

**IN THE SUPERIOR COURT OF PENNSYLVANIA  
OF THE UNITED STATES OF AMERICA**

JOE MYERS,	)	Case No.: 1892 WDA 2019
	)	
APPELLANT,	)	CIVIL DIVISION
	)	
vs.	)	
	)	Type of Pleading:
TIMOTHY F. McCUNE, JOSEPH H. CHIVERS, JACK	)	
W. MURTAGH JR., GRAYDON BREWER, CARL V.	)	<b>RESPONSE TO SUPREME COURT ORDER</b>
	)	<b>DATED 2-18-20</b>
NANNI, JACK LEWIS, JIM GALLAGHER, HANK	)	
	)	<b>WRIT OF MANDAMUS</b>
LEYLAND, GREG LOVERICK, EDWARD TASSEY,	)	
	)	<b>EXTRAORDINARY JURISDICTION</b>
AK STEEL et al, UAW (formerly Butler Armco	)	
Independent Union) et al, ANGELO PAPA,	)	<b>REQUEST FOR EXTENSION FOR FILING</b>
	)	<b>BRIEF</b>
WILLIAM CUNNINGHAM, MICHAEL LETTRICH,	)	
	)	
MARIA MILIE JONES, DENNIS ROMAN, NICHOLAS	)	FILED BY:
	)	
KOCH, ADAM HOBAUGH	)	Joe Myers, pro se
	)	12137 Emerald Green Court
APPELLEES	)	Jacksonville, FL 32246

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**All the evidence provided in this court filing can be downloaded at [www.1776ToTyranny.com](http://www.1776ToTyranny.com) on the "Timeline of CORRUPTION" page. Plaintiff/Appellant Myers has stated the website in every court filing to ALL Defendants/Appellees. Plaintiff stated this as Senator Rubio and Congressman Rutherford have started a congressional inquiry with the U.S. Department of Justice and the FBI do to the corruption Plaintiff/Appellant has endured at the local, state and federal level.**

## **Response to Supreme Court Order dated 2-18-20**

This response by Appellant Myers is to the **Superior Court Order** dated 2-18-20.

THE APPELLANT has raised the basic issue in appeal over the negligent practice that has resulted in strict liability from an avoidable accident by the simple fact of ignoring workplace safety.

The Appellant comes now humbly with great respect and admiration for having to place the issue, rules, argument and requested conclusion before the Superior Court of Pennsylvania, Western District and ultimately requesting to transfer this case back to the Supreme Court of Pennsylvania, Western District.

As not to be redundant and overburden this Court with more unnecessary paperwork all the evidence supporting this court filing can be referenced in the previous court filing by Appellant to this Court **Response to Rule 1925(a) Fraudulent/Illegal Order 2-13-20** which included the **Concise Statement** filed in the lower court.

The Appellant comes to the Court in recognition that we have a duty to work to reduce workplace injuries. A work place incident resulted in an accident that was fully avoidable and became a criminal action when Appellant was informed that a similar accident occurred to former co-worker, Dan Redick, prior to Appellant's accident yet Appellant was never notified by Appellee AK Steel of the incident. The incident resulted loss of employment, and the punitive and compensatory damages that resulted from failure of the employer to follow work place safety.

The Prothonotary recognized the Appellant as a private citizen lacking the full knowledge in the procedural rules, but seeing that the Appellant has substantive right determined to allow the Appellant to show cause to address to this Court.



Prothonotary also requested Appellant as to why this appeal should not be transferred to the Commonwealth Court of Pennsylvania and provide the response and service to the listed opposing counsel. [Pa.R.A.P. 751]

In reply to Pa.R.A.P. 751 "governing the transfer of erroneously filed cases" Appellant filed the **Notice of Appeal** because in the Order dated 11-21-19 by Appellee Cunningham the Order stated "The Plaintiff is advised this Order constitutes a final, appealable order from which an appeal can be taken to the Superior Court of Pennsylvania." The Order was NOT erroneously filed IN FACT it was the Order of the lower Commonwealth Court so Appellant's **Notice of Appeal** is IN FACT valid.

The Appellant weighed circumvention as to include Appellee Cunningham in the suit that then became the judging party of the Commonwealth Court of Pennsylvania. Thus the Appellant has no direction to not include as foreboding may lighten the seriousness of this matter. In saying that we all have an interest, and we all have a duty to examine the issue of safety for current Appellee AK Steel workers and the punitive and compensatory damages that resulted of Appellant being fired for Whistle Blowing when Appellant contacted the PA Attorney General's office for legal assistance to remedy the unsafe and criminal activity of Appellee AK Steel.  
[Pa.R.A.P. Section 722]

The Complaint of the Appellant and the subsequent appeal was granted under [42 Pa.C.S. Section 762(b)] from the original Commonwealth Court. Original jurisdiction was further [42 Pa.C.S. Section 722 (1)(3)(7)(8)] where Appellant showed where the original Commonwealth Court denied acceptance of the facts of the case as factual. Subsequently, calling in that any officer thereof acting in his official capacity must be included in the appeal.

The Commonwealth failed to dismiss the complaint as the claim(s) were simply numerous and could not be ignored and had to be addressed. This is as to why we are now before the Appellate Court. It was determined that there were issues that pulled upon interlocutory and unappeasable until the proceedings showed and specific claims were anticipated.

Let us once again delve into [West v. West, 446 A.2d 1342 (Pa. Super. 1982).] We see that where the Commonwealth anticipating further proceedings and an anticipated appeal gave support to the safety aspect of the issue and Constitutional Inalienable/Unalienable Rights of Appellant and determined on their own to give support as shown in final Order dated 11-21-19 by Appellee Cunningham. [Pa.R.A.P. Section 762(a)(b) and Section 722].

The Appellant is of the belief and shows cause that to permit the Commonwealth Court to carry the matter in review would be working that which is not in the interest of the issues and argument.

The rules have already shown that to return the process which is not further tainted by the fruit of the tree will not give us the safety we pray. It will not give the Appellant the peace in restoring life, liberty and property.

Appellee Cunningham was well aware at ALL TIMES that he did not follow the **RULE OF LAW** when Cunningham dismissed Appellant's case.

In Appellant Myers research there are 4 Key Elements of the **RULE OF LAW**:

1. Transparency of the law
2. Access to a true legal remedy for a fair outcome
3. Equal treatment of the law
4. Independent judiciary

Appellant Myers filed a **SUBSTANTIVE LAW** Complaint (the **Constitution** being the **Supreme Law** of the Land) and Appellee Cunningham knew that FACT and has continued to try to use the Pennsylvania Rules of Civil Procedure (PRCP) to circumvent and deny Appellant's **Constitutional and Inalienable/Unalienable Rights** and has taken part in the conspiracy against Appellant, **Title 18 Section 241 and Section 242.**

**Substantive law:** "That part of the law which the courts are established to administer, as opposed to the rules according to which the substantive law itself is administered. That part of the law which creates, defines, and regulates rights, as opposed to adjective or remedial law, which prescribes the method of enforcing rights or obtaining redress for their invasion." – **Black's Law Dictionary**

As aforementioned the Commonwealth Court IN FACT had jurisdiction and in the Order dated 11-21-19 (**attached as Exhibit**) from Appellee Cunningham in which Cunningham states "*The Plaintiff is advised this Order constitutes a final, appealable order from which an appeal can be taken to the Superior Court in Pennsylvania.*" Cunningham relinquished the authority of the jurisdiction of the Commonwealth Court when he filed the Order on 11-21-19.

Additionally because of his **Judicial Misconduct** and the **Attorney Misconduct** by all Appellees with a law license this case must be transferred back to the Supreme Court of Pennsylvania under Section 722 since Appellant is questioning the matters prescribed by general rule (that must not violate Appellant's Inalienable/Unalienable Rights), manner of service of Appellee Cunningham, matters where Appellee Cunningham has held invalid the Constitutional Inalienable/Unalienable Rights of Appellant and Appellant has raised matters where any Appellee with a law license has the right to practice law when conspiring against Appellant's protection under



**Title 18 Section 241 Conspiracy Against Rights, Section 242 Deprivation of Rights Under Color of Law and Section 245 Federally Protected Activities**

that were addressed in the Concise Statement that was filed with the Superior Court as part of Appellant's court filing **Response to Rule 1925(a)**

**Fraudulent/Illegal Order 2-13-20.**

**§ 722. Direct appeals from courts of common pleas.**

The Supreme Court shall have exclusive jurisdiction of appeals from final orders of the courts of common pleas in the following classes of cases:

- (1) Matters prescribed by general rule.
- (3) Matters where the qualifications, tenure or right to serve, or the manner of service, of any member of the judiciary is drawn in question.
- (7) Matters where the court of common pleas has held invalid as repugnant to the Constitution, treaties or laws of the United States, or to the Constitution of this Commonwealth, any treaty or law of the United States or any provision of the Constitution of, or of any statute of, this Commonwealth, or any provision of any home rule charter.
- (8) Matters where the right to practice law is drawn in direct question.

**Section 722** supersedes **Section 702** because of **Judicial Misconduct** by Appellee Cunningham and the **Attorney Misconduct** by all Appellees with a law license.

Additionally Appellee Cunningham's Order dated 11-21-19 was a final order.

**§ 702. Interlocutory orders.**

- (a) **Appeals authorized by law.**--An appeal authorized by law from an interlocutory order in a matter shall be taken to the appellate court having jurisdiction of final orders in such matter.

Appellee McCune or Cunningham do not have the shield of Sovereign Immunity.

**§ 8522. Exceptions to sovereign immunity.**

- (a) **Liability imposed.** -- The General Assembly, pursuant to section 11 of Article I of the Constitution of Pennsylvania, does hereby waive, in the instances set forth in subsection (b) **only and only** to the extent set forth in this subchapter and within the limits set forth in section 8528 (relating to limitations on damages), sovereign immunity as a bar to an action against Commonwealth parties, for damages arising out of a negligent act where the

damages would be recoverable under the common law or a statute creating a cause of action if the injury were caused by a person not having available the defense of sovereign immunity. (emphasis added)

§ 8522 **DOES NOT** allow Sovereign Immunity for Appellee McCune when he committed **LEGAL MALPRACTICE** and the crime for failing to honor his SWORN OATH to uphold the Constitution of the United States. This also includes Appellee Cunningham for his role in the **conspiracy** against Appellant Myers.

### **SUPREME LAW**

While Appellant has stated the Rules of Appellate procedure this Court knows that Appellant filed the original Complaint and ALL court filing under **substantive law which the Constitution is the Supreme Law of the land** so Appellant will provide portions of the U.S. Constitution and Pennsylvania Constitution, court opinions and additional information to prove Appellant's **Constitutional Inalienable/Unalienable Rights** are GOD-GIVEN/NATURAL RIGHTS that cannot be given or taken by a government and that have been violated by Appellee Cunningham and the Rules of procedure have also violated the guaranteed rights of Appellant and We The People.

**Article 1 The Legislative Branch, Section 10 - Powers prohibited of States: No State shall** enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. (Emphasis added)

**Article VI - Debts, Supremacy, Oaths:** This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. (Emphasis added)



The Preamble to the **Bill of Rights** is VERY CLEAR on WHY the colonists added the **Bill of Rights** and ratified the Amendments.

*"The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, **in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added:** And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution."*

The colonists were very concerned about government overreach after they had **rescued We The People from the tyranny of King George**. That is WHY the **Bill of Rights** was added to further restrain the Government (**Appellee Cunningham**) and why Appellant has a **RIGHT** to be heard before a JURY and WHY there is **NO statute of limitations on the Constitutional Rights of Appellant or ANYONE**.

**Bill of Rights, Amendment 7 - Trial by Jury in Civil Cases. Ratified 12/15/1791:**

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. (Emphasis added)

**Bill of Rights, Amendment 9 - Construction of Constitution. Ratified**

**12/15/1791:** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. (Emphasis added)

**Bill of Rights, Amendment 10 - Powers of the States and People. Ratified**

**12/15/1791:** The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, **or to the people.**



**Bill of Rights, Amendment 14 - Citizenship Rights. Ratified 7/9/1868:** 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**The Constitution of the Commonwealth of Pennsylvania Declaration of Rights  
Section 6:**

"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.  
(Emphasis added)

Appellee Cunningham and ALL Appellees with a law license violated **42 Pennsylvania Consolidated Statutes Section 2522 – Oath of office:**

**"Before entering upon the duties of his office, each attorney at law shall take and subscribe the following oath or affirmation before a person authorized to administer oaths.**

*"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity, as well to the court as to the client, that will use no falsehood, nor delay the cause of any person for lucre or malice."*

**Any person refusing to take the oath or affirmation shall forfeit his office."**

**The Constitution of the Commonwealth of Pennsylvania Article I Declaration Of Rights § 11. Courts to be open; suits against the Commonwealth.**

“All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.”

Below are some highlights for the Canonical Supreme Court case **Marbury v. Madison, 5 U.S. 137 (1803)**:

- “If courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply.”
- “The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an injury. One of the first duties of government is to afford that protection.”
- “In the third volume of his Commentaries, page 23, Blackstone states two cases in which a remedy is afforded by mere operation of law.  
“In all other cases,” he says,  
“it is a general and indisputable rule that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded.”  
“It cannot be presumed that any clause in the Constitution is intended to be without effect, and therefore such construction is inadmissible unless the words require it.”
- “The question whether an act repugnant to the Constitution can become the law of the land is a question deeply interesting to the United States, but, happily, not of an intricacy proportioned to its interest. It seems only necessary to recognise certain principles, supposed to have been long and well established, to decide it.”

- "That the people have an original right to establish for their future government such principles as, in their opinion, shall most conduce to their own happiness is the basis on which the whole American fabric has been erected."
- "This original and supreme will organizes the government and assigns to different departments their respective powers. It may either stop here or establish certain limits not to be transcended by those departments."
- "Certainly all those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the Legislature repugnant to the Constitution is void."
- "Here. the language of the Constitution is addressed especially to the Courts. It prescribes, directly for them, a rule of evidence not to be departed from. If the Legislature should change that rule, and declare one witness, or a confession out of court, sufficient for conviction, must the constitutional principle yield to the legislative act?"

From these and many other selections which might be made, it is apparent that the framers of the Constitution contemplated that instrument as a rule for the government of courts, as well as of the Legislature.

Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies in an especial manner to their conduct in their official character. How immoral to impose it on them if they were to be used as the instruments, and the knowing instruments, for violating what they swear to support!

The oath of office, too, imposed by the Legislature, is completely demonstrative of the legislative opinion on this subject. It is in these words:



"I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States."

Why does a judge swear to discharge his duties agreeably to the Constitution of the United States if that Constitution forms no rule for his government? if it is closed upon him and cannot be inspected by him?

If such be the real state of things, this is worse than solemn mockery. To prescribe or to take this oath becomes equally a crime."

- "It is also not entirely unworthy of observation that, in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned, and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank.

Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written Constitutions, that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument."

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." – ***Norton v. Shelby County, 118 U.S. 425 (1886)***

"The court is to protect against any encroachment of Constitutionally secured liberties." – ***Boyd v. U.S., 116 U.S. 616***

"It is the duty of all officials whether legislative, judicial, executive, administrative, or ministerial to so perform every official act as not to violate constitutional provisions." – ***Williamson v. U.S. Department of Agriculture, 815 F.2d. 369, ACLU Foundation v. Barr, 952 F.2d. 457, 293 U.S. App. DC 101, (CA DC 1991)***

"The first ten amendments in the Constitution, adopted as they were soon after the adoption of the Constitution, are in the nature of the bill of rights, and were adopted in order to quiet the apprehension of many, that without some such declaration of rights the government would assume, and might be held to possess, the power to trespass upon those rights of persons and property which by the Declaration of Independence were affirmed to be unalienable rights." – ***United States v. Twin City Power Co., 350 U.S. 222 (1956)***

"Inalienable rights: Rights which are not capable of being surrendered or transferred without the consent of the one possessing the rights." – ***Morrison v. State, Mo., App., 252 S.W.2d 97, 101***

"Things which are not in commerce, as public roads, are in their nature unalienable. Some things are unalienable, in consequence of particular provisions in the law forbidding their sale or transfer, as pensions granted by the government. The natural rights of life and liberty are unalienable." – ***Bouveirs Law Dictionary 1856 Edition***

"Unalienable: incapable of being alienated, that is, sold and transferred." – ***Black's Law Dictionary, Sixth Edition, page 1523***

"Among these unalienable rights, as proclaimed in the great document, is the right of men to pursue their happiness, by which is meant the right to pursue any lawful business or vocation, in any manner not inconsistent with the equal rights of others, which may increase their prosperity or develop their faculties, so as to give them their highest enjoyment. The common business and callings of life, the ordinary trades and pursuits, which are innocuous in themselves, and have been followed in all communities from time immemorial, must therefore be free in this country to all alike upon the same conditions...The property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable." – ***Butcher's Union Co. v. Crescent City Co., 111 U.S. 746 (1884)***

***This aforementioned case validates that Appellee AK Steel extorted Appellant's property of future wages, pension, benefits, etc.***

"The Due Process Clause protects the unalienable liberty recognized in the Declaration of Independence rather than the particular rights or privileges conferred by specific laws or regulations." – ***SANDIN v. CONNOR 1995***

"if the inmate's protected liberty interests are no greater than the State chooses to allow, he is really little more than the slave described in the 19<sup>th</sup> century cases. I think it clear that even the inmate retains an unalienable interest in liberty – at the very minimum the right to be treated with dignity – which the Constitution may never ignore." – ***MEACHUM v. FANO, 427 U.S. 215 (1976)***

*An inmate has more RIGHTS than what the Commonwealth court has permitted Appellant.*



As aforementioned the previous court filing by Appellant to this Court **Response to Rule 1925(a) Fraudulent/Illegal Order 2-13-20** which included the **Concise Statement** details the fraud, crimes and illegal activity perpetrated against Appellant by ALL Appellees and **ALL have Conspired Against Plaintiff's Rights U.S.C. 18 Section 241, 242 and 245.**

## ISSUES

1. Whether the Appellant, Joe Myers, operated industrial equipment in a safe manner?

A. Appellant was verbally ordered to operate grossly overloaded trailers for the tractor's capacity hauling the trailers in violation of written Appellee AK Steel directives which is Public Policy Law.

B. Appellant was verbally ordered to operate defective heavy equipment in violation of written Appellee AK Steel directives which is Public Policy Law.

C. Appellee AK Steel continues to violate their own written policy and directives of safety rule and danger to future equipment operators.

- i. **Exhibits 1, 4, 5, and 12** proves Appellant's lawful claims.
- ii. When Appellee AK Steel verbally directed Appellant to not chain down the load that resulted in the truck rolling over (**Exhibit 3 in Concise Statement**) knowing the truck almost rolled over with former co-worker, Dan Redick, and having pictures (which Appellant viewed after Appellant's incident) of the truck with the axle off the ground hauling the same pinion gear as Appellant, that was a criminal act.

2. Whether the Appellant, Joe Myers, was damaged by Appellee McCune?

A. Damages.

- i. Appellee McCune refused to investigate Appellant's letter (**Exhibit 28 in Concise Statement**) to McCune detailing the criminal activity, which is also a criminal act by McCune. Had McCune conducted an investigation, that very act, could have been instrumental in nullifying the illegal termination of Appellant.

- ii. McCune's legal malpractice and refusal to honor his sworn OATH to the Constitution damaged Appellant financially.

3. Whether the Appellant, Joe Myers, was damaged by Appellee Cunningham?

A. Damages.

- i. Appellee Cunningham has also committed a criminal act by attempting to dismiss the case against Appellant without having an investigation into the criminal activity of ALL Appellees.
- ii. Had Appellee Cunningham honored his OATH to uphold the Constitutional he would have scheduled the INALIENABLE/UNALIENABLE RIGHT TO A JURY TRIAL for Appellant and allowed the JURY of Appellant's peers decide the case.
- iii. When Appellee Cunningham stated "**Your right to a trial by jury is not absolute**" he violated Appellant's INALIENABLE/UNALIENABLE RIGHT TO A JURY TRIAL.
- iv. Appellee Cunningham's criminal actions have damaged Appellant financially.

4. Whether the Appellant, Joe Myers, was damaged by the Commonwealth Court for failure to uphold Appellant's God-given/natural Inalienable/Unalienable RIGHTS?

A. Damages.

- i. The Commonwealth Court are continuing to damage Appellant financially for not protecting the God-given/natural Inalienable/Unalienable RIGHTS of Due Process, Equal Protection, Trial by Jury, trying to deny or disparage rights retained by the people and ANY RIGHT retained by the Appellant.
- ii. The Commonwealth Court has not upheld the Appellant's Constitutional INALIENABLE/UNALIENABLE RIGHTS and specifically a JURY TRIAL.

5. Whether the Appellant, Joe Myers was damaged by Appellee AK Steel?

A. Damages.

- i. Loss of income and future earnings,
- ii. Loss of employment
- iii. Loss of benefits and future benefits
- iv. Loss of future pension and investments not able to take part in
- v. Loss of inflation on all monetary losses

vi. Loss of family activities that Appellant could not afford

vii. Defamation of character due to having to put "fired or terminated" on every application Appellant filled out

viii. Unable to be employed by any company at the income Appellant had while employed at Appellee AK Steel do to having to put "fired or terminated" on every application Appellant filled out

### **RULE(S)**

- The Constitution of the United States that include the Bill of Rights
- Appellee AK Steel written directives which once on paper became PUBLIC POLICY LAW. All Exhibits are listed and part of the Concise Statement filed with the Superior Court:
  - a) **Exhibits 1** – Safety and Health Standard Procedure (SHSP-0035-28) was created in 1971 some 10 plus years prior to Appellant being hired and references Exhibit 4.
  - b) **Exhibits 4** – Armco's Safety and Security Handbook mandates to use the Pennsylvania Motor Code both inside and outside the Appellee AK Steel plant, to secure loads on all vehicles, haul according to the legal load limit, inform the supervisor of all deficiencies of any equipment and not to operate heavy equipment or any equipment until the all deficiencies are fixed.
  - c) **Exhibits 5** – Advisory notice regarding each tractor and trailer combination weights dated 7-12-99
  - d) **Exhibits 12** – Safety contact dated 3-22-01 to all truck drivers "#1 – Do not overload trucks, haul within the legal load limits. #2 – Secure all loads on all vehicles."

### **ANALYSIS**

Appellant attempted to follow Appellee AK Steel written directives especially after Appellant was warned (**Exhibit 3**) and continually verbally directed to violate the written directives.



Appellant even contacted David Devries from the PA Attorney General's office for legal assistance. Devries informed Appellant that if Appellant operated any equipment that was in violation of company directives or defective in any way and someone was hurt or killed that Appellant could be held civilly and criminally liable and could quite possibly serve a jail term. After speaking with Devries Appellant conveyed that conversation to Appellant's supervisors and the Human Resources Manager and Appellant was ultimately fired for Whistle Blowing.

Appellant and Appellant's then legal counsel sent letters (**Exhibits 9 & 11**) to Appellee AK Steel CEO Wardrop, supervisors, etc. and Appellant was ultimately fired for Whistle Blowing.

### **CONCLUSION**

Appellant and Appellee AK Steel entered a civil contract, the basis being if Appellant follows Appellee AK Steel directives and the law that Appellee AK Steel would provide Appellant wages, pension, benefits, etc.

Appellant has been damaged by ALL Appellees for conspiring against Appellant's Constitutional Inalienable/Unalienable RIGHTS and the CONSTITUTIONAL LAWS that protected Appellant then and now.

NOT ONE TIME in the course of the legal battle that Appellant has had with all Appellees have the Appellees claimed, themselves or those they are representing, were innocent. The Appellees sole defense has only been procedural rules that they KNOW are NOT LAW which is FRAUD.

Appellant warned Appellee Cunningham and ALL Appellees with a law license for violating the Constitutional Inalienable/Unalienable RIGHTS of Appellant yet they continued their conspiracy against Appellant.

Appellant even mailed EVERY Appellee the **Violation Warning** letter for **Denial of Rights Under Color of Law** and added all the Violation Warning letters for each Appellee to court filing **Amended Legal Notice and Warning for Violation of Rights Under Color of Law** dated 10-18-19.

When Appellee Cunningham ignored Appellant's lawful warning Appellant filed **Amended Court Filing Adding Defendants** dated 10-28-19 naming ALL Appellees with a law license as Defendants as well as then Defendant Cunningham.

Appellant filed this court filing almost one month prior to Appellee Cunningham UNCONSTITUTIONALLY dismissing Appellant's case with a final order to appeal.

### **WRIT OF MANDAMUS**

Appellant Myers files this ***Writ of Mandamus*** as there has been a final Order dated 11-21-20 (**attached as Exhibit**) and the appellate court must demand that Appellee Cunningham is removed as a judge since he is an Appellee.

Additionally Appellee McCune must be sanctioned for not investigating the criminal act committed by Appellee AK Steel when the truck rolled over with Appellant inside the truck even after Appellant sent McCune a detailed letter (**Exhibit 28**) of the criminal activity.

Also the appellate court must demand that the current Butler County District Attorney Richard Goldinger investigate the criminal activity against Appellant Myers by all Appellees and the continued unsafe use of grossly overloaded tractor trailers traveling the extremely steep hill with an approximate 45 degree bend in the hill at the Appellee AK Steel plant in Butler Pennsylvania that allows the public and vendors to travel the on plant roads. Appellant notified Goldinger on 8-12-19 via a time/date stamped email (**attached as Exhibit**).

### **EXTRAORDINARY JURISDICTION**

In light of the aforementioned this case must be transferred back to the Supreme Court of Pennsylvania. Appellant Myers has proven through Title 42 and the Pennsylvania Constitution and because ALL Appellees have violated **Title 18 Section 241 Conspiracy Against Rights, Section 242 Deprivation of Rights Under Color of Law and Section 245 Federally Protected Activities**

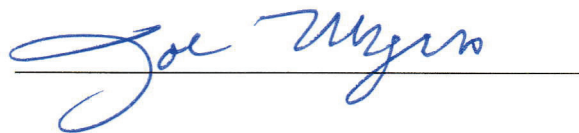
by conspiring against Appellant's Rights that only the Supreme Court of Pennsylvania has jurisdiction.

Additionally this case must also be transferred to the Supreme Court of Pennsylvania for the violation of Appellant's Constitutional Inalienable/Unalienable RIGHTS and only the Supreme Court of Pennsylvania can impose sanctions against all Appellees but specifically the Appellees with a law license.

**EXTENSION FOR BRIEF**

Because Appellant Myers has been requested to respond to this Order and because Appellant Myers has requested that this case be transferred back the Supreme Court of Pennsylvania Appellant Myers requests an additional 30 days extension from the 3-25-20 filing date for Brief.

Dated this 26<sup>th</sup> day of February, 2020



Joe Myers pro se  
12137 Emerald Green Court  
Jacksonville, FL 32246  
Phone: 904-254-6472  
Email: 1776ToTyranny@gmail.com





# Investigation and prosecution

August 12, 2019 at 1:10 PM

To butlerda@co.butler.pa.us

Mr. Goldinger,

My name is Joe Myers and I am originally from Butler PA and I am requesting that you investigate and prosecute those that have been complicit in violating my Constitutional Rights.

Because the first email I sent was returned because the files were to large please go to [www.1776ToTyranny.com](http://www.1776ToTyranny.com) to download the following for that provides the evidence of my case.

Complaint I filed at the Butler County Courthouse in May of this year.

Recent complaint I filed with the PA Attorney Generals office.

The letter I sent to former U.S. Attorney General Ashcroft dated 2003 that details the corruption that was perpetrated against me.

You can find all the evidence to support my case and why an investigation must take place. You can also read and download the letters I sent to President Trump and current U.S. Attorney General Barr a well.

You are welcome to contact me with any questions you may have.

Sincerely,

Joe Myers  
904-254-6472

CERTIFICATE OF SERVICE

I, the undersigned, certify that the foregoing **RESPONSE TO SUPREME COURT ORDER DATED 2-18-20, WRIT OF MANDAMUS, EXTRAORDINARY JURISDICTION, REQUEST FOR EXTENSION FOR FILING BRIEF** was served on the following via U.S. Mail, First-Class, this 26<sup>th</sup> day of February, 2020.

**William Cunningham**  
500 N. Jefferson St.  
Kittanning, PA 16201-1228

**Frost Brown Todd LLC**  
Union Trust Building / Att: Nicholas J. Koch  
501 Grant Street, Suite 800  
Pittsburgh, PA 15219

**JonesPassodelis PLLC**  
Gulf Tower /Att: Ms. Jones & Mr. Letterich  
707 Grant Street, Suite 3410  
Pittsburgh, PA 15219

**Angelo Papa**  
318 Highland Ave  
New Castle, PA 16101

**Graydon Brewer**  
48 Crystal Drive  
Oakmont, PA 15139-1051

**Murtagh, Hobaugh & Cech**  
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110 Swinderman Road  
Wexford, PA 15090

**Marshall Dennehey Warner Coleman & Goggin**  
Union Trust Building / Att: Dennis Roman  
501 Grant Street, Suite 700  
Pittsburgh, PA 15219

  
\_\_\_\_\_  
Joe Myers