

**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	)	<b>RESPONSE TO DEFENDANT AK STEEL et al</b>
W. MURTAUGH JR., GRAYDON BREWER, CARL V.	)	<b>EDWARD TASSEY PRELIMINARY OBJECTIONS</b>
	)	
NANNI, JACK LEWIS, JIM GALLAGHER, HANK	)	
	)	
LEYLAND, GREG LOVERICK, EDWARD TASSEY, AK	)	
	)	FILED BY:
STEEL et al, UAW (formerly Butler Armco	)	Joe Myers, pro se
Independent Union) et al	)	12137 Emerald Green Court
	)	Jacksonville, FL 32246
Defendants	)	
	)	
	)	
	)	

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All Defendants and Defendant AK Steel et al and Tasseys attorney Nicholas J. Koch knows that his procedural gymnastics with Preliminary Objections is UNCONSTITUTIONAL and does not hold water. Koch knows that his grandstanding once again violates Plaintiff's United States Constitutional and Pennsylvania Constitutional Right to a TRIAL BY JURY.

Koch 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 Koch knew he had to make his case before the jury and NOT TRY THE CASE NOW before this court without a JURY! Koch 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.

Koch's UNCONSTITUTIONAL Preliminary Objections 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. 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 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](http://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. 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:**

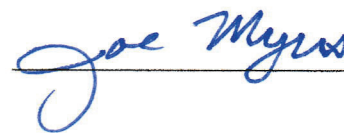
"No one is bound to obey an unconstitutional law and no courts are bound to enforce it. The general rule is that an unconstitutional statute, though having the form and the name of law, is in reality no law, but is wholly void, and ineffective for any purpose, since unconstitutionality dates from the 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 24<sup>rd</sup> day of June, 2019



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	)	
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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 Defendants AK Steel et al and Tassey's legal counsel Nicholas J. Koch Preliminary Objections 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**

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CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing PLAINTIFF'S RESPONSE THE DEFENDANT AK STEEL et al and EDWARD TASSEYS'S PRELIMINARY OBJECTIONS was served on the following via U.S. Mail, First-Class, this 24<sup>th</sup> day of June, 2019.

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

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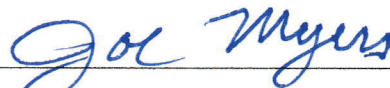
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UNITED AUTO WORKERS - UAW (formerly Butler Armco Independent Union) and Jack Murtagh

Union Counsel

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Joe Myers