

**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)	
W. MURTAUGH JR., GRAYDON BREWER, CARL V.	)	RESPONSE TO DEFENDANT CHIVERS PRAECIPE FOR
NANNI, JACK LEWIS, JIM GALLAGHER, HANK	)	JUDEGEMENT OF NON PROS PURSUANT TO
LEYLAND, GREG LOVERICK, EDWARD TASSEY, AK	)	Pa.R.C.P. 1042.7
STEEL et al, UAW (formerly Butler Armco)	
Independent Union) et al, ANGELO PAPA	)	FILED BY:
Defendants	)	Joe Myers, pro se
	)	12137 Emerald Green Court
	)	Jacksonville, FL 32246
)	

Defendant Chivers legal counsel Roman knows he is prohibited from making any pleading to this court without the JURY present. Roman knows that he once again violates Plaintiff's United States Constitutional and Pennsylvania Constitutional Right to a TRIAL BY JURY. Roman will be able to plead Defendant Chivers case before the JURY.

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!

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.

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

Here are a few quotes from history as to why a JURY is so important:

"It is not only the juror's right, but his duty, to find the verdict according to his own best understanding, judgment and conscience, though in direct opposition to the instruction of the court." John Adams, 1771

"I consider trial by jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution." Thomas Jefferson

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>

Below are 8 points from The National Judicial College as to the WHY a JURY TRIAL is the most important part of justice in our country. Some highlights are below:

- The Founding Fathers believed the Right of a trial by a jury of peers was so important that it is in our United States Constitution
- The courts can overturn laws or acts of government that violate Constitutional Rights.
- The Founders included jury trials in the constitution because jury trials prevent tyranny. The definition of tyranny is oppressive power exerted by the government. Tyranny also exists when absolute power is vested in a single ruler.
- Jury trials are the opposite of tyranny because the citizens on the jury are given the absolute power to make the final decision.
- We do not want judges and lawyers making every important decision; they are not representative of the people of the United States.
- Juries provide the voice of common sense and the perspective of the citizen to our developing body of law.
- In a civil case, a jury of citizens will determine community standards and expectations in accordance with the law.

1. The American jury trial is a constitutional right. The founding fathers believed that the right to be tried by a jury of your peers was so important that it merited inclusion in the highest law of the land. Amendments 6 and 7 of the Bill of Rights contain this right:

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 re-examined in any Court of the United States, than according to the rules of the common law.

2. The jury trial is a vital part of America's system of checks and balances. "Checks and balances" means that the judicial branch of government is equal to the other two branches (executive and legislative) and the courts can overturn laws or acts of government that violate constitutional rights. Our system of checks and balances requires a strong judicial branch. A strong judicial branch requires a healthy jury trial option. Jury service is your chance to have a voice in the judicial branch of government.

3. The founding fathers included jury trials in the constitution because jury trials prevent tyranny. The definition of tyranny is oppressive power exerted by the government. Tyranny also exists when absolute power is vested in a single ruler. Jury trials are the opposite of tyranny because the citizens on the jury are given the absolute power to make the final decision.

4. Trial by jury is a unique part of America's democracy. Most countries do not have jury trials. It is one of the things that make us unique as a country, and something we should be proud of.

5. Jury trials provide an opportunity for citizens to participate in the process of governing. Serving on a jury is the most direct and impactful way for citizens to connect to the constitution. It is more active and participatory than voting. Citizens can help perpetuate our system of laws, and stabilize our democracy.

6. Jury trials educate jurors about the justice system. People who serve on juries have a greater respect for the system when they leave. Serving on a jury gives people insight into the justice system and their own communities, and corrects misapprehensions about what takes place in a courtroom.

7. Jury trials provide a method of peaceful dispute resolution. Most citizens will be impacted at some point in their life by a conflict, such as a divorce, a personal injury due to negligence, a contractual dispute, an employment dispute, etc. There are many ways to resolve such disagreements, but if other methods fail, a jury trial is one way to have final resolution in a peaceful manner.

8. Jury trials offer the voice of the people to the civil and criminal justice systems. If you are accused of a crime, you have the right to ask for a jury of your peers to judge your guilt or innocence. In a civil case, a jury of citizens will determine community standards and expectations in accordance with the law. We do not want judges and lawyers making every important decision; they are not representative of the people of the United States. Juries provide the voice of common sense and the perspective of the citizen to our developing body of law.

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 Tassej 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."

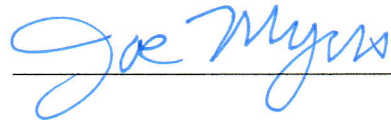
16th American Jurisprudence, 2nd Section 177:

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.

Plaintiff DEMANDS a JURY TRIAL and refuses to allow judges and lawyers from making every important decision; they are not representative of the people of the United States.

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 12th day of August, 2019



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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 Praeipce For 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 12th day of August, 2019.

Marie Milie Jones/Michael Lettrich counsel for Timothy F. McCune

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Angelo Papa
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Carl Nanni

200 E. Pearl Street

Butler PA 16001

Jack Lewis

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Butler, PA 16002

Jim Gallagher

200 Portman Road

Butler, PA 16002

Hank Leyland

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Butler, PA 16002

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

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

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BUTLER, PA 16001



Joe Myers