

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

JOE MYERS,	)	Case No.: No. 19-10516
)	
Plaintiff,	)	CIVIL DIVISION
)	
vs.)	
	)	Type of Pleading:
TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, JACK)	
	)	RESPONSE TO DEFENDANT CHIVERS NOTICE OF
W. MURTAUGH JR., GRAYDON BREWER, CARL V.	)	INTENTIONS TO ENTER JUDGEEMENT OF NON PROS
	)	FOR FAILURE TO FILE A CERTIFICATE OF MERIT
NANNI, JACK LEWIS, JIM GALLAGHER, HANK)	
)	
LEYLAND, GREG LOVERICK, EDWARD TASSEY, AK)	
)	
STEEL et al, UAW (formerly Butler Armco	)	FILED BY:
)	
Independent Union) et al	)	Joe Myers, pro se
	)	12137 Emerald Green Court
Defendants	)	Jacksonville, FL 32246
)	
)	

Apparently Defendant Chivers legal counsel Roman went to the same school of procedural gymnastics that Defendants AK Steel et al and Tassey's legal counsel Koch went to.

Roman knows that his procedural gymnastics is UNCONSTITUTIONAL. Roman knows that his grandstanding as Koch once again violates Plaintiff's United States Constitutional and Pennsylvania Constitutional Right to a TRIAL BY JURY.

Roman knows that there is NO statute, procedure, prior court case, etc. that supersedes the United States Constitution and Pennsylvania Constitution!

U.S Constitution, Bill of Rights Amendment VII

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

The Constitution Of Pennsylvania, Article 1 Declaration of Rights § 6. Trial by jury

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

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

Once Plaintiff DEMANDED a JURY TRIAL Roman knew he had to make his case before the jury and NOT TRY THE CASE NOW before this court without a JURY! Roman knows he is not allowed to use procedural maneuvers that violate Plaintiff's Rights under the United States Constitution and Pennsylvania Constitution!

Defendants will have the opportunity to present their case to the jury as well.

Roman's UNCONSTITUTIONAL Judgement for Non Pros attempt is because he knows the jury can set aside or nullify any laws, statutes, etc. the defense tries to use when it violates any of Plaintiff's United States and Pennsylvania Constitutional Rights.

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

Plaintiff's case is a prime example WHY a JURY TRIAL is the only remedy. Plaintiff contacted Defendant McCune for assistance and he refused to do his job as a District Attorney and investigate what Plaintiff has proven. Defendants Papa and Chivers refused to DEMAND a JURY TRIAL. Defendants UAW (formerly Butler Armco Independent Union) and Defendant Murtagh knew this was never a labor law issue yet still continued to play a part in this criminal conspiracy against Plaintiff and because the officers were paid by Defendant AK Steel et al the company owned Defendants UAW et al which is ILLEGAL. To top it off Defendant AK Steel et al has deep pockets and played procedural games like now to drain Plaintiff financially.

Plaintiff has brought forth facts that the Defendants damaged Plaintiff and his family monetarily and emotionally when Defendants knew Defendant Tasse gave an illegal directive that not only violated Defendant AK Steel et al's own written directives but also violated the law when Plaintiff was ILEGALLY terminated. All Defendants were complicit by going along with the crime and the JURY can hand down the appropriate award to Plaintiff and sanctions for Defendants.

Plaintiff will PROVE to the JURY through the Complaint that Plaintiff filed and evidence that can be viewed or downloaded at www.1776ToTyranny.com that Defendants violated Plaintiff's United States and Pennsylvania Constitutional Rights thereby committed fraud, material fraud, fraudulent misrepresentation, legal negligence, breach of contract or have been complicit as well as they have violated the law and public policy. Defendant attorneys committed legal malpractice. All Defendants knew the law or should have known the law when they committed fraudulent acts and there is NO EXCUSE FOR NOT KNOWING THE LAW.

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

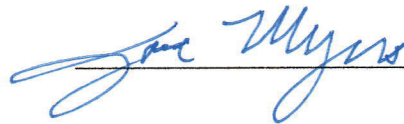
"No one is bound to obey an unconstitutional law and no courts are bound to enforce it. The general rule is that an unconstitutional statute, though having the form and the name of law, is in reality no law, but is wholly void, and ineffective for any purpose, since unconstitutionality dates from the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

16th American Jurisprudence, 2nd Section 177:

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

This court MUST obey the SUPREME LAW of the land which is the United States Constitution and the SUPREME LAW of Pennsylvania which is the Pennsylvania Constitution and set a date for JURY selection and then set the JURY TRIAL date.

Dated this 6th day of July, 2019



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Jacksonville, FL 32246
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Independent Union) et al)	
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Defendants)	
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ORDER

AND NOW, to-wit, this _____ day of _____, 2019, upon consideration of Plaintiff's Complaint and Plaintiff's Response to Defendant Chivers legal counsel Dennis J. Roman Notice Of Intent To Enter Judgement Of Non Pros it is hereby ORDERED that Plaintiff has a Constitutional Right to be heard by a jury of Plaintiff's peers. It is ADJUDGED and DECREED that Jury selection will be set for this _____ day of _____, 2019 JURY TRIAL will commence this _____ day of _____, 2019.

BY THE COURT

CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing PLAINTIFF'S RESPONSE THE DEFENDANT CHIVERS NOTICE OF INTENT TO ENTER JUDGEMENT OF NON PROS was served on the following via U.S. Mail, First-Class, this 6th day of July, 2019.

Marie Milie Jones counsel for Timothy F. McCune

Gulf Tower
Suite 3410
707 Grant Street
Pittsburgh, PA 15219

Dennis Roman counsel for Joseph Chivers

Union Trust Building
Suite 700
510 Grant Street
Pittsburgh, PA 15219

Jack W. Murtagh

110 Swinderman Road
Wexford, PA 15090

Graydon Brewer

48 Crystal Drive
Oakmont, PA 15139

Angelo Papa

318 Highland Ave
New Castle, PA 16101

Carl Nanni

200 E. Pearl Street

Butler PA 16001

Jack Lewis

870 Bullcreek Road

Butler, PA 16002

Jim Gallagher

200 Portman Road

Butler, PA 16002

Hank Leyland

188 Portman Road

Butler, PA 16002

Greg Loverick

100 Easy Street

Butler, PA 16001

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

Union Trust Building

501 Grant Street, Suite 800

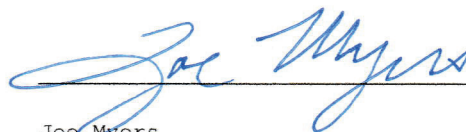
Pittsburgh, PA 15219

UNITED AUTO WORKERS - UAW (formerly Butler Armco Independent Union) and Jack Murtagh

Union Counsel

112 Hollywood Dr., Suite 101

BUTLER, PA 16001

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

Joe Myers