McCune, Joseph M. Chivers, Jack W. Murtaugh, Jr., Graydon Brewer, Carl V. Nanni, Jack Lewis, Jim Gallagher, Hank Leyland, Greg Loverick, Edward Tasse, AK Steel, UAW (formerly Butler Armco Independent Union).

Defendant Timothy F. McCune was sued in his capacity as Butler County District Attorney. However, at the time this lawsuit was filed, Timothy F. McCune was serving as a member of the Butler County Court of Common Pleas. By Order dated June 25, 2019, by the Honorable Judge William Shaffer, President Judge, the Butler County bench was recused from this case. Thereafter, the undersigned was appointed by the Pennsylvania Supreme Court by Order dated July 24, 2019 to preside in this matter.

The Defendants who have filed Preliminary Objections are Plaintiff's former employer, AK Steel, Plaintiff's Union and Union representatives. Oral argument was held on October 22, 2019, with all necessary parties participating, including the Plaintiff. It was an opportunity for all parties to make their positions clear. A court reporter recorded the proceeding.

The Plaintiff had ample time to amend his Complaint to address any issues raised in the Preliminary Objections and failed to do so. Most of the reasons for granting the Preliminary Objections overlap for all Defendants, while there are specific reasons related to certain Defendants.

TIMOTHY F. MCCUNE

Plaintiff is suing Timothy F. McCune for his alleged failure to prosecute people who were involved in the termination of his employment with AK Steel. His claim is baseless for a host of legal and factual reasons.

As a matter of law, the Plaintiff does not have standing to sue McCune for failing to prosecute a fellow citizen. It has long been the law that a private citizen cannot sue the prosecutor for exercising the core function of making prosecutorial decisions. According to the United States Supreme Court, "a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another." *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973).

The rationale is based on the need for prosecutors to exercise independent professional judgment grounded on the facts and law without regard to whether private citizens can file suit. It also prevents private citizens from seeking revenge on a perceived enemy by attempting to coerce a prosecutor to file a criminal charge for fear of civil liability.

For the above reasons, among others, prosecutors are given immunity from civil liability for claims against them in state and federal court. In Pennsylvania, the doctrine of high public official immunity precludes the Plaintiff's claim against McCune. *Durham v McElynn*, 772 A.2d 68, 68 (Pa. 2001). Under federal law, a prosecutor has absolute immunity from civil liability. *Kulwicki v. Dawson*, 969 F.2d 1454 (3d Cir. 1992). "The decision to initiate a prosecution is at the core of a prosecutor's judicial role. A prosecutor is absolutely immune when making this decision, even when he acts without a good faith belief that any wrongdoing occurred." *Id.*, p.1463. Accordingly, McCune is immune from any state or federal civil claim the Plaintiff can assert.

Assuming *arguendo* that Plaintiff could sue McCune, his Complaint fails to establish a legal or factual basis for any claim. The lone factual allegation in Plaintiff's Complaint is that McCune stated "I have no opinion regarding your claims with AK Steel." *Complaint*, p. 7. From this alleged statement, the Plaintiff, without any basis, leaps to the conclusion that McCune "turned a blind eye" to prosecuting anyone. *Id.* The Plaintiff fails to identify who should have been prosecuted. Further, Plaintiff never identified what specific crimes were committed that should have been prosecuted by McCune.

Separately, Plaintiff fails to provide any reason why he waited over eighteen years to sue McCune. The Plaintiff cannot, as a matter of law, identify any civil claim against McCune that was still within any state or federal statute of limitations when this lawsuit was filed on May 29, 2019.

Lastly, Plaintiff's Complaint does not identify what relief he seeks against McCune. The only demand that Plaintiff asserts is that McCune lose his law license. This lawsuit is not the proper forum for such a demand.

Based on the foregoing, the law does not afford Plaintiff any relief against McCune.

DEFENDANTS UAW LOCAL 3303, JAMES C. GALLAGHER, HANK LEYLAND, JOHN MURTAUGH Jr, GREG LOVERICK, CARL V. NANNI AND JACK LEWIS

These Defendants are comprised of the Plaintiff's Union, Union officials and/or Plaintiff's co-workers. Giving the Plaintiff the benefit of all favorable inferences in his Complaint, it is still unclear what causes of action Plaintiff asserts against these Defendants.

It is undisputed the Plaintiff was a member of the Union he now is suing. In addition, there was a Collective Bargaining Agreement (CBA) entered into by AK Steel Corporation and the Union, pursuant to which Plaintiff was bound as a member of the Union. As the Plaintiff's litigation in federal court established, the rights and remedies he possessed pursuant to the CBA were governed by the LMRA. Given these uncontestable circumstances, there are at least the following legal reasons why the Plaintiff cannot establish a claim against any of these Defendants.

A) COLLATERAL ESTOPPEL

AK Steel Corporation and the Butler Armco Independent Union, U.A.W. were named parties in the Plaintiff's unsuccessful litigation in federal court. In the present lawsuit, Plaintiff identifies as a Defendant, "U.A.W. (formerly Butler Armco Independent Union)". Hence, the present Union is the successor to the union defendant in Plaintiff's prior litigation.

As a result, the Plaintiff is collaterally estopped from litigating any issues in this case that were previously litigated between these parties. At a minimum, these issues include the fact that all of the Plaintiff's claims against these Defendants under the LMRA are time-barred according to the Third Circuit Court of Appeals Order in 2005. Nothing Plaintiff alleges in this lawsuit, nor could he allege if permitted to amend his Complaint, can change those facts.

B). FEDERAL OR STATE STATUTE OF LIMITATIONS

Giving the Plaintiff the benefit of an inference that his claims are not pursuant to the LMRA, he has yet to articulate any claim that is within any federal or state statute of limitations. To the extent there are any factual averments within the Plaintiff's Complaint, all of the activity which he mentions occurred in 2001. Plaintiff was fired by AK Steel on April 10, 2001. The arbitrator upheld his dismissal by a decision dated November 29, 2001.

As the federal courts found, since 2001, the Plaintiff has known what he needed to know to timely file a lawsuit against AK Steel and/or the U.A.W. Further, the federal courts found that none of the Defendants engaged in any fraudulent behavior that impeded the Plaintiff's ability to timely file a lawsuit.

Then, as now, the Plaintiff fails to allege any basis for an equitable tolling of the statute of limitations for any federal or state claims against the present Defendants. The Plaintiff waited for over eighteen years to file the current lawsuit against these Defendants. To let this lawsuit proceed, and force the Defendants to incur additional expenses as well as the unnecessary use of judicial resources, is unjust when this case can be resolved as a matter of law.

C.) THESE DEFENDANTS ARE NOT STATE ACTORS

Giving the Plaintiff the benefit of a far-fetched inference that his Complaint alleges a factual basis that somehow these Defendants violated his right to a jury trial in his federal litigation, he still cannot establish a legal claim as a matter of law.

It has long been a bedrock constitutional principle that private actors, such as the Defendants herein, cannot be liable for a constitutional violation. Rather, only those who are acting pursuant to state authority can be liable for violating a citizen's constitutional rights. The Fourteenth Amendment to the United States Constitution provides in relevant part:

“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 Fourteenth Amendment applies to conduct characterized as “state action.” *Lugar v Edmondson Oil Company Inc. and Barbour*, 457 U.S. 2744, 2746 (1982).

The statutory embodiment of this principle is found in Title 42 U.S.C. Section 1983, which grants a remedy to a private citizen for a violation of a constitutional right which takes place “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory...” *Id.*

The Supreme Court of the United States eloquently described the distinction between the liability of a state actor and a private citizen as follows:

“In 1883, this Court in the *Civil Rights Cases*, 109 U.S. 3 (3 S.Ct. 18, 27 L.Ed. 835), affirmed the dichotomy set forth in the Fourteenth Amendment between the deprivation by the state, subject to scrutiny under its provisions, and private conduct, ‘however discriminatory or wrongful,’ against which the Fourteenth Amendment offers no shield.”

Jackson v. Metropolitan Edison Co. 419 U.S. 345, 349 (1974).

Nothing Plaintiff has alleged in his Complaint, or could allege in any amended complaint, can establish the Defendants were state actors liable for the violation of any of the Plaintiff's constitutional rights.

D.) THE RIGHT TO A JURY TRIAL IN A CIVIL CASE IS NOT ABSOLUTE

One consistent theme of the Plaintiff's Complaint is his insistence that he has a right to a jury trial without any interference by the Defendants or the Court. By the authorities he cites, it is unclear in what setting he creates any claim against these Defendants for a violation of his right to a jury trial.

The Plaintiff was never the subject of a criminal prosecution. Hence, his reliance on *Miranda v. Arizona*, 384 U.S. 432 (1966) is irrelevant. Instead, the Plaintiff has been involved in three separate civil proceedings, including this case, all of which he initiated as the moving party.

First was the arbitration case, which Plaintiff lost in 2001. Next was the civil lawsuit he filed in 2004 against these parties, which was dismissed by federal judges prior to trial. In these two proceedings, none of the Defendants had any authority to deny the Plaintiff his right to a jury trial. The arbitrator's ruling was entered pursuant to the procedure set forth in the CBA under which it was brought. The federal judges had the legal authority to dismiss the Plaintiff's case short of a jury trial because his claims were time-barred.

At oral argument in this case, this Court, at least twice, tried to explain to the Plaintiff that his right to a jury trial in a civil proceeding was not absolute. Plaintiff was informed his claims were reviewable by a court to determine whether there was a factual and legal basis to allow any viable causes of action to go to trial.

The Plaintiff fails to acknowledge or accept the fact that when he chose to invoke the jurisdiction of this Court by filing the instant case, he was subject to all of the procedural and substantive laws binding upon all moving parties. Inherent within the civil process is the gatekeeping function of a judge to dismiss a case that fails to establish a legal or factual basis for a jury trial.

As the record in this case establishes, it is clear as a matter of law that the Plaintiff has not set forth, nor can he establish by any amended Complaint, a viable cause of action against any of these Defendants. Thus, it is incumbent upon this Court, as the gatekeeper, to grant the Preliminary Objections of the Defendants and dismiss this case with prejudice.

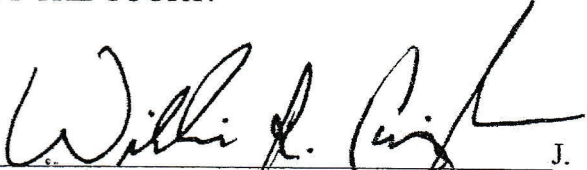
CONCLUSION

Plaintiff's Complaint (as well as his other filings) are based on a misguided belief that he can sue anyone at any time for any reason and demand that nothing can be done to prevent him from having a jury try the case.

The record is clear that the Plaintiff has not and cannot by amendment establish a legal claim against any of the Defendants discussed herein.

BY THE COURT:

DATE: 11-21-19


SR. JUDGE WILLIAM R. CUNNINGHAM J.


Form **COL**

**Violation Warning
Denial of Rights Under Color of Law**

▶ Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

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

Citizen's statement:
Violation of my Rights under The United States of America Constitution of a JURY TRIAL and DUE PROCESS
Violations of U.S. Codes, Title 18 Section 241, Section 242, Section 245, Section 35559 / Title 15 Section 2087 / Title 29 Section 654

I certify that the forgoing information stated here is true and correct.
Citizen's signature
▶  | Date ▶ October 17, 2019

Legal Notice and Warning

Federal law provides that it is a crime to violate the Rights of a citizen under the color-of-law. You can be arrested for this crime and you can also be held personally liable for civil damages.

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

18 USC §242 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States ... shall be fined under this title or imprisoned not more than one year, or both.

18 USC §245 provided that Whoever, whether or not acting under color of law, intimidates or interferes with any person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [or] applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; shall be fined under this title, or imprisoned not more than one year, or both.

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

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

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

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



Exhibit 3

July 9, 1998

TO: Joe Myers
FROM: Rick Bofinger
SUBJECT: Verbal Warning

As a result of the investigatory meeting we had on Monday, June 22, 1998, regarding your work performance on June 20, 1998 (i.e. not securing a load on a Stake Truck and turning the Truck over), I have decided to issue you a verbal warning.

Please be advised that continued behavior of this nature may lead to more severe disciplinary action, up to and including discharge.

cc: K. Crispin
T. Ayres
file

July 28, 2000

Joseph G. Myers
147 Heather Drive
Butler, PA 16001

Dear Mr. Myers:

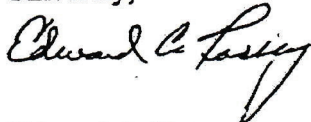
On Monday, July 17, 2000, we met along with your Union representation to discuss your actions on the Thursday, July 13, 2000 when you failed to properly follow General Safety Order No. 3 while working on a pump in the Main Plant Clarifier Interceptor Pit.

During the meeting, we discussed the incident in detail. It was stated on your behalf that the railroad tracks involved were at a dead end. Consequently, your spokesman argued there was no danger when you failed to properly place the orange fluorescent cones and utilize a derailer as protection while you were operating a crane on the track. Further, you indicated that the crane you were using was not equipped with the cones or a derailer and that you were in the process of obtaining the equipment at the time you were spotted working without it in place.

Joe, you were working on the tracks without the necessary protective equipment in place which was a direct violation of GSO No. 3. You have been trained regarding the requirements of this extremely important safety order yet failed to follow it. This blatant and irresponsible disregard for safety requirements cannot be tolerated. Therefore, after a through review of all the facts including what was said on your behalf at the investigatory meeting, I have decided to issue you a three-day suspension from Wednesday, August 9 through Friday, August 11, 2000. Due to the nature of this offense, the Justice and Dignity provisions of the Basic Agreement will not apply.

It is my sincere hope that this suspension will serve to correct this behavior in the future. Be advised, however, that should this type of problem recur you could be subjecting yourself to further disciplinary action up to and including discharge.

Sincerely,



Edward A. Tasse
Area Manager—Transportation Repair/Truck Service

cc: T. R. Ayres
M. C. Seyler
G. W. Hesidenz
C. V. Nanni
G. S. Loverick, Check No. 15125
File



March 1, 2001

PHILADELPHIA OFFICE
ASSOCIATED WITH
MATTLEMAN, WEINROTH & MILLER
ATTORNEYS AT LAW
PHILADELPHIA, PA 19110

Exhibit 9

Mr. Bill Gonce, Manager
Industrial Relations
AK Steel Butler Works
P. O. Box 832
Butler, PA 16003-0832

VIA CERTIFIED MAIL

RE: Joseph Myers
Our File No.: 98404

Dear Mr. Gonce:

As manager of Industrial Relations at the plant, I wanted to put you on notice of safety concerns of one of the employees of AK Steel Butler Works, Joseph Myers.

Mr. Myers informs me that management of AK Steel has routinely requested that he haul steel coils in excess of CDL weight restrictions by tractor trailer within the plant. The gross weight of the trailer with the six coils he is asked to carry is far in excess of the maximum gross weight of 73,280 pounds specified in the Pennsylvania Motor Vehicle Code, Section 4941. See enclosed. Section 4941 specifies the maximum weight permitted when a vehicle is operated on a highway. "Highway" is defined in part as "[t]he entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel." See enclosed definition. In addition to the weight restrictions, the steel cargo is not chained down on the trucks. This creates a foreseeable risk of danger.

As a result of refusing to carry a load in excess of the CDL regulations, Mr. Myers was called to a disciplinary meeting with Ed Tassey, his supervisor. It is Mr. Myers contention that there are serious safety concerns in hauling these excess loads, especially without chaining down the loads properly. In the unfortunate event of a collision with another vehicle, someone could be seriously injured by rolling coils. There is also a question of his potential criminal liability for hauling loads in excess of the statute. If someone is injured, he also faces civil liability. It is unclear whether the commercial insurance on the trucks would fully cover him.

Mr. Bill Gonce, Manager

March 1, 2001

Page 2

Despite numerous requests, AK Steel refuses to put in writing their policy of hauling excess loads. The company is motivated to save time and money; however, is not willing to commit to their position in writing. At the same time, they take a hard-line approach toward safety infractions. Many employees are fired for the smallest safety infraction. It is conceivable that Mr. Myers would be fired for the safety violations in the event of an accident.

I understand that it is AK Steel's position that the plant constitutes private property. Therefore, they contend that the statute is not applicable. Obviously, it is a gray area that is uncertain. The state had previously given funds for the railroad crossings within the plant. These crossings had to be according to state specifications. This implies that the State may see it differently.

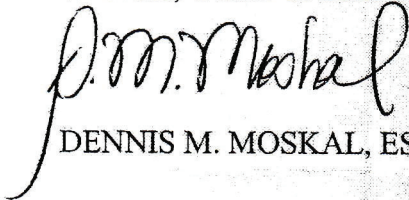
It is requested that the company have the Department of Transportation determine whether the CDL regulations are applicable within the plant. Furthermore, the company should commit in writing to indemnify and hold these trailer operators harmless for any injury to persons or damage to property resulting from hauling excess, unsecured loads.

It is requested that a written response be submitted within ten (10) days of this letter.

Thank you for your prompt attention to this matter.

Sincerely,

WELCH, GOLD & SIEGEL, P.C.



DENNIS M. MOSKAL, ESQUIRE

DMM/slb

cc: Richard Wardrup, CEO
703 Curtis Street
Middletown, OH 45043

Mr. Joseph Myers
147 Heather Drive
Butler, PA 16001

March 21, 2001

Mr. Dick Wardrup (CEO), Mr. Bill Gonce (Industrial Relations), Mr. Tom Ayres (Area Supv.), Mr. Rick Winter (Human Relations), Mr. Ed Tassey (Truck Supv.), Mr. Bill Smith (Safety Dept.)

I, Joe Myers, am serving notice to all those listed above regarding many incidents of inconsistent and selective discipline as well as possible criminal and civil liabilities being forced on hourly workers at the AK Butler Works. The selective discipline is a retaliation measure by the Company due to an employee standing up for his or her rights or a personality conflict.

This is a list of issues I believe the company has used in retaliation against me:

1) February 25, 1998: grievance No. BU-98-024 was filed because the company did not follow the contract. This grievance concerned a bid that I signed to obtain a position in the truck section. I will supply any documentation on this matter at the company's request. (Rick Winter governed this process)

2) July 9, 1998: I was issued a written verbal warning for not securing the load on a stake truck. The load that I did not secure was a pinion gear. Approximately two years prior, another truck driver was told by the machine shop not to chain down the pinion gear because they did not want any damage from the chains. During this time, Tom Ayres and I had discussions on overloaded coil trucks and the company not allowing the drivers to chain down the coils and Tom stated that was the company's decision. We also discussed other drivers having the same problems with hauling the pinion gear and Tom stated he was not responsible for what happened before he became the supervisor. After my incident, I was told of a prior accident involving Dan Redick, in which the pinion gear shifted and tilted the rear truck axle off the ground. At that point, management documented the incident, even taking photographs. However, if the pictures had been utilized in safety instructions attached to the pinion gear (which I suggested to Tom Ayres after my accident), the accident would NOT have happened to me. The company was and is negligent in not educating new drivers about this problem. Tom Ayres, Ed Tassey and Bill Smith questioned why I did not bid out of the truck section.

3) Ed Kamerer was discharged approximately February 1999 creating a vacancy that enabled me to obtain a daylight truck bid. I obtained the bid. The company then reinstated Ed Kamerer approximately five months later and put me back on midnight shift which was in direct violation of the contract that states a person who signs a bid cannot return to his relative position after 35 days. The bid that the company posted was a permanent bid and not a contingent bid that the company has posted in the past.

4) July 28, 2000: I received a letter issuing me a three-day suspension for not following General Safety Order No. 3. The letter stated, "this blatant and irresponsible disregard for safety requirements cannot be tolerated." I believe the statement ("blatant and irresponsible disregard") is defamation of character because, although I called for clearance but forgot the cone and derail, I did not do so intentionally. Also, I believe I was singled out because I was just one of several men who also did not follow GSO #3 on that day – but I was the only one to get suspended. Furthermore, the derail we are required to use is only effective up to three miles an hour. I know of two instances where a yard crane and a locomotive both went through a derail and it did not derail either one.

:

The following issues are the double standards the company uses with hourly vs. salary

1) I received a three-day suspension for not following GSO #3, but Dean Widenhofer and other salary employees were all on a railroad car without calling for clearance or coning and derailling – and nothing was done.

2) Approximately January 2000, the locomotive shop during routine inspection observed the 25-ft. boom extension on the Linkbelt mobile crane was bent, so they red tagged and pulled it out of service. The company put the boom extension back in service and continued to have the operators use the crane even after I had notified Tom Ayres and Ed Tassej on numerous occasions. The boom extension was not repaired until approximately December 2000.

3) The Grove 319 crane I have turned in for faulty rear steering is still being used and I have been told to continue to use it - even though they cannot seem to find the problem.

4) I've been called in by Ed Tassej and Bill Gonce because I hauled according to the legal limit that the trucks are licensed for and was told that if I didn't do what I was told I could subject myself to discipline up to and including discharge. The company issued me a written verbal awarding for not securing a load on July 9, 1998. They are now telling me to haul overloaded according to CDL and I'm not allowed to chain the coils down. This has the potential for civil and/or criminal liability. The company is not willing to produce a legal document indemnifying the driver from any such liability. (Compare this to AK's policy requesting outside trucks to indemnify AK of any damage liability when our equipment operators remove scrap from outside trucks while dumping.) AK's own insurance company (with whom I spoke) said that drivers should have a document stating that the company requires us to ignore CDL regulations because the company's insurance might not cover us.

5) The Labor Department had three crews report to the same jackhammer job where all three crews hit live conduit before the company determined the prints used on the job were the wrong ones. This is another case where nothing happens to management, but hourly personnel that do something wrong receive disciplinary action.

6) AK has implemented non-smoking policies, stating that violators could be subject to disciplinary action - yet Mr. Wardrup has been observed smoking in non-smoking buildings in violation of company policies and federally mandated non-smoking regulations.

This is to notify the company that I will be following state regulations as mandated by CDL regulations. I hold all named legally liable for all issues in this document - violation of my contractual rights, harassment and intimidation by the company meant to coerce me into violating CDL regulations, as well as any future criminal or civil liability as pertaining to CDL violations ordered by AK Steel.

Signed,



Joseph Myers

cc: Welch, Gold & Siegel, P.C., Attorneys At Law
Butler Armco Independent Union
PA DOT
EEOC
OSHA

DAILY SAFETY CONTACT

| March 22, 2001 | | FOREMAN: Ed Tassey | |
|---|---------------|--------------------|--|
| Contact #1 Do not overload trucks, haul within legal load limits. | | | |
| Contact #2 Secure all loads on all vehicals. | | | |
| NAME | Signature | Check # | |
| Baxter, Ron | | | |
| Beck, Rick | | | |
| Clark, Dan | Dan Clark | 861 | |
| Collins, Steve | | | |
| Crispin, Ken | | | |
| Cupps, Steve | | | |
| Daugherty, Bill | | | |
| DeFrancis, Mike | m DeFrancis | 15128 | |
| Eagal, Dewey | | | |
| Fennick, Bob | | | |
| Gallagher, Dave | | | |
| Gilliland, Rusty | | | |
| Grey, Ed | | | |
| Horstman, Don | | | |
| Hutzley, Brian | Brian Hutzley | | |
| Keene, Frank | F.K. | 4784 | |
| Kellerman, Ed | | | |
| Kradel, Rich | RhK. | 14881 | |
| Lake, Jeff | | | |
| LaMotte, Beth | | | |
| Loverick, Greg | | | |
| Masartis, Dave | | | |
| McCandless, D.L. | | | |
| McElhaney, Ralph | | | |
| Means, Ken | | | |
| Melton, Jim | | | |
| Michel, R.J. | | | |
| Mills, Nancy | | | |
| Myers, Joe | | | |
| Norris, Mike | m Norris | 15251 | |
| Pfabe, Chris | | | |
| Redick, Dan | | | |
| Steiner, Joe | | | |
| Stoner, Ron | R. Stoner | 14782 | |
| Varner, Gene | | | |
| Pool & Temp. | | | |
| Davenport, Brian | | | |
| Dickey, Aaron | | | |
| Govan, Dale | | | |
| Kelly, Dan | D. Kelly | 3251 | |
| Loverick, Philip | P. LOVERICK | 15623 | |
| Marzullo, Mike | | | |
| Reed, Gary | | | |
| Trump, Dick | | | |


AK Steel Corporation
BUTLER WORKS
P.O. BOX 832
BUTLER, PENNSYLVANIA 16003-0832

TELEPHONE 724.284.2000

April 5, 2001

Joseph G. Myers
147 Heather Drive
Butler, PA 16001-2819

Dear Mr. Myers:



On Wednesday, March 28, 2001, we met along with your Union representation in order to investigate your actions on Thursday, March 22 and Friday, March 23, 2001. On March 22, 2001, you were scheduled to start working at 6:30 a.m. Your job that morning was to haul rolls. However, you did not return a call to the Roll Grinding Department until 8:30 a.m. and did not arrive to start hauling rolls until approximately 12:30 p.m. On March 23, you were scheduled to start work at 6:30 a.m. and your job that morning was to drive the CRNO truck hauling electrical product to the Hilltop. At 6:45 a.m., I observed that the CRNO truck was still in the garage. At approximately 7:00 a.m., I was informed you were in the Locomotive Shop office making copies of a letter you had written. At 7:10 a.m., you informed me you would not load the CRNO trailer up to its maximum capacity and you needed chains to bind down the electrical product.

During the meeting, you gave me the same explanation that you had provided me on Friday morning, March 23, stating you would not haul loads on the CRNO trailer that exceeded weight limits applicable on Pennsylvania highways. You also indicated that you were obligated for the same reasons to bind down the electrical product. Further, you claimed that you were not late starting work on Thursday, March 22 and Friday, March 23 and that you were not away from the job without permission. On Thursday, you explained that you spent some time distributing a two-page letter dated March 21, 2001 which you wrote. You also explained that on Thursday you spent time determining whether the truck you were to use for hauling the rolls was able to handle the weight according to "legal limits" as defined for public highways even though you were hauling the rolls within the plant. You also claimed in your view it was permissible for you to have made copies of your letter using Company equipment and material and to be away from your job taking time to copy and distribute this letter because it was Company business. Finally, you admitted that you were instructed and understood that you were to haul up to the weight capacity of the trailer being used while hauling in the plant and you were not to bind down electrical product.

I have carefully investigated all the facts involved in this situation and what was said on your behalf at the investigatory meeting. You have been told repeatedly that while hauling within the plant you are not to follow weight limit requirements that pertain to public highways, as well as requirements for binding down loads. You have also been directed repeatedly that when hauling in the plant you are required to haul according to customer requirements up to the weight capacity of the trailer being used and that electrical product is not to be chained or tied down in any manner. Nevertheless, on March 22, you admittedly

Joseph G. Myers
April 5, 2001
Page 2

spent time to determine whether the truck you were to operate could haul rolls according to your interpretation of the "legal limits". This was done in total disregard of what you have been directed to do and in violation of item 5 on page 78 of the Safety and Security Handbook. Then on March 23, you refused to do the job in the manner directed also in violation of item 5 on page 78 of the Safety and Security Handbook. In addition, you used Company time, material and equipment for your personal use to copy and distribute your March 21 letter. This is clearly a violation of item 2g on page 77 of the Safety and Security Handbook. Finally, on both of these days, you failed to perform required work while you were once again pursuing this issue, and you were away from your job without permission in violation of item 4 on page 79 of the Safety and Security Handbook. Therefore, as a result of these violations and your blatant insubordinate behavior, I have decided to issue you a five-day suspension from April 6, 2001 through April 10, 2001 with intent to discharge you on April 11, 2001. Due to the nature of these offenses, the Justice and Dignity provisions contained in Article IX-E-1 of the Basic Agreement do not apply.

Sincerely,



Edward A. Tasse
Section Manager—Transportation Repair/Truck Service

cc: T. R. Ayres
G. W. Hesidenz
M. C. Seyler
C. V. Nanni
R. A. Rajchel, Check No. 6644
File

June 21, 2001

David A. Masartis
104 Nacam Lane
Butler, PA 16002

Dear Mr. Masartis:

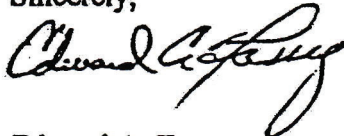
On June 14, 2001, we met along with your Union representation and Section Manager John Vensel to discuss an incident which occurred on June 10, 2001. At that time, while operating the tractor trailer hauling coils to the Hilltop, one of the coils rolled out of the well and up against the truck railing.

At the investigatory meeting, you indicated that you had been watching your load and noticed the coil rocking. Nevertheless, you continued on your run without stopping and taking steps to assure the load was stable.

I have carefully reviewed all the details regarding this incident including what was said on your behalf at the investigatory meeting. It is your responsibility to assure that you are in control of your truck including the load you are hauling. Once you noticed the coil rocking, you should have stopped immediately and taken steps to make sure the load was stationary. You neglected to do so. The negligence and unsafe performance of your job cannot be tolerated. Accordingly, I have decided to issue you a five-workday suspension to be served June 26, 27, 28 and July 1 and 2, 2001. The Justice and Dignity provisions of the Basic Agreement will not apply.

It is my sincere hope that this suspension will serve to correct this behavior in the future. Be advised, however, that should any type of poor performance including unsafe performance reoccur you could be subjecting yourself to further disciplinary action up to and including discharge.

Sincerely,



Edward A. Tasse
Section Manager-Transportation Repair/Truck Service

cc: T. R. Ayres
M. C. Seyler
G. W. Hesidenz
C. V. Nanni
R. A. Rajchel, Check No. 6644
File

Exhibit 26



INTERNATIONAL

Heavy

2000

5000

8000

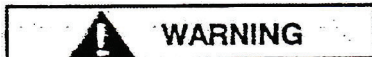
9000

Operator's Manual

- Do Not Remove This Manual From Vehicle
- Study Manual Carefully Before Operating Vehicle
- Pay Close Attention to All Notes & Cautions
- Carefully Read and Fully Follow All Warnings
- If You Sell The Vehicle Give The Manual To The New Owner

Section B: Operation

GROSS WEIGHT (AXLE - VEHICLE)



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

To The Owner

CAUTIONS AND WARNINGS

Throughout this manual you will find Cautions and Warnings:

CAUTION

Cautions will advise you of the proper care to be taken to avoid damage to your vehicle or property.



Warnings will advise you of the proper care to be taken, not only to avoid damage to your vehicle or property, but to help prevent situations and occurrences which could cause serious personal injury and possibly death.

Study this manual carefully. Do not operate your vehicle until you are completely familiar with the contents of this manual. Always retain this manual in your vehicle for reference. If you sell the vehicle make sure the manual goes with it.

ASSISTANCE GUIDE

When parts are required, always provide the unit code number, vehicle model and vehicle serial number. Request the salesperson to assist you in obtaining this information upon delivery.

For information not given in this manual, or if you require services of trained service personnel, we urge you to contact a nearby International® dealer.

147 Heather Drive
Butler, PA 16001-2819
November 29, 2001

Office of District Attorney
Mr. Tim McCune
P.O. Box 1208
Butler, PA 16003-1208

Re: An alleged illegal policy at AK Steel, Butler, PA

Dear Mr. McCune:

I am writing to you regarding a phone conversation that I had with Mr. David Devries of the PA Attorney General's office on October 31, 2001. During that conversation, he instructed me to contact your office to request an investigation into a seriously dangerous and potentially criminal policy at AK Steel's Butler works.

AK Steel has a current policy requiring all of its in-plant tractor-trailer drivers to haul overloaded trucks with unsecured loads throughout the plant, in violation of PA Motor Vehicle Code. A former employee, I was fired in March of 2001 for wanting to follow state motor vehicle code (as defined by §4942 of the vehicle code, which addresses registered gross vehicle weights).

AK's defense for requiring overloaded hauling is their claim that this hauling is done solely in-plant and not over a highway. However, while preceding motor vehicle code sections (§4941 and §4901) use the phrasing, "operated upon a highway" and "operated or moved upon any highway," respectively, §4942 does not refer to only a highway situation, per se.

AK's rationale for not securing these loads is to avoid damaging the steel coils. Yet when independent truck drivers ship these same products outside the plant, the loads are chained or strapped down when being hauled to customers or to another finishing plant. There are ways to secure the products without damage.

After numerous contacts with the DOT, OSHA, PA State Police, several attorneys, Hartford Casualty Insurance Co. (AK Steel's insurance carrier who advised me to seek indemnification), I was advised against following AK's orders to commit an illegal act in violating state motor vehicle code.

Not only are AK's drivers being forced to assume criminal and civil liability in the event of a serious accident involving loss of life or limb, but they are also being forced to jeopardize their own safety and that of their fellow employees. (Ironically, with A-K's recent commendation from OSHA, its Star Designation for Safety, AK is now exempt from random OSHA inspections.)

This is a very real, ongoing danger. Accidents such as this have already occurred several times at AK, both inside and outside the plant (with even chained loads). It is only a matter of time before this dangerous practice results in a serious injury or fatality. According to the attorneys I have dealt with, a driver is ultimately responsible because he committed the act of driving the truck.

- ✓ For your reference: coils of steel are approximately 3 to 6 feet high, 2 ½ to 4 ½ feet wide and can weigh from 4 to 25 tons each. These are not small objects, and they require the use of an overhead crane to load and unload them from tractor-trailers.
- ✓ A shifting load (like during sudden braking and swerving to avoid an accident) or equipment failure (such as the breakdown of a trailer or its tractor) could easily cause coils to roll off a truck and instantly kill an innocent bystander. Even someone within another vehicle would be crushed.

My case is currently in arbitration, and a decision from the arbitrator is to be rendered within a few days – with reference to my reinstatement and back pay only.

However, since the arbitrator can only rule on labor law and not criminal or civil law, there is a need for a criminal investigation into this matter. *AK has not and will NOT change its policies unless a legal ruling forces them to do so.*

In addition to forcing all of its Transportation Department personnel to violate state motor vehicle code, I believe AK may also have violated the following against me:

- U. S. Code: Title 18 Section 241/Conspiracy against rights
- U. S. Code: Title 18 Section 245/Federally protected activities (b)(1)(B)
- U. S. Code: Title 18 Section 3559/Sentencing classification of offenses (c)(2)(C)
- Constitution of Pennsylvania; Article IX, Sections 1 and 2
- Tort of Retaliatory Discharge

After my phone conversation with Mr. Devries in October, he advised me to contact your office, and I was directed to the magistrate's office without being allowed to talk with a detective. After going to the magistrate's office, I was told that my situation was a criminal matter and I was directed back to the District Attorney's office. When I came back to your office, I was not permitted to see a detective and was told to find a private attorney.

I then called Mr. Devries's office back and was told to contact Julie Graham, Butler County Solicitor. *After hearing of this case, Ms. Graham believed an investigation is warranted.* She directed me to put everything in writing and fax and mail it to your office for investigation.

In the mailed version of this letter, you will find a copy of the union's closing brief, for your perusal. At your request, I will provide copies of all arbitration documents, including exhibits and supporting union documentation of this case. Interestingly, the union provided evidence that AK's own written safety directives instruct drivers to "haul within the legal load limits and secure all loads on all vehicles," in conflict with the verbal orders to haul more than twice the legal limit.

For further information you can reach me at 724-482-4726, or contact the union attorney, Mr. Jack Murtaugh, at 724-935-7555.

Thank you for your attention to this urgent matter. AK's directives to its truck drivers are not only a violation of law, but they are also a serious threat to the lives and safety of the men and women employed there.

Sincerely,

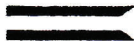


Joe Myers

Enc. (with the mailed version)

CC: Julie Graham, Butler County Solicitor
Mike Fisher, PA Attorney General
David Devries, of PA Attorney General's Office
Mark Schweiker, PA Governor
John Ashcroft, U.S. Attorney General

Butler Armco Independent Union



P.O. Box 2128
Butler, PA 16003
Phone 724/284-2248 • Fax 724/284-2956



P.O. Box 2128
Butler, Pa. 16001
Joseph Myers
147 Heather Dr.
Butler, Pa. 16001

Dear Joseph Myers,

Enclosed is a letter from the Butler Armco Independent Union's council regarding any further action to be taken by the Union on Arbitrator Erwin J. Dean's award for BU-01-118.

Carl V. Nanni
President
Butler Armco Independent Union

MURTAGH & CAHILL

ATTORNEYS AT LAW

110 SWINDERMAN ROAD
WEXFORD, PA 15090-8613
TELEPHONE (724) 935-7555
FAX (724) 935-7099

JOHN W. MURTAGH, JR.

December 12, 2001

Mr. Carl Nanni, President
BAIU
P. O. Box 2128
Butler, PA 16003

RE: Arbitration BU-01-118 (Joseph Myers)

Dear Mr. Nanni:

The Rules Committee has asked me for my opinion concerning what action is necessary and/or appropriate in light of the recent decision by Arbitrator Irwin Dean in the above captioned matter.

As you know, the Arbitrator's Award is final and there is no further action with respect to Mr. Myers' grievance which can be undertaken by the Union in that regard. As reflected by the transcript of the arbitration hearing, the briefs submitted by the Company and the Union, and the Arbitrator's detailed and extensive award, Mr. Dean fully and fairly considered all of the issues raised before him concerning Mr. Myers' dismissal from employment for "insubordination" and his justifications presented for the same.

We strenuously argued, on Mr. Myers behalf, that he had a good faith belief that the transportation of steel coils in the manner directed by the Company was in violation of applicable Pennsylvania Motor Vehicle statutes and presented the real possibility of injury or harm to Mr. Myers and/or to someone else. Unfortunately, given the Company's evidence that this method of transportation has been utilized, and engaged in without complaint by other labor department drivers, for a good number of years, convinced the Arbitrator that there was nothing inherently unsafe or immediately perilous about this activity. In addition, although we argued that the Company's use of "registered trailers" to transport these items brought the statutory weight limits applicable on Pennsylvania highways to bear on in-plant shipments, the Arbitrator rejected this argument, principally because Mr. Myers had not raised it prior to his termination. In other words, he found that the statutory argument was an after-the-fact justification and that it did not apply under the circumstances.

Given the history, and the Arbitrator's very clear award, there is nothing further that the Union can do on Mr. Myers' behalf.

This is not to say that Mr. Myers may not choose to pursue this matter with private counsel if he wishes to do so.

The question remains whether or not continued transportation of these coils in the manner dictated by the Company may present problems for other labor department drivers. In the absence of a grievance challenging the safety of this method of transportation, not to mention the question of legality raised by Mr. Myers, the Union of course has no basis upon which to proceed with another case. Should another labor department driver feel that the methodology employed by the Company is unsafe, a grievance should be filed, but prudence dictates that the employee continue to operate as directed until that grievance is heard and resolved.

Given the further fact that no federal or state agency was able to give Mr. Myers a conclusive answer about the weight limits being in violation of state or federal law, the only other approach which the Union might take is to refer the matter to the safety coordinators and the appropriate officials of the Company for possible review in light of the arguments advanced by the Union. AK Steel is within its rights in relying on the opinions of its safety and legal personnel, and its decision to operate in this manner is very likely not going to be upset short of a conclusive demonstration, and indeed written opinion, of some appropriate federal or state agency indicating that the practice is illegal, unsafe or otherwise inappropriate.

Therefore, the only advice I can give to the Union at this time is to diligently pursue any grievance which might be filed on behalf of a labor department truck incumbent, should one be forthcoming, and to raise the matter through the safety coordinators and the appropriate Company safety officials should the issue continue to be one of concern. In light of the evidence presented during the Myers case, however, I have deep reservations as to whether or not the outcome of any such grievance or study would be different than the result reached by Mr. Dean.

If you have any further questions or comments about this matter, please do not hesitate to contact me.

Very truly yours,


John W. Murtagh, Jr., Esquire

JWMj/acp

U.S. Department of Labor

Occupational Safety & Health Administration
The Curtis Center
170 S. Independence Mall West
Suite 740 West
Philadelphia, PA 19106-3309
Office: (215) 861-4900
Fax: (215) 861-4904



January 16, 2003

Joe Myers
147 Heathers Drive
Butler, PA 16001

Dear Mr. Myers:

This is in response to your letter concerning the weight of loads hauled by tractor-trailers in the AK steel plant in Butler. The letter was forwarded to this office for response.

The specific issue is whether the tractor-trailers may carry loads weighing more than loads they are permitted to carry on a highway/public roadway covered by DOT regulations. The tractor-trailers are never operated on highways/public roadways that are covered by DOT regulations, which among other things limit the weight of a load that can be carried.

As long as the weights carried do not exceed the maximum rated capacity of the equipment, it is not considered a recognized hazard. This is the case even if the weights of the loads hauled by tractor-trailers in the plant exceed those that can be carried on a highway/public roadway. 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 reason the weights of the loads carried on roads in a plant can exceed the weights of loads carried on a highway/public roadway is DOT regulations address more than just safety issues. DOT has jurisdiction over safety issues and damage to roadways, whereas the OSH Act limits OSHA's jurisdiction to safety of employees.

OSHA has determined that it has jurisdiction over tractor-trailers never operated on a highway/public roadway, but there are no OSHA regulations that specifically address the issue of the weights of loads that can be carried. However, even though there are no regulations, OSHA can still address such a condition if it is hazardous. This can be done through the general duty clause, which is set forth in Section 5(a)(1) of the OSH Act.

The general duty clause requires that employers:

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

OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at "<http://www.osha.gov>." If you have any further questions, please contact John McFee of my staff at (215) 861-4927 or at John.Mcfee@OSHA.gov.

Sincerely,


KENNETH W. GERECKE
Assistant Regional Administrator

147 Heather Drive
Butler, PA 16001
October 4, 2001

The Employment Rights Group
Joe Chivers, Attorney-at-Law
Suite 600
312 Boulevard of the Allies
Pittsburgh, PA 15222

Dear Joe:

As per our phone conversation on October 2, these are the items I'd like to have you include in a letter to Mr. O'Conner, A-K's corporate attorney, regarding his requests for my demands in this case. Also send copies of that letter, via certified mail, to each member of the Board of Directors.¹

Send me a copy of the letter you prepare for O'Conner and the Board, as well as copies of the certified mail receipts to all.

Please include the following in letters to O'Conner and the A-K Board of Directors, in the format you deem appropriate:

"The first demand would be to receive lump sum compensation equal to 13 years of employment, the remainder of my 30-year career with A-K. This would include an independent statistician to determine the future value of my 401(k) had I remained employed with A-K Steel until 2014, as well as the value of future pension and health care benefits and other potential retirement benefits. This demand is in lieu of reinstatement because, as presented in arbitration, I've been unjustly discharged and, in returning to work at A-K, I would most likely be targeted again because of the magnitude of this case and as a deterrent to other employees protesting the company's practices and policies.

The second demand would be that A-K's safety policies be for safety only – and not for retaliation or intimidation, as my case shows. According to A-K's own public relations material on its web site the company claims to have "strong employee involvement,"² yet, in practice, employees fear discipline and discharge for reporting any accidents or addressing safety concerns. Management claims that, according to Mr. Wardrop, there is zero tolerance, "no such thing as an accident," and that everything is preventable. Because of Mr. Wardrop's management philosophies and directives, more than 20 –30 employees have been discharged in the past year for insignificant infractions.

For reasons given above, my third demand would be for Mr. Wardrop's resignation – because the management involved in this case states that their direction comes solely

¹ For a list of the board members, see enclosed document, www.aksteel.com/investor/bod.html.

² See enclosed, www.aksteel.com/safety.html.

from Mr. Wardrop. His industry-wide safety awards and personal recognition³ are obtained solely at the expense of A-K employees' welfare and morale.

The Board of Directors will receive this letter via certified mail to make them aware of the criminal and civil liabilities being forced on me and on other employees at the Butler A-K Steel plant, as presented in the arbitration hearing on August 20, 2001."

Joe, thanks for your help with this matter; if you have further questions please call me at (724) 482-4726. I look forward to hearing from you soon.

Sincerely,

Joe Myers

³ See enclosed, www.aksteel.com/news/1999/061099.html.

JOSEPH H. CHIVERS
ATTORNEY-AT-LAW
SUITE 600
312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222-1923
(412) 281-1110
FAX (412) 281-8481

VIA TELEFAX AND FIRST CLASS MAIL

October 19, 2001

John O'Connor, Esquire
Legal Department
AK Steel Corporation
703 Curtis Street
Middletown, OH 45043-0001

Re: Joseph G. Myers v. AK Steel Corporation;
Settlement Demand

Dear Mr. O'Connor:

This is to follow up on our telephone conversation regarding Mr. Myers and his claim against AK Steel. In accordance with Pennsylvania law, this letter and its contents may be used strictly for purposes of settlement.

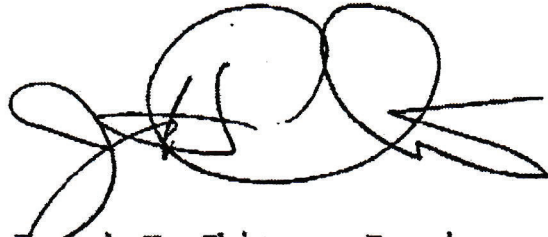
It is my opinion Mr. Myers has a bona fide claim for wrongful discharge as against public policy. The PA Supreme Court's decision in Shick v. Shirey in 1998 is illuminating on this point. The court made it clear that there is no formulaic determination or listing of situations giving rise to a wrongful discharge claim, but rather the question is whether the discharge is so contrary to a statutory or broad-based public policy as to require an exception to the general rule of employment-at-will. I believe this is just such a situation. Mr. Myers was terminated as a result of his unwillingness to violate the state motor vehicle code and the manufacturers' design loading limits for the vehicle in question. It is also apparent he was given an order directly at odds with safety instructions given to him and the other drivers merely days before his termination.

I am making an alternative demand for Mr. Myers: either reinstate him, with a cash settlement of \$40,000.00 (representing lost wages plus fees); or, pay him \$150,000.00 in exchange for a permanent resignation. Please advise at your earliest convenience, but no later than October 26, 2001. If the matter cannot be resolved amicably at this time, it is my intent to

proceed quickly to court and take any other action necessary to bring attention to AK Steel's practices.

I look forward to your response.

Yours very truly,

A handwritten signature in black ink, consisting of several loops and a central vertical stroke, likely representing the initials 'JH'.

Joseph H. Chivers, Esquire

cc: Joseph G. Myers

JOSEPH H. CHIVERS
ATTORNEY-AT-LAW
SUITE 600
312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222-1923
(412) 281-1110
FAX (412) 281-8481

VIA TELEFAX AND FIRST CLASS MAIL

October 23, 2001

John O'Connor, Esquire
Legal Department
AK Steel Corporation
703 Curtis Street
Middletown, OH 45043-0001

Re: Joseph G. Myers v. AK Steel Corporation;
Amended Settlement Demand

Dear Mr. O'Connor:

After additional consultation with my client, he wishes me to convey additional demands on his behalf for settlement of this matter. As with the original demand, this letter and the information contained within it may be used strictly for settlement purposes.

Mr. Myers is demanding three additional conditions for settlement:

- (1) Resignation of AK Steel Corporation's CEO;
- (2) A change in AK Steel's policy so that safety is for safety's sake, not for any other purpose such as intimidation or retaliation; and,
- (3) Calculation of the value of Mr. Myers' pension if he had worked for the next thirteen (13) years (reaching the 30-year mark), and award of such amount to Mr. Myers using the form of an annuity or appropriate accruals to his pension.

I look forward to your response by the same date in my earlier letter (October 26, 2001). In the meantime, please feel free to call me if you wish to discuss.

Yours very truly,


Joseph H. Chivers, Esquire

cc: Joseph G. Myers

2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

| | | | |
|---------------------------|------------------------|----------------|-----------|
| Reference No.: | | Filed.....: | 5/29/2019 |
| Case Type.....: | PROFESSIONAL LIABILITY | Time.....: | 11:56 |
| Judgment.....: | .00 | Execution Date | 0/00/0000 |
| Judge Assigned: | WILLIAM R CUNNINGHAM | Jury Trial.... | |
| Disposed Desc.: | | Disposed Date: | 0/00/0000 |
| ----- Case Comments ----- | | Higher Crt 1.: | |
| | | Higher Crt 2.: | |

 General Index Attorney Info

| | | |
|---|-----------|--|
| MYERS JOE 12137 EMERALD GREEN COURT JACKSONVILLE FL 32246 | PLAINTIFF | |
| MCCUNE TIMOTHY F 124 W DIAMOND ST BUTLER PA 16001 | DEFENDANT | JONES MARIE MILIE LETRICH MICHAEL R |
| CHIVERS JOSEPH 100 FIRST AVENUE SUITE 650 PITTSBURGH PA 15222 | DEFENDANT | ROMAN DENNIS J SEIBERT CHARLENE S |
| MURTAGH JACK W 110 SWINDERMAN ROAD WEXFORD PA 15090 | DEFENDANT | HOBAUGH ADAM K |
| BREWER GRAYDON 48 CRYSTAL DRIVE OAKMONT PA 15139 | DEFENDANT | |
| NANNI CARL 200 E PEARL ST BUTLER PA 16001 | DEFENDANT | HOBAUGH ADAM K |
| LEWIS JACK 870 BULLCREEK RD BUTLER PA 16002 | DEFENDANT | HOBAUGH ADAM K |
| GALLAGHER JIM 200 PORTMAN ROAD BUTLER PA 16002 | DEFENDANT | HOBAUGH ADAM K |
| LEYLAND HANK 188 PORTMAN ROAD BUTLER PA 16002 | DEFENDANT | HOBAUGH ADAM K |
| LOVERICK GREG 100 EAST STREET BUTLER PA 16001 | DEFENDANT | HOBAUGH ADAM K |
| TASSEY ED 103 MCQUISTION ROAD BUTLER PA 16001 | DEFENDANT | KOCH NICHOLAS J |
| AK STEEL 1 ARMCO DR LYNDORA PA 16045 | DEFENDANT | KOCH NICHOLAS J |
| UNITED AUTO WORKERS-UAW 112 HOLLYWOOD DR SUITE 101 BUTLER PA 16001 | DEFENDANT | HOBAUGH ADAM K |
| PAPA ANGELO 318 HIGHLAND AVE NEW CASTLE PA 16101 | DEFENDANT | PAPA ANGELO A |
| CUNNINGHAM WILLIAM BUTLER CO COURTHOUSE 300 SOUTH MAIN STREET BUTLER PA 16003 1208 | DEFENDANT | |

*** SEND TO COURT ADMIN ***

2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

| | | |
|--|----------------|-----------|
| Reference No.: | Filed.....: | 5/29/2019 |
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| ----- Case Comments ----- | Higher Crt 1.: | |
| | Higher Crt 2.: | |

LETTRICH MICHAEL DEFENDANT
 GULF TOWER
 707 GRANT STREET SUITE 3410
 PITTSBURGH PA 15219

JONES MARIA MILIE DEFENDANT
 GULF TOWER
 707 GRANT STREET SUITE 3410
 PITTSBURGH PA 15219

ROMAN DENNIS DEFENDANT
 UNION TRUST BUILDING
 510 GRANT STREET SUITE 700
 PITTSBURGH PA 15219

KOCH NICHOLAS DEFENDANT
 UNION TRUST BUILDING
 510 GRANT STREET SUITE 700
 PITTSBURGH PA 15219

HOBBAUGH ADAM DEFENDANT
 110 SWINDERMAN ROAD
 WEXFORD PA 15090

 * Date Entries *

----- FIRST ENTRY -----
 5/29/2019 SUPREME COURT OF PENNSYLVANIA CIVIL COVER SHEET
 JUDGT #19-21706 - NON PROS

 5/29/2019 COMPLAINT IN CIVIL ACTION

 5/29/2019 13 CERT COPY TO PLAINTIFF

 5/30/2019 JUDGE THOMAS J DOERR ASSIGNED TO CASE

 5/30/2019 ORDER OF COURT DATED 5/30/19 IT IS ORDERED CASE IS ASSIGNED TO
 HONORABLE THOMAS J DOERR

 5/30/2019 The Prothonotary of Butler County, Pennsylvania hereby certifies
 that a copy of the foregoing Order of Court was mailed to: AK
 STEEL; BREWER GRAYDON; CHIVERS JOSEPH; GALLAGHER JIM; LEWIS JACK;
 LEYLAND HANK; LOVERICK GREG; MCCUNE TIMOTHY F; MURTAGH JACK W;
 MYERS JOE; NANNI CARL; PAPA ANGELO; TASSEY ED; UNITED AUTO
 WORKERS-UAW on Thursday, May 30, 2019, by first class mail,
 postage prepaid.

 6/07/2019 ORDER RETURNED BY USPS - JACK LEWIS NO SUCH NUMBER UNABLE TO
 FORWARD

 6/19/2019 DEFENDANTS AK STEEL CORPORATION'S AND EDWARD TASSEY'S PRELIMINARY
 OBJECTIONS TO PLAINTIFF'S COMPLAINT

 6/19/2019 DEFENDANTS AK STEEL CORPORATION'S AND EDWARD TASSEY'S BRIEF IN
 SUPPORT OF PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT

 6/21/2019 APPEARANCE OF NICHOLAS J KOCH ATTORNEY FOR AK STEEL CORPORATION
 AND EDWARD TASSEY

 6/25/2019 ORDER OF COURT DATED 6/21/19 THIS COURT HEREBY RECUSES ITSELF FROM
 THIS CASE AND REQUESTS THAT THE ADMINISTRATIVE JUDGE REASSIGN THE
 CASE TO ANOTHER JUDGE

 6/26/2019 The Prothonotary of Butler County, Pennsylvania hereby certifies

2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

| | | | |
|---------------------------|------------------------|----------------|-----------|
| Reference No.: | | Filed.....: | 5/29/2019 |
| Case Type.....: | PROFESSIONAL LIABILITY | Time.....: | 11:56 |
| Judgment.....: | .00 | Execution Date | 0/00/0000 |
| Judge Assigned: | WILLIAM R CUNNINGHAM | Jury Trial.... | |
| Disposed Desc.: | | Disposed Date. | 0/00/0000 |
| ----- Case Comments ----- | | Higher Crt 1.: | |
| | | Higher Crt 2.: | |

that a copy of the foregoing Order of Court was mailed to: BREWER GRAYDON; CHIVERS JOSEPH; GALLAGHER JIM; KOCH NICHOLAS J; LEWIS JACK; LEYLAND HANK; LOVERICK GREG; MCCUNE TIMOTHY F; MURTAGH JACK W; NANNI CARL; PAPA ANGELO; UNITED AUTO WORKERS-UAW on Wednesday, June 26, 2019, by first class mail, postage prepaid.

- 7/02/2019 APPEARANCE OF MARIE MILIE JONES AND MICHAEL R LETTRICH ATTORNEYS FOR HONORABLE TIMOTHY D MCCUNE
- 7/02/2019 APPEARANCE OF DENNIS J ROMAN AND CHARLENE S SEIBERT ATTORNEYS FOR JOSEPH H CHIVERS
- 7/03/2019 NOTICE OF INTENTION TO ENTER JUDGMENT OF NON PROS FOR FAILURE TO FILE A CERTIFICATE OF MERIT
- 7/05/2019 PRELIMINARY OBJECTIONS ON BEHALF OF TIMOTHY F MCCUNE
- 7/05/2019 BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS ON BEHALF OF TIMOTHY F MCCUNE
- 7/05/2019 PRAECIPE FOR ARGUMENT
- 7/12/2019 RESPONSE TO DEFENDANT CHIVERS NOTICE OF INTENTIONS TO ENTER JUDGMENT OF NON PROS FOR FAILURE TO FILE A CERTIFICATE OF MERIT
- 7/12/2019 ORDER RETURNED BY USPS - NO SUCH NUMBER UNABLE TO FORWARD TO JACK M URTAGH
- 7/15/2019 RESPONSE TO DEFENDANT MCCUNE'S PRELIMINARY OBJECTIONS BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS AND PRAECIPE FOR ARGUMENT
- 7/16/2019 CERTIFICATE OF SERVICE
- 7/17/2019 ORDER RETURNED BY USPS - NICHOLAS J KOCH NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD
- 7/29/2019 ORDER RETURNED BY USPS - JACK LEWIS NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD
- 8/12/2019 PRAECIPE OF NOTICE TO ADD DEFENDANT PAPA'S NAME TO COMPLAINT AND ALL PLEADINGS PRAECIPE OF NOTICE OF IGNORING THE COMPLAINT BY CERTAIN DEFENDANTS
- 8/14/2019 PRAECIPE FOR JUDGMENT OF NON PROS PURSUANT TO PA R C P 1042.7 ON BEHALF OF JOSEPH H CHIVERS ONLY
- 8/14/2019 JUDGMENT ENTERED AT CP 19-21706 AS PER PRAECIPE
- 8/15/2019 RESPONSE TO DEFENDANT CHIVERS PRAECIPE FOR JUDGMENT OF NON PROS PURSUANT TO PA R C P 1042.7
- 8/22/2019 RESPONSE TO NOTICE OF RECORDING OF NON PROS 8-14-19
- 9/09/2019 ORDER OF COURT DTD 09/05/19 IT IS HEREBY ORDERED THAT ORAL ARGUMENT SHALL BE HELD BEFORE THE UNDERSIGNED ON ALL PRELIMINARY OBJECTIONS OF THE DFTS ON 10/22/19 AT 11:00AM ANY PARTY WISHING TO WAIVE ORAL ARGUMENT & REST ON THE PLEADINGS MAY DO SO BY CONTACTING BUTLER CO COURT ADMINISTRATOR CANDACE GRAFF ON OR BEFORE 10/08/19 AT PHONE NO 724-284-5200 ANY PARTY WISHING TO APPEAR TELEPHONICALLY MAY DO SO PROVIDED THAT PARTY MAKES THE APPROPRIATE ARRANGEMENTS WITH BUTLER CO COURT ADMINISTRATOR CANDACE GRAFF ON OR BEFORE 10/08/19 AT THE ABOVE NUMBER
- 9/09/2019 The Prothonotary of Butler County, Pennsylvania hereby certifies that a copy of the foregoing Order of Court was mailed to: BREWER GRAYDON; GALLAGHER JIM; JONES MARIE MILIE/LETTRICH MICHAEL R; KOCH NICHOLAS J; LEWIS JACK; LEYLAND HANK; LOVERICK GREG; MURTAGH JACK W; MYERS JOE; NANNI CARL; PAPA ANGELO; ROMAN DENNIS J/SEIBERT

2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

| | | | |
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| Reference No.: | | Filed.....: | 5/29/2019 |
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| Disposed Desc.: | | Disposed Date. | 0/00/0000 |
| ----- Case Comments ----- | | Higher Crt 1.: | |
| | | Higher Crt 2.: | |

CHARLENE S; UNITED AUTO WORKERS-UAW on Monday, September 9, 2019, by first class mail, postage prepaid.

9/24/2019 APPEARANCE OF ADAM K HOBAUGH ON BEHALF OF DFTS UAW LOCAL 3303/JAMES C GALLAGHER/HANK LEYLAND/JOHN MURTAGH JR/GREG LOVERICK/CARL NANNI/JACK LEWIS

9/24/2019 NOTICE OF INTENT TO FILE JUDGMENT OF NON PROS FOR FAILURE TO FILE A CERTIFICATE OF MERIT FILED ON BEHALF OF DFTS UAW LOCAL 3303/JAMES C GALLAGHER/HANK LEYLAND/JOHN MURTAGH JR/GREG LOVERICK/CARL NANNI/JACK LEWIS

9/24/2019 DFTS UAW LOCAL 3303/JAMES C GALLAGHER/HANK LEYLAND/JOHN MURTAGH JR/GREG LOVERICK/CARL NANNI/JACK LEWIS PRELIMINARY OBJECTIONS TO PLFS COMPLAINT

9/24/2019 DFTS UAW LOCAL 3303/JAMES C GALLAGHER/HANK LEYLAND/JOHN MURTAGH JR/GREG LOVERICK/CARL NANNI/JACK LEWIS BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS TO PLFS COMPLAINT

9/24/2019 RESPONSE TO SCHEDULING ORDER FILED ON BEHALF OF PLF JOE MYERS

10/03/2019 PLAINTIFF'S RESPONSE TO DEFENDANTS PRELIMINARY OBJECTIONS BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS AND NOTICE OF INTENT TO FILE JUDGMENT OF NON PROS

10/16/2019 NOTICE TO BUTLER COUNTY NOTICE OF JUDICIAL MISCONDUCT NOTICE OF ATTORNEY MISCONDUCT

10/18/2019 LEGAL NOTICE & VIOLATION WARNING OF DENIAL OF PLFS RIGHTS UNDER COLOR OF LAW OF THE UNITED STATES OF AMERICA FILED ON BEHALF OF PLF JOE MYERS

10/18/2019 CORRESPONDENCE FROM JOE MYERS TO MR CUNNINGHAM

10/21/2019 AMENDED LEGAL NOTICE & VIOLATION WARNING OF DENIAL OF PLFS RIGHTS UNDER COLOR OF LAW OF THE UNITED STATES OF AMERICA FILED ON BEHALF OF PLF JOE MYERS

10/22/2019 LIMITED SPECIAL APPEARANCE PRELIMINARY OBJECTIONS ENTERING THE APPEARANCE OF ANGELO A PAPA ON BEHALF OF ANGELO PAPA

10/29/2019 AMENDED COURT FILING ADDING DFTS & FOR CONTINUED VIOLATION OF PLFS CONSTITUTIONAL RIGHTS OF THE UNITED STATES OF AMERICA & RESPONSE TO DFT PAPAS LIMITED SPECIAL APPEARANCE PRELIMINARY OBJECTIONS FILED ON BEHALF OF PLF

11/01/2019 SUPPLEMENT TO DEFENDANTS UAW LOCAL 3303'S JAMES C GALLAGHER'S HANK LEYLAND'S JOHN MURTAGH JR'S GREG LOVERICK'S CARL NANNI'S AND JACK LEWIS' BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS TO PLAINTIFF TO PLAINTIFF'S COMPLAINT

11/07/2019 RESPONSE TO SUPPLEMENT TO BRIEF IN SUPPORT PRELIMINARY OBJECTIONS OF PLAINTIFF'S COMPLAINT BY DEFENDANT HOBAUGH AND ANY FUTURE COURT FILINGS BY ANY DEFENDANT

11/07/2019 ORDER RETURNED BY USPS - FOR KOCH NICHOLAS J MARKED RETURN TO SENDER UNABLE TO FORWARD RETURN TO SENDER

11/19/2019 DEFENDANTS AK STEEL CORPORATION'S AND EDWARD TASSEY'S MOTION TO STRIKE

11/21/2019 OPINION AND ORDER DTD 11/21/19 FOR THE REASONS SET FORTH IN THE ACCOMPANYING OPINION OF THIS SAME DATE THE PRELIMINARY OBJECTIONS OF TIMOTHY F MCCUNE JACK W MURTAUGH JR CARL V NANNI JACK LEWIS JIM GALLAGHER HANK LEYLAND GREG LOVERICH EDWARD TASSEY AK STEEL UAW (FORMERLY BUTLER ARMCO INDEPENDENT UNION) ARE GRANTED EN TOTO SUCH THAT THIS CASE IS DISMISSED ENTIRELY AGAINST THESE DFTS WITH

2019-10516 JOE MYERS (vs) TIMOTHY F MCCUNE AL

| | | | |
|-----------------|------------------------|----------------|-----------|
| Reference No.: | | Filed.....: | 5/29/2019 |
| Case Type.....: | PROFESSIONAL LIABILITY | Time.....: | 11:56 |
| Judgment.....: | .00 | Execution Date | 0/00/0000 |
| Judge Assigned: | WILLIAM R CUNNINGHAM | Jury Trial.... | |
| Disposed Desc.: | | Disposed Date: | 0/00/0000 |

----- Case Comments -----
Higher Crt 1.:
Higher Crt 2.:

PREJUDICE THE PLF IS ADVISED THIS ORDER CONSTITUTES A FINAL APPEALABLE ORDER FROM WHICH AN APPEAL CAN BE TAKEN TO THE SUPERIOR COURT OF PA ANY SUCH APPEAL MUST BE FILED WITH THE BUTLER CO PROTHONOTARY WITHIN 30 DAYS OF THE DATE OF THIS ORDER

11/21/2019 The Prothonotary of Butler County, Pennsylvania hereby certifies that a copy of the foregoing Opinion & Order of Court was mailed to: BREWER GRAYDON; HOBAUGH ADAM K; JONES MARIE MILIE/LETTRICH MICHAEL R; KOCH NICHOLAS J; MYERS JOE; PAPA ANGELO A; ROMAN DENNIS J/SEIBERT CHARLENE S; JUDGE WILLIAM CUNNINGHAM (COURT ADMIN) on Thursday, November 21, 2019, by first class mail, postage prepaid.

12/02/2019 RESPONSE TO MOTION TO STRIKE BY DEFENDANT KOCH AND TO ANY FUTURE COURT FILINGS BY ANY DEFENDANT TRYING TO VIOLATE PLAINTIFF'S CONSTITUTIONAL RIGHTS OF THE UNITED STATES OF AMERICA

12/18/2019 NOTICE OF APPEAL TO SUPERIOR COURT \$90.25 RECEIVED AND COPY TO SUPERIOR COURT OF PA

----- LAST ENTRY -----

* Escrow Information *
* Fees & Debits Beg Bal Pymts/Adj End Bal *

| | | | |
|-----------------|--------|--------|-------|
| TAX ON CMPLT | .50 | .50 | .00 |
| JCS/ATJ | 40.25 | 40.25 | .00 |
| COMPLAINT FILED | 138.00 | 138.00 | .00 |
| PRO AUTOMATION | 5.00 | 5.00 | .00 |
| COPIER COST | 68.50 | 68.50 | .00 |
| APPEAL | 83.00 | 83.00 | .00 |
| | ----- | ----- | ----- |
| | 335.25 | 335.25 | .00 |

* End of Case Information *

CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing Notice of Appeal was served on the following via U.S. Mail, First-Class, this 18th day of December, 2019.

Marie Miles Jones/Michael R Lettrich counsel for Appellee Timothy F. McCune

Gulf Tower

707 Grant Street, Suite 3410

Pittsburgh, PA 15219

Dennis Roman counsel for Appellee Joseph Chivers

Union Trust Building

510 Grant Street, Suite 700

Pittsburgh, PA 15219

Adam Hobaugh counsel for Appellees Murtagh, Nanni, Gallagher, Lewis, Leyland, Loverick
and UAW et al

110 Swinderman Road

Wexford, PA 15090

Appellee Graydon Brewer

48 Crystal Drive

Oakmont, PA 15139

Appellee Angelo Papa

318 Highland Ave

New Castle, PA 16101

Appellee Adam Hobaugh

110 Swinderman Road

Wexford, PA 15090

Nicholas J. Koch counsel for Appellees AK Steel et al and Tasse

Union Trust Building

501 Grant Street, Suite 800

Pittsburgh, PA 15219

Appellee Michael Lettrich

Gulf Tower

707 Grant Street, Suite 3410

Pittsburgh, PA 15219

Appellee Marie Miles Jones

Gulf Tower

707 Grant Street, Suite 3410

Pittsburgh, PA 15219

Appellee Nicholas J. Koch

Union Trust Building

501 Grant Street, Suite 800

Pittsburgh, PA 15219

Appellee Dennis Roman

Union Trust Building

510 Grant Street, Suite 700

Pittsburgh, PA 15219

Appellee Cunningham

Erie County Courthouse

140 West 6th Street, Room 2A

Erie, PA 16501

A handwritten signature in black ink, reading "Joe Myers", is written over a horizontal line. The signature is cursive and stylized.

Joe Myers