

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

JOE MYERS,

Plaintiff,

v.

TIMOTHY F. McCUNE, JOSEPH H.
CHIVERS, JACK W. MURTHAUGH, JR.,
GRAYDON BREWER, CARL V. NANI,
JACK LEWIS, JIM GALLAGHER, HANK
LEYLAND, GREG LOVERICK, EDWARD
TASSEY, AK STEEL et al., UAW (formerly
Butler Armco Independent Union) et al.,

Defendants.

CIVIL DIVISION

NO.: 19-10516

**PRAECIPE FOR JUDGMENT OF NON
PROS PURSUANT TO Pa.R.C.P. 1042.7**

Filed on behalf of defendant:

JOSEPH H. CHIVERS

Counsel of Record for this Party:

DENNIS J. ROMAN, ESQUIRE
PA I.D. #36904

CHARLENE S. SEIBERT, ESQUIRE
PA ID # 202939

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.
Union Trust Building
501 Grant Street, Suite 700
Pittsburgh, PA 15219
(412) 803-1140

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

JOE MYERS,

CIVIL DIVISION

Plaintiff,

NO.: 19-10516

v.

TIMOTHY F. McCUNE, JOSEPH H.
CHIVERS, JACK W. MURTHAUGH, JR.,
GRAYDON BREWER, CARL V. NANI,
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LEYLAND, GREG LOVERICK, EDWARD
TASSEY, AK STEEL et al., UAW (formerly
Butler Armco Independent Union) et al.,

Defendants.

PRAECIPE FOR ENTRY OF JUDGMENT OF NON PROS
PURSUANT TO PA.R.C.P. 1042.7

TO: PROTHONOTARY

Pursuant to Pa.R.C.P. 1024.7, kindly enter judgment of non pros against plaintiff, Joe Myers, as to all claims asserted by plaintiff against defendant Joseph H. Chivers, Esquire in the above-captioned matter.

I, the undersigned, certify that the plaintiff named above, proceeding *pro se*, was previously served with a Notice of Intention to Enter Judgment of Non Pros for Failure to File Certificate of Merit ("Notice of Intention") with an accompanying cover letter dated July 2, 2019 addressed to plaintiff and that plaintiff received such Notice of Intention as evidenced by the certified mail green card (PS Form 3811) signed by plaintiff. Copies of the Notice of Intention, cover letter and green card are collectively attached hereto as Exhibit "A."

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.

DATE: _____

8/5/19


DENNIS J. ROMAN, ESQUIRE

PA I.D. #36904

CHARLENE S. SEIBERT, ESQUIRE

PA ID # 202939

Union Trust Building

501 Grant Street, Suite 700

Pittsburgh, PA 15219

(412) 803-1140

Attorneys for defendant,

Joseph H. Chivers

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

JOE MYERS,

Plaintiff,

v.

TIMOTHY F. McCUNE, JOSEPH H.
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LEYLAND, GREG LOVERICK, EDWARD
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Defendants.

CIVIL DIVISION

NO.: 19-10516

**NOTICE OF INTENTION TO ENTER
JUDGMENT OF NON PROS FOR
FAILURE TO FILE A CERTIFICATE OF
MERIT**

Filed on behalf of defendant:

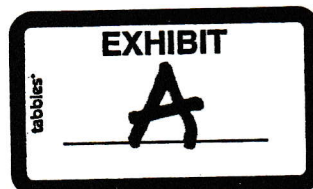
JOSEPH H. CHIVERS

Counsel of Record for this Party:

DENNIS J. ROMAN, ESQUIRE
PA I.D. #36904

CHARLENE S. SEIBERT, ESQUIRE
PA ID # 202939

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JOE MYERS,

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TASSEY, AK STEEL et al., UAW (formerly
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Defendants.

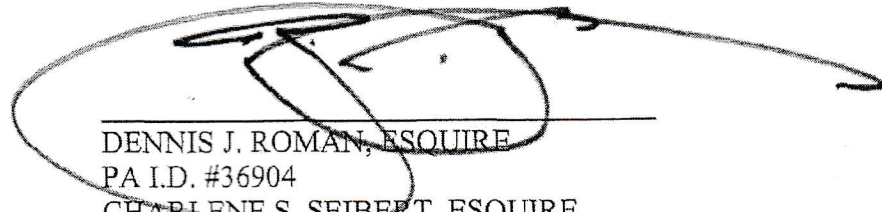
**NOTICE OF INTENTION TO ENTER JUDGMENT OF NON PROS FOR
FAILURE TO FILE A CERTIFICATE OF MERIT**

TO: Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246

Pursuant to Pennsylvania Rule of Civil Procedure 1042.7, I intend to enter a judgment of non pros against you after thirty (30) days of the date of the filing of this Notice if a Certificate of Merit is not filed as required by Rule 1042.3.

I am serving this Notice on behalf of defendant Joseph H. Chivers. The judgment of non pros will be entered as to all claims against defendant Joseph H. Chivers.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.

A large, stylized handwritten signature in black ink, appearing to read 'Dennis J. Roman', is written over a horizontal line. The signature is somewhat circular and loops back to the right.

DENNIS J. ROMAN, ESQUIRE
PA I.D. #36904
CHARLENE S. SEIBERT, ESQUIRE
PA ID # 202939
Union Trust Building
501 Grant Street, Suite 700
Pittsburgh, PA 15219
(412) 803-1140
*Attorneys for defendant,
Joseph H. Chivers*

CERTIFICATES OF COMPLIANCE AND SERVICE

I, the undersigned, hereby certify that on this 2nd day of July, 2019, a true and correct copy of the foregoing **NOTICE OF INTENTION TO ENTER JUDGMENT OF NON PROS FOR FAILURE TO FILE A CERTIFICATE OF MERIT**, which document complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents, was served upon the following parties and counsel of record via first-class mail, postage pre-paid:

Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246
(Pro-se plaintiff)

Jack W. Murtaugh
110 Swinderman Road
Wexford, PA 15222
(Defendant)

Jack Lewis
870 Bullcreek Road
Butler, PA 16002
(Defendant)

Greg Loverick
100 Easy Street
Butler, PA 16001
(Defendant)

United Auto Workers
112 Hollywood Drive
Suite 101
Butler, PA 16001
(Defendant)

Nicholas J. Koch, Esquire
Frost Brown Todd LLC
Union Trust Building
501 Grant Street, Suite 800
Pittsburgh, PA 15219
(Counsel for AK Steel Corporation & Edward Tassej)

Graydon Brewer, Esquire
318 Highland Avenue
New Castle, PA 16101
(Defendant)

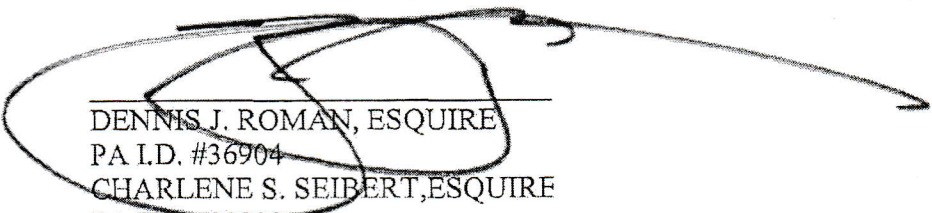
Jim Gallagher
200 Portman Road
Butler, PA 16002
(Defendant)

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.

Marie Milie Jones, Esquire
Michael R. Lettrich, Esquire
JonesPassodelis, PLLC
Gulf Tower, Suite 3410
707 Grant Street
Pittsburgh, PA 15219
(Counsel for Honorable Timothy F. McCune)

Carl Nanni
200 E. Pearl Street
Butler, PA 16001
(Defendant)

Hank Leyland
188 Portman Road
Butler, PA 16003
(Defendant)



DENNIS J. ROMAN, ESQUIRE
PA I.D. #36904
CHARLENE S. SEIBERT, ESQUIRE
PA ID #202939
*Attorneys for defendant,
Joseph H. Chivers*

**MARSHALL DENNEHEY
WARNER COLEMAN & GOGGIN**

ATTORNEYS-AT-LAW WWW.MARSHALLDENNEHEY.COM

A PROFESSIONAL CORPORATION

Union Trust Building, 501 Grant Street, Suite 700 · Pittsburgh, PA 15219
(412) 803-1140 · Fax (412) 803-1188

Direct Dial: 412-803-1190
Email: djroman@mdwecg.com

July 2, 2019

PENNSYLVANIA
Allentown
Doylestown
Erie
Harrisburg
King of Prussia
Philadelphia
Pittsburgh
Scranton
NEW JERSEY
Mount Laurel
Roseland
DELAWARE
Wilmington

OHIO
Cincinnati
Cleveland
FLORIDA
Ft. Lauderdale
Jacksonville
Orlando
Tampa
NEW YORK
Long Island
New York City
Westchester

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246

**Re: Joe Myers v. Chivers, et al.
No. 19-10516 (Butler Cnty., PA)
MDWCG File No.: 01280.00357**

Dear Mr. Myers:

I have enclosed a copy of a Notice of Intention to Enter Judgment of Non Pros for Failure to File a Certificate of Merit on behalf of defendant Joseph H. Chivers in the above action, the original of which is being forwarded today to the Prothonotary for filing no later than July 3, 2019.

Should you have any questions, kindly contact our office.

Very truly yours,

Dennis J. Roman



DJR/dmk

Enclosure

LEGAL/123519845.v1

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246



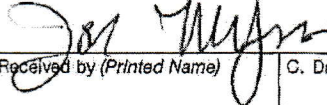
9590 9402 5236 9122 6295 46

2. Article Number (Transfer from service label)

7018 2290 0001 8216 4173

COMPLETE THIS SECTION ON DELIVERY


A. Signature

X  Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



BY:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

CERTIFICATES OF COMPLIANCE AND SERVICE

I, the undersigned, hereby certify that on this 5th day of August, 2019, a true and correct copy of the foregoing **PRAECIPE FOR JUDGMENT OF NON PROS PURSUANT TO Pa.R.C.P. 1042.7**, which document complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents, was served upon the following parties and counsel of record via first-class mail, postage pre-paid:

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501 Grant Street, Suite 800
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(Counsel for AK Steel Corporation & Edward Tassej)

Graydon Brewer, Esquire
48 Crystal Drive
Oakmont, PA 16101
(Defendant)

Jim Gallagher
200 Portman Road
Butler, PA 16002
(Defendant)

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COLEMAN & GOGGIN, P.C.

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(Counsel for Honorable Timothy F. McCune)

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Butler, PA 16001
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Hank Leyland
188 Portman Road
Butler, PA 16003
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