

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

JOE MYERS,

CIVIL DIVISION CASE NO. 19-1 0516

Plaintiff

TYPE OF PLEADING:

vs.

TIMOTHY F. MCCUNE, JOSEPH H. CHIVERS, JACK W. MURTAUGH JR., GRAYDON BREWER, CARL V. NANNI, JACK LEWIS, JIM GALLAGHER, HANK LEYLAND, GREG LOVERICK, EDWARD TASSEY. AK STEEL.UAW. et al.,

**DEFENDANTS UAW LOCAL 3303, JAMES C. GALLAGHER, HANK LEYLAND, JOHN MURTAGH JR., GREG LOVERICK, CARL NANNI, AND JACK LEWIS' PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT**

Defendants.

Filed on behalf of:

Defendants UAW Local 3303, James Gallagher, Hank Leyland, John Murtagh Jr., Greg Loverick, Carl Nanni, and Jack Lewis.

Counsel of Record for these Parties:  
Adam K. Hobaugh (PA ID No. 203448)  
Murtagh, Hobaugh & Cech  
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Wexford, PA 15090  
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TO PLAINTIFF:

You are hereby notified to file a written response to the enclosed Preliminary Objections within twenty (20) days from service hereof or a judgment may be entered against you.

  
Adam K. Hobaugh

PROTHONOTARY

PROTHONOTARY'S  
OFFICE-BUTLER CO.  
ENTERED & FILED  
2019 SEP 24 A 11:53

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

JOE MEYERS

Plaintiff,

v.

Civil Division No. 2019-10516

TIMOTHY MCCUNE, JOSEPH H.  
CHIVERS, JACK W. MURTAUGH JR.,  
GRAYDON BREWER  
CARL V. NANNI, JACK LEWIS,  
JIM GALLAGHER, HANK LEYLAND,  
GREG LOVERICK, EDWARD TASSEY,  
AK STEEL, UAW, et al.

Defendants.

**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'  
PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT**

Pursuant to Rules 1028(2), (3), (4), and (6) of the Pennsylvania Rules of Civil Procedure, Defendants UAW LOCAL 3303, JAMES C. GALLAGHER, HANK LEYLAND, JOHN MURTAGH JR., GREG LOVERICK, CARL NANNI, AND JACK LEWIS (collectively, " Defendants"), by and through their undersigned counsel, respectfully submit the following Preliminary Objections to the Complaint filed by Plaintiff Joe Myers ("Plaintiff"):

1. Plaintiff's employment with AK Steel was terminated in 2001. (Plaintiff's Complaint at 4). Plaintiff initiated this action over eighteen years later, on May 29, 2019.
2. Plaintiff has named as Defendants in this action Judge Timothy McCune, several attorneys, the United Automobile Workers labor union, and several of his former coworkers as well as AK Steel Corporation.
3. Plaintiffs Complaint is incomprehensible and lacks any cognizable claim(s)

against any of the Defendants.

4. Plaintiff's Complaint lacks specificity.

5. Plaintiff's Complaint fails to conform to law.

6. Plaintiff previously filed a lawsuit against AK Steel, Butler Armco Independent Union, and the UAW arising from his former employment and termination from employment. The U.S. District Court for the Western District of Pennsylvania dismissed his case, and Third Circuit Court of Appeals affirmed the dismissal. *Myers v. AK Steel Corporation*, 156 F. App'x 528 (3d Cir. 2005).

7. An arbitrator upheld Plaintiff's termination. *Id* at 529.

8. Based on these prior actions, Plaintiff is barred from relitigating any claim(s) against any Defendants arising from his former employment with or termination from employment.

**PRELIMINARY OBJECTION-1028(a)(4)**  
**Plaintiff's Complaint Is Legally Insufficient (Demurrer).**

9. Pa. R.C.P. 1028(a)(4) provides that preliminary objections may be filed to any pleading for legal insufficiency of a pleading (demurrer).

10. Dismissal of a Complaint on the basis of demurrer is appropriate where, on the facts stated in the Complaint, accepted as true, precludes the possibility of recovery. Demurrer is appropriate where recovery is impossible even under a better statement of facts which might be inferred by the facts pled. *Lobolito, Inc. v. North Pocono School District*, 562 Pa. 380 (2000).

11. Even accepting as true all facts in Plaintiff's Complaint and drawing all reasonable inferences therefrom, the Complaint lacks any decipherable claim or claims



against the Defendants.

10. In order to grant preliminary objections in the form of demurrer without providing the Plaintiff an opportunity to amend his Complaint: "it must appear with certainty that, upon the facts averred, the law will not permit recovery by the plaintiff." *Schuylkill Prods. v. H. Rupert & Sons*, 305 Pa. Super. 36, 451 A.2d 229, (1982)(citing *Harley Davidson Motor Co., Inc. v. Hartman*, 296 Pa.Super. 37, 41, (1982) quoting *Schott v. Westinghouse Electric Corp.*, 436 Pa. 279, 282, 259 A.2d 443, 445 (1969).

11. According to the Complaint, Plaintiffs employment was terminated on April 10, 2001. (Plaintiff's Complaint at 4).

12. This action was initiated over eighteen years later on May 28, 2019.

13. There is no set of facts under which a claim for relief against the Defendants would not be time-barred by Plaintiff's more than eighteen-year delay.

14. Plaintiff's claims related to his termination from employment were already determined to be outside the statute of limitations. *Myers v. AK Steel Corporation*, 156 F. App'x 528 (3d Cir. 2005). Plaintiff's current Complaint relates *only* to his termination from employment.

15. Plaintiff's claims against the Defendants are time-barred.

16. Accordingly, Plaintiff's Complaint is legally insufficient on its face. It fails to state any legally cognizable claim, is time-barred, and is subject to collateral estoppel/*res judicata*. Plaintiff's Complaint must be dismissed with prejudice against the Defendants.

**PRELIMINARY OBJECTION - 1028(a)(3)**  
**Plaintiff's Complaint Lacks Specificity.**

17. The foregoing paragraphs are incorporated herein by reference.

18. Pa. R.C.P. 1028(a)(3) provides that preliminary objections may be filed based



upon insufficient specificity in a pleading.

19. "The pertinent question under Rule 1028(a)(3) is whether the complaint is sufficiently clear to enable the defendant to prepare his defense, or whether the plaintiff's complaint informs the defendant with accuracy and completeness of the specific basis on which recovery is sought so that he may know without question upon what grounds to make his defense." *Rambo v. Greene*. 906 A.2d 1232, 1236 (Pa. Super. Ct. 2006) (internal citations omitted).

20. The Defendants are unable to determine from the Complaint the basis upon which recovery is sought.

21. Defendants cannot prepare a defense if they cannot even determine what claims - if any - Plaintiff is attempting to assert against them.

22. The lack of specificity in this matter cannot be cured through amendment.

23. The lack of specificity in Plaintiffs Complaint warrants total dismissal with prejudice as to Defendants.

#### **PRELIMINARY OBJECTION 1028(a)(2)**

24. The foregoing paragraphs are incorporated herein by reference.

25. Plaintiff's complaint is fatally defective because it fails to conform to rule of law pursuant to Pa. R.C.P. 1028(a)(2). It is filed beyond the tolling of the statute of limitations.

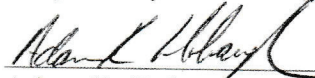
26. Plaintiff's Complaint is filed more than eighteen (18) years after his termination from employment. All of the facts cited to in his Complaint relate to or arise out of his termination from employment.

27. There is no cause of action for which the statute of limitations has not already

expired on Plaintiff's claims related to his termination from employment. As such, Plaintiff's Complaint fails to conform to rule of law and must be dismissed with prejudice.

WHEREFORE, Defendants respectfully request that Plaintiff's Complaint be dismissed with prejudice in its entirety and that Defendants be awarded attorneys' fees and costs pursuant to 42 Pa.C.S.A. § 2503(9).

Respectfully submitted,



Adam K. Hobough, Esq.

MURTAGH, HOBAUGH, & CECH

110 Swinderman Road

Wexford, PA 15090

724-935-755

Attorney for Defendants UAW LOCAL 3303,  
JAMES C. GALLAGHER, HANK LEYLAND,  
JOHN MURTAGH JR., GREG LOVERICK, CARL  
NANNI, AND JACK LEWIS

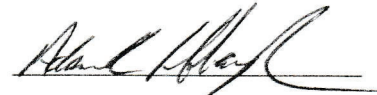
CERTIFICATE OF COMPLIANCE

I certify that this filing 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.

Submitted by:

Defendants. UAW  
LOCAL 3303, JAMES  
C. GALLAGHER,  
HANK LEYLAND,  
JOHN MURTAGH JR.,  
GREG LOVERICK,  
CARL NANNI, AND  
JACK LEWIS

Signature:



Name:

Adam K. Hobough

Attorney No. (if applicable)

203448



IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY,  
PENNSYLVANIA

JOE MEYERS

Plaintiff,

v.

Civil Division No. 2019-10516

TIMOTHY MCCUNE, JOSEPH H.  
CHIVERS, JACK W. MURTAUGH JR.,  
GRAYDON BREWER  
CARL V. NANNI, JACK LEWIS,  
JIM GALLAGHER, HANK LEYLAND,  
GREG LOVERICK, EDWARD TASSEY,  
AK STEEL, UAW, et al.

Defendants.

**ORDER**

AND NOW, to-wit, this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
upon consideration of Defendants Preliminary Objections to Plaintiff's Complaint,  
responses thereto, and oral argument on the same, it is hereby ORDERED,  
ADJUDGED, and DECREED that Plaintiff's Complaint is dismissed with Prejudice as  
to the Defendants UAW LOCAL 3303, JAMES C. GALLAGHER, HANK LEYLAND,  
JOHN MURTAGH JR., GREG LOVERICK, CARL NANNI, AND JACK LEWIS.

BY THE COURT

\_\_\_\_\_  
J.

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that the foregoing DEFENDANTS UAW LOCAL 3303, JAMES C. GALLAGHER, HANK LEYLAND, JOHN MURTAGH JR., GREG LOVERICK, CARL NANNI, AND JACK LEWIS' PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT was served on the following via U.S. Mail, First-Class, postage prepaid, this 24<sup>th</sup> day of September, 2019.

Joe Myers  
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Jacksonville FL 32246


Mr. Angelo Papa  
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AK Steel Corporation and  
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Pittsburgh, PA 15219

  
Adam K. Hobaugh  
Attorney for UAW Local 3303, James C.  
Gallagher, Hank Leyland, John Murtagh  
Jr., Greg Loverick, Carl Nanni, and Jack  
Lewis

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JOE MYERS,

CIVIL DIVISION CASE NO. 19-10516

Plaintiff

TYPE OF PLEADING:

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GALLAGHER, HANK LEYLAND,  
GREG LOVERICK, EDWARD  
TASSEY. AK STEEL.UAW. et al.,

**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'S  
COMPLAINT**

Defendants.

Filed on behalf of:

Defendants UAW Local 3303, James  
Gallagher, Hank Leyland, John W.  
Murtagh Jr., Greg Loverick, Carl  
Nanni, and Jack Lewis.

Counsel of Record for these Parties:  
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IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY,  
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JOE MEYERS

Plaintiff,

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Civil Division No. 2019-10516

TIMOTHY MCCUNE, JOSEPH H.  
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AK STEEL, UAW, et al.

Defendants.

**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'S COMPLAINT**

**I. INTRODUCTION**

Plaintiff Joe Myers filed a Complaint dated May 29, 2019 wherein he appears to contest his termination from employment with AK Steel Corporation. Plaintiff avers that he was terminated in 2001. Plaintiff admits that he has previously challenged his termination from employment through a labor arbitration. (Complaint, Para. 14). Following a decision from Arbitrator Irwin Dean, Myers filed a Complaint in Federal Court in the Western District of Pennsylvania against AK Steel Corporation, Butler Armco Independent Union, and the U.A.W. That Complaint was dismissed as untimely, and that decision was upheld by the Third Circuit Court of Appeals. *Myers v. AK Steel Corp.*, 156 F. App'x 528 (3<sup>rd</sup> Cir. 2005). In that decision, the Third Circuit held that Plaintiff's claims in that matter were barred by the statute of limitations, and that he had filed his Complaint nearly two years outside the statute of limitations.

Myers now, some eighteen (18) years later, has filed the instant Complaint alleging, once again, that his termination from AK Steel Corporation was unlawful in 2001. In the instant Complaint Myers has named as additional defendants a number of his former co-workers, the UAW Local 3303 (which he admits was not the Union that represented him in his 2001 arbitration) and the union's legal counsel, John W. Murtagh, Jr. All of the facts and claims raised or purported to be raised in this Complaint were known to the Plaintiff at the time of his prior Federal court filing and were required to be brought in that action.

Plaintiff's sixteen page Complaint is simply a rambling restatement of the claims raised in his prior Federal lawsuit, and of references to a number of "exhibits" which are not properly made part of the record.

Plaintiff's Complaint identifies no cognizable legal cause of action against any of the Defendants filing these preliminary objections, is barred by the statute of limitations and is barred by the doctrines of collateral estoppel.

**A. Legal Insufficiency - 1028(a)(4)**

Plaintiff's Complaint must be dismissed because it is legally insufficient on its face. Pa.R.C.P. 1028(a)(4) permits preliminary objections to any pleading for legal insufficiency of a pleading (demurrer). Dismissal of a Complaint on the basis of demurrer is appropriate where, on the facts stated in the Complaint, accepted as true, precludes the possibility of recovery. Demurrer is appropriate where recovery is impossible even under a better statement of facts which might be inferred by the facts pled. *Lobolito, Inc. v. North Pocono School District*, 562 Pa. 380 (2000).

"A demurrer will be sustained where the well-pled, relevant facts material to the complaint clearly fail to state a claim upon which relief can be granted." *Hess v. Pennsylvania Dept. of Corrections*, No. 26 M.D. 2007, 2008 WL 9404651, at \*1.

Plaintiff's Complaint fails to state any cognizable claim(s) against the Defendants. Even if an inference could be drawn which might permit the Court to find a claim against the Defendant's, Plaintiff has raised a claim over eighteen years after the fact. Any action arising out of his employment and/or termination is far beyond any statute of limitations recognized in any State or Federal causes of action. Amendment to Plaintiff's Complaint would be futile as no amendment can overcome the statute of limitations, and therefore Plaintiff's claims must be dismissed with prejudice.

**1. Failure To State A Claim Upon Which Relief Can Be Granted.**

Plaintiff acknowledges his employment was terminated in April 2001. (Plaintiff's Complaint at 4). He also admits that he challenged his termination in labor arbitration (Complaint at 14), and then challenged his termination and the Union's representation of him in Federal Court. Despite taking two prior bites at the apple, Plaintiff has failed to identify any possible factual or legal basis upon which he could possibly be entitled to relief in the instant complaint.<sup>1</sup>

The Complaint lacks any identifiable claim against the Defendants, and the Defendants cannot possibly determine from the face of the Complaint what legal claim Plaintiff might be attempting to raise against them. This failure to state a claim upon which relief may be granted requires dismissal w/prejudice of Plaintiff's claims.

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<sup>1</sup> Plaintiff states that on May 16, 2019, Plaintiff spoke about his employment in a phone conversation with another former AK Steel employee. (Plaintiff's Complaint at 1). However, Plaintiff's Complaint does not establish that this conversation gave rise to any claim against the Defendants. Moreover, this conversation does not overcome the statute of limitations - as the Plaintiff has not pled and cannot establish that this "new information" was not discoverable by him at any point prior to the May 16 phone call, and cannot establish that this "new information" is in any way relevant to a legal claim which he was previously unaware of. The statute of limitations has long since run (and has already been ruled on by the Third Circuit) regarding Plaintiff's claims. Further, the doctrine of collateral estoppel defeats any potential claims against the Defendants. Plaintiff has already litigated and lost his claims related to his termination, and that determination is final.



## **2. Statute of Limitations.**

As stated above, any possible claim against the Defendants is barred by any potentially applicable statute of limitations. Plaintiff's claims arose over eighteen years ago. Plaintiff has not pled, and cannot plead, any facts or circumstances which would toll the statute of limitations. The Third Circuit has previously held (in 2005) that there was no fraud which would have precluded Plaintiff from bringing his action within the statute of limitations. Now, fourteen (14) years after the Third Circuit ruled against Plaintiff, he certainly cannot establish that his claims are timely.

When preliminary objections are concerned with the legal futility of a claim, judicial economy strongly suggests that all specious causes of action should be disposed of quickly under Pa. R.C.P. 1028(a)(4), despite the underlying reasons. *See Feingold v. Hill*, 521 A.2d 33, 39 (Pa. 1987) (discussing the purpose of Pa. R.C.P. 1028(a)(4) regarding futile claims in the context of allowing amendments to the pleadings). Given the significant period of time that has passed since Plaintiff's separation from employment with AK Steel, there is no set of facts under which any potential claim Plaintiff might assert against the Defendants would not be barred by the statute of limitations. As such, Plaintiff's Complaint is legally insufficient and subject to dismissal.

The Third Circuit Court of Appeals issued a decision on December 8, 2005, dismissing all of Plaintiff's claims related to his termination from employment as outside the statute of limitations. *Myers v. AK Steel Corporation*, 156 F. App'x 528 (3d Cir. 2005). Plaintiff cannot possibly amend his Complaint to comply with any potentially applicable statute of limitations, and as such, it must be dismissed with prejudice.

## **3. Plaintiff's Complaint is Barred By Collateral Estoppel.**

The Third Circuit decision in Plaintiff's previous lawsuit has fully and finally

disposed of any claims he might be attempting to assert related to his termination from employment. As such, the current litigation is barred by collateral estoppel. According to the Superior Court of Pennsylvania:

Collateral estoppel applies if (1) the issue decided in the prior case is identical to the one presented in the later case; (2) there was a final judgment on the merits; (3) the party against whom the plea is asserted was a party or in privity with a party in the prior case; (4) the party or person privity to the party against whom the doctrine is asserted had a full and fair opportunity to litigate the issue in the prior proceeding and (5) the determination in the prior proceeding was essential to the judgment.

Collateral estoppel is also referred to as issue preclusion. It is a broader concept than *res judicata* and operates to prevent a question of law or issue of fact which has once been litigated and fully determined in a court of competent jurisdiction from being relitigated in a subsequent suit.

*Perelman v. Perelman*, 2015 PA Super 224, 125 A.3d 1259, 1265 (2015) (internal citation omitted).

The sixteen page Complaint in the instant matter can only be read as a challenge to Plaintiff's termination and his employment with AK Steel. All of the elements of collateral estoppel are met in this case because there was a final judgment on the merits dismissing Plaintiff's case in 2005. Plaintiff had a full and fair opportunity to litigate the issues in the prior proceeding, and the Third Circuit's determination that all claims were time-barred was essential to the judgment. In that prior action, Plaintiff had the ability to raise and litigate any claim against the Defendants UAW Local 3303<sup>2</sup>, James C. Gallagher, Hank Leyland, John W. Murtagh, Jr., Greg Loverick, Carl Nanni, and Jack Lewis in that prior action, and any such claims were related to the same facts and occurrence giving rise to that action.<sup>3</sup> Any claims arising from Plaintiff's employment

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<sup>2</sup> Plaintiff's Federal court action was filed against AK Steel, Butler Armco Independent Union, and the U.A.W., as stated above.

<sup>3</sup> Collateral Estoppel, Res Judicata is a claim of claim preclusion. Res judicata bars not only claims that *were* raised

have been fully litigated and finally decided by the Third Circuit.

Plaintiff's claim must be dismissed with prejudice. It fails to state a cognizable claim, it is barred by the statute of limitations, and Plaintiff is collaterally estopped from relitigating old claims.

**B. Failure to Conform to Law – 1028(a)(2)**

As described in detail above, Plaintiff's Complaint is filed eighteen years after his termination. Plaintiff's Complaint fails to conform to the requirements of law in that a valid complaint must be initiated within the statute of limitations in order for the Court to have jurisdiction over the dispute. Plaintiff's failure to file his Complaint prior to the expiration of the statute of limitations is a failure to conform to law and warrants dismissal with prejudice pursuant to Pa.R.C.P. 1028(a)(2).

**C. Lack of Specificity - 1028(a)(3)**

"The pertinent question under Rule 1028(a)(3) is whether the complaint is sufficiently clear to enable the defendant to prepare his defense, or whether the plaintiffs complaint informs the defendant with accuracy and completeness of the specific basis on which recovery is sought so that he may know without question upon what grounds to make his defense." *Rambo v. Greene*, 906 A.2d I 232, I 236 (Pa. Super. Ct. 2006) (internal citations omitted). As discussed herein, Plaintiff has not properly pled any basis for recovery against the Defendants. As such, the Defendants cannot prepare a defense. The Complaint's lack of specificity requires dismissal at this stage.

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in a previous proceeding but also claims that could have been raised. See *Federated Dep't Stores, Inc. v. Moitie*, 452 U.S. 394, 398, 101 S.Ct. 2424, 2427, 69 L.Ed.2d 103 (1981); see generally 18 C. Wright, A. Miller & E. Cooper, *Federal Practice and Procedure*' 4470, at 687-88 (1981); *United States v. Millstone Enters. Inc.*, 864 F.2d 21, 23 (3<sup>rd</sup> Cir., 1988) (holding that res judicata precludes litigation of claim that was or could have been decided in enforcement order that was not appealed).




**D. Bad Faith - 42 Pa.C.S. 2503(9)**

Plaintiff is aware that he has previously brought an action in Federal Court on the same facts and circumstances which he now pleads in this instant action. Plaintiff is undoubtedly aware of the outcome of that litigation in 2005. Plaintiff's attempt to re-litigate a previously decided claim or claims in a different forum over fourteen years later and over eighteen years after his termination from employment is the epitome of bad faith. As such, pursuant to Pennsylvania Code, sanctions in the form of attorneys' fees can, and Defendants believe should, be levied against Plaintiff.

**II. CONCLUSION**

Plaintiffs Complaint should be dismissed with prejudice in its entirety and the Defendants awarded attorneys' fees pursuant to 42 Pa.C.S.A. § 2503(9).

Respectfully submitted,



Adam K. Hobough, Esq.

MURTAGH, HOBAUGH, & CECH

110 Swinderman Road

Wexford, PA 15090

724-935-755

Attorney for Defendants UAW LOCAL 3303,  
JAMES C. GALLAGHER, HANK LEYLAND,  
JOHN MURTAGH JR., GREG LOVERICK, CARL  
NANNI, AND JACK LEWIS

CERTIFICATE OF COMPLIANCE

I certify that this filing 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.

Submitted by:

Defendants. UAW  
LOCAL 3303, JAMES  
C. GALLAGHER,  
HANK LEYLAND,  
JOHN MURTAGH JR.,  
GREG LOVERICK,  
CARL NANNI, AND  
JACK LEWIS

Signature:



Name:

Adam K. Hobough

Attorney No. (if applicable)

203448

CERTIFICATE OF SERVICE

I, the undersigned certify that the foregoing DEFENDANTS UAW LOCAL 3303,  
JAMES C. GALLAGHER, HANK LEYLAND, JOHN MURTAGH JR., GREG  
LOVERICK, CARL NANNI, AND JACK LEWIS' BRIEF IN SUPPORT OF  
PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT was served on the  
following via U.S. Mail, First-Class, postage prepaid, this 24<sup>th</sup> day of September, 2019.

Mr. Joe Myers  
12137 Emerald Green Court  
Jacksonville FL 32246

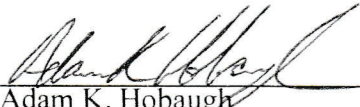
Mr. Angelo Papa  
318 Highland Avenue  
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Timothy F. McCune  
c/o Marie Milie Jones, Esq.  
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Joseph Chivers  
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