

SUPERIOR COURT OF PENNSYLVANIA
Civil Docketing Statement

Pursuant to Pa.R.A.P. 3517, you *must* complete this form in its entirety and return this form and attachments to the Prothonotary of the Superior Court by January 13, 2020. A completed copy of this form *must* also be provided to each appellee. THIS FORM IS FOR CIVIL APPEALS ONLY, as indicated on the trial court docket and/or order from which you are appealing.

FAILURE TO COMPLETE THIS DOCKETING STATEMENT IN ITS ENTIRETY IN A TIMELY MANNER, WITH ALL REQUESTED DOCUMENTS ATTACHED, WILL RESULT IN DISMISSAL OF THE APPEAL.

A. CASE IDENTIFICATION

1. Case Caption: Myers, J., Aptl. v. McCune, et al
2. Superior Court Docket No: 1892 WDA 2019
3. Party or parties filing appeal: Myers, Joe

B. TIMELINESS OF APPEAL (Check only those which apply and fill in the date(s))

- () Date of judgment or order appealed from: See Addendum
- () Date of Pa.R.C.P. 236 notice: See Addendum
- () Date praecipe for judgment filed: _____
- () Date judgment filed: _____
- () Date notice of appeal filed: 12-18-19
- Was reconsideration requested in the lower court? () Yes (X) No (date) _____
- Was it expressly granted? () Yes (X) No (date) _____

C. APPEAL FROM THE TRIAL COURT

1. Is the order appealed from a final, appealable order? (X) Yes () No
Specify rule and subsection governing finality (e.g. Pa.R.A.P. 301, 313, 341) and, if desired, any applicable case law.
See Addendum
2. If the order is not a final order:
 - a. Is the order appealable as of right under Pa.R.A.P. 311? () Yes () No
(specify which subsection) _____
 - b. Was permission to appeal granted pursuant to:
 - i. Pa.R.A.P. 1311? () Yes () No Misc. Docket No. _____
 - ii. Pa.R.A.P. 1501 *et seq.*? () Yes () No Misc. Docket No. _____
3. How have issues been preserved? (e.g. pre-trial motions, timely objection, motion to remove non-suit, petition to strike/open)
See Addendum

D. RELATED CASES

List all related cases pending in any court (e.g. co-defendants, cross-appeal, cross-claims, counterclaims, bankruptcy proceedings or other appeals):

CASE NAME	COURT	CASE NO.	TYPE OF CASE

Docket No. of cross-appeal: _____

E. DESCRIPTION OF APPEAL (If necessary, attach additional pages for completion of 1 and 2)

1. Brief description of action and result below:

See Addendum

2. Issues to be raised on appeal:

See Addendum

HAVE YOU ATTACHED (failure to attach any of the following, without explanation, may result in sua sponte action by this Court, including dismissal of the appeal):

- | | | | |
|--|--------------------------------|---|--|
| (1) trial court's judgment, order or decree from which this appeal is taken? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (2) notice of appeal? | Already filed on 12-18-19 | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (3) up-to-date trial court docket? | Part of the "Notice of Appeal" | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (4) trial court opinion, if available? | Part of the "Notice of Appeal" | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Signature Joe Myers E-Mail Address joemyers7@icloud.com

Print Name Joe Myers Atty. I.D. No. _____

Address 12137 Emerald Green Court Date 1/7/20

Jacksonville, Florida 32246

Superior Court of Pennsylvania

Date: January 7, 2020

Superior Court Docket No. 1892 WDA 3019

Addendum will reference Docketing Statement

A) Case Identification: Information is correct

B) Date of judgement or order appealed from: 11-21-19 was not a legal order as Appellee Cunningham was named a Defendant by Appellant Myers in court filing dated 10-28-19. See Butler County Prothonotary's Office Civil Case Print docket entry 10-29-19.

Date of Pa. R.C.P. 236 notice: 12-24-19 & 12-30-19. Appellant Myers had a conversation with John A. Vaskov, Deputy Prothonotary on 12-31-19 after receiving the Order dated 12-24-19 from Mr. Vaskov. Inquiring as to why Myers' Notice of Appeal to the Supreme Court was transferred to the Superior Court and Mr. Vaskov informed Myers that his court filing did not fall under 42 Pa.C.S. Section 722 as that section was meant for newly elected or improperly elected judges. Myers stated IN FACT that it did under point 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.". Myers stated he was drawing into question the manner of service of Appellee Cunningham and his illegal ruling and this point references "ANY MEMBER OF THE JUDICIARY".

Appellant Myers also informed Mr. Vaskov that on page 27 of the **Notice of Appeal** that Myers requested EXTRORDINARY JURISDICTION of the Supreme Court because of the illegal activity still taking place at the Appellee AK Steel plant in Butler PA.

Additionally since AK Steel is being acquired by Cleveland-Cliffs mining company that the Supreme Court would have jurisdiction to inform Cleveland Cliffs as to the legal liability they could be assuming.

The Supreme Court also has injunctive power to postpone this acquisition until the illegal activity was remedied of hauling excessive unsecured load limits verbally required by Appellee Butler AK Steel that violates public policy law as well as AK Steel written policies. The excessive hauling is from the AK Steel hilltop facility down the approximate mile long hill with an EXTREMELY STEEP grade and an approximate 90 degree bend about the middle of the hill to an intersection that vendors and the public to purchase slag from Heketts Slag doing business on AK Steel property. The OSHA letter (**see Exhibit 42 in Notice of Appeal**) states in paragraph 3 that the roadways must be appropriate for safe operation of equipment and hauling weight cannot exceed the rated capacity of the equipment. The capacity was exceeded on the truck/tractor used for hauling the grossly overloaded trailer (**see Exhibit 26 in the Notice of Appeal**).

Date noticed of appeal filed: 12-18-19

C) Is the ordered appealed from a final appealable order: Yes

Norton v. Shelby County, 118 U.S. 425 (1886) "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."

See additional case opinions from points 20 thru 32 in the **INDEX** of the **Notice of Appeal** dated 12-18-19 that support Appellant Myers claims. **Point 23, 27 and 28** is how through FRAUD of the Appellees involved at the time deceived Appellant Myers into an illegal labor law arbitration the Appellees knew then and ALL Appellees know now could not protect Myers civilly and criminally and now claim Myers is time-barred from any remedy.

All Appellees now are continuing with the conspiracy. **Point 25** speaks right to the lack of jurisdiction of Appellee Cunningham in filing the Order on 12-21-19 and is an act of treason. **Point 26** explains why Appellees Cunningham and McCune violated Myers constitutional provisions by not performing their duties. **Points 29 and 30** bring to light that Appellee Cunningham did not accept Myers pro se well plead facts. Appellant Myers has provided clear factual evidence that rule making and legislation have IN FACT abrogated Myers Constitutional Rights as Point 32 explains that Appellee Cunningham has IGNORED!

Have your issues been preserved: Yes by the Constitution of the United States of America

D) Related cases: No pending cases

E) Description of appeal: Appellant Myers had his Constitutional Rights violated and ALL Appellees have committed **Conspiracy Against Rights (USC 18 Section 241 see point 16 of the INDEX in Notice of Appeal)** against Myers. Myers was illegally terminated for Whistleblowing by Appellee AK Steel after Myers was verbally instructed not to chain down a load on a stake truck that then rolled over with Myers inside that could have killed Myers or someone driving down the road (**see Exhibit 3 in Notice of Appeal**).

After Appellant Myers was disciplined for being verbally instructed to violate AK Steel written policy and public policy law Myers contacted the PA Attorney General's Office and spoke to David Devries. Myers asked Devries if Myers would be legally liable for being verbally instructed to operate defective heavy equipment and overload tractor-trailers and Devries informed Myers that not only could Myers be held civilly liable Myers could be held criminally liable and quite possibly serve a jail term if someone was hurt or killed.

Approximately a month prior to Appellant Myers being fired then counsel for Myers sent a letter (**see Exhibit 9 in Notice of Appeal**) to Appellee AK Steel and then AK Steel CEO, Richard Wardrop, warning them of the legal liability being illegally imposed on Appellant Myers and co-workers.

Myers was targeted for Whistleblowing and ultimately fired by Appellee Tassej when Tassej once again verbally ordered Myers to haul a grossly overloaded tractor-trailer without chaining down the load. Myers had informed Tassej before as to what Devries from the PA Attorney General's Office had stated about Myers legal liability yet Tassej fired Myers anyway.

Appellant Myers was defrauded into going through the arbitration even though ALL Appellees knew then and know now Myers case was never about Labor Law but IN FACT Criminal and Civil Law! Myers has the complete Verbatim Record and OPINION of the corrupt arbitration **to provide to this court** where Arbitrator Dean stated Myers resorted to "**self-help**" (page 11 paragraph 2 of Dean's OPINION) because Myers attempted to protect himself and co-workers of criminal and civil liability which was a criminal act of Dean. Dean also stated he court not rule on "**statutory law**" (page 16 paragraph 2 of Dean's OPINION) which was stated in Myers Complaint of 5-29-19.

Appellant Myers filed a complaint with then Butler County District Attorney Appellee McCune (**see Exhibit 28 in Notice of Appeal**) who did NOTHING and then a year later Keith Ekenrode was killed at the Butler AK Steel Plant because of the oppressive management style. Myers has additional evidence to prove the oppressive management style.

Appellant Myers then sent an approximate 300 page document to then U.S. Attorney General Ashcroft, then President Bush Jr., FBI and numerous other agencies as well as those in congress in 2003 with no help and why Senator Rubio and Congressman Rutherford have started a congressional inquiry with the U.S. Department of Justice and the FBI.

Appellant Myers then hired Appellee Papa as legal counsel to sue various Appellees but when Myers brought to Papa'a attention that Appellee Chivers hired Appellee Brewer who shared an office with Appellee Murtagh and that it was a conflict of interest Papa said it was not. Yeager ruled that it was IN FACT a Conflict of Interest (**see attached A.D. No. 04-10707**) MORE CONSPIRACY and FRAUD!

Appellant Myers filed the new Complaint on 5-29-19 **AS A CIVIL SUIT** and the case was assigned to Doerr.

Appellees filed Preliminary Objections stating Myers was time-barred by labor law even though every Appellee knew this case was IN FACT a CRIMINAL and CIVIL CASE.

Appellees Jones and Lettrich also filed Appellee McCune had high public official immunity and Appellee Cunningham granted that in his illegal court ruling.

The court allowed a Judgement of Non Pros against Appellant Myers even though Appellee Chivers incriminated himself with his own letter (**see point 41 of the INDEX and Exhibit B of the Notice of Appeal**) and no Certificate of Merit is required.

Then on 9-9-19 a Scheduling Order for Preliminary Objections which stated all Butler County judges recused themselves from the case and Appellee Cunningham was assigned the case.

Appellant Myers filed a motion warning Appellee Cunningham and ALL other Appellees of Conspiracy Against Rights of Myers and made the Violation Warning for Denial of Rights Under Color of Law sent to EVERY Appellee part of court filings of 10-18-19 and 10-21-19. Appellee Cunningham Violation Warning is part of the Notice of Appeal.

Appellee Cunningham allowed Appellee Hobaugh to file Preliminary Objections some 4 months after Myers filed the Complaint. Appellant Myers filed a motion on 8-12-19 showing Appellee Hobaugh kept returning all the court filings yet Cunningham allowed the 4 month late filing by Hobaugh.

Appellant Myers was informed on 5-16-19 by a former co-worker that Appellee Loverick conspired with Appellee Tassej days before Myers was fired by Tassej yet Appellee Cunningham ignored that as well as all of well plead facts.

Appellee Roman sent a letter dated 12-30-19 (see attached) to Deputy Prothonotary Corsetti stating he and other legal counsel Appellees are not named parties is a **LIE** when IN FACT Appellant Myers warned all Appellees in court filings 10-18-19 and 10-21-19 and Appellees were added as Defendants in court filing 10-29-19.

What Appellant Myers would like to know is how Appellee Roman's letter to Deputy Prothonotary Corsetti was dated 10-30-19 and the letter I received regarding the transfer to Superior Court from Deputy Prothonotary Corsetti was dated 10-30-19? For this reason and to save all parties on postage Myers request that all future correspondence be via email between Myers and Appellees that way everything is time and date stamped in fairness to everyone.

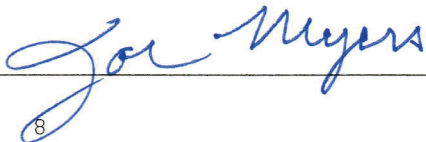
Issues to be raised on appeal:

1. Appellant Myers never wavered when filing this case as a substantive law (Constitution) case yet Appellee Cunningham and Appellees have tried to turn this case into a procedural case, which is not law at all..
2. ALL Constitutional Rights of Myers must be restored to protect Myers' property (wages, benefits, etc.) that was extorted from Myers.
3. Appellant Myers has NEVER been granted his protected CONSTITUTIONAL RIGHTS by the Butler County court but specifically Myers RIGHT to a trial by jury.

While the Constitution has no statute of limitations and because Myers has proven the CONSPIRACY the courts cannot implement a statute of limitations. Myers has also proved he contacted Appellee McCune and then U.S. Attorney General Ashcroft inside any unconstitutional statute of limitations Appellees are trying to illegally impose against Myers.

4. The Preamble to Bill of Rights (**page 26 of Notice of Appeal**) is very clear that many States were concerned about the misconstruction of the Constitution or abuse of its powers and WHY they added the Bill of Rights. Appellee Cunningham has more than abused his judicial power and his illegal court ruling dismissing Appellant Myers case as he KNEW he was WARNED by Myers in court filings 10-18-19 and 10-21-19 and that Myers named Cunningham as a Defendant on 10-29-19 which made it a conflict of interest in addition to being unlawful.
5. Everyone is bound by the Constitution so any "high public official immunity" that Appellee Cunningham tried to grant Appellee McCune is unconstitutional because that makes it very easy for ANY high public official to be bribed by a person or in this case a company like Appellee AK Steel with deep pockets. This is one of many reasons a congressional inquiry has been initiated. Senator Rubio has requested Appellant Myers to send all court filings and updates to his office to be forwarded to the U.S. Justice department and the FBI.
6. Appellant Myers is seeking \$100 million in punitive and compensatory damages from Appellee AK Steel and \$10 million in punitive and compensatory damages from each and every other Appellee.
7. Sanctions must be imposed against ALL Appellees with a law license for their participation of the conspiracy against Appellant Myers.

Dated this 7th day of January, 2020



Joe Myers

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, PENNSYLVANIA

JOSEPH G. MYERS,

Plaintiff,

vs.

JOSEPH CHIVERS,

Defendant.

CIVIL DIVISION
A.D. No. 04-10707

Attorney for Plaintiff: Pro Se

Attorney for Defendant: Graydon R. Brewer, Esquire

Yeager, J.

November 20, 2007

Memorandum
PROTHONOTARY

2007 NOV 20 PM 3: 08

PROTHONOTARY'S
OFFICE - BUTLER CO.
ENTERED & FILED

MEMORANDUM OPINION

Before this Court for consideration is the Plaintiff's, Joseph G. Myers, (hereinafter "Plaintiff") Conflict of Interest pleading. For the following reasons, the Court finds that there is a Conflict of Interest and hereby removes Graydon R. Brewer, Esquire, as counsel for the Defendant, Joseph Chivers (hereinafter "Defendant").

I. Background

This case arises from the Plaintiff's termination from employment at AK Steel Corporation. In 2001, John W. Murtaugh, Jr., Esquire, presented the union's position at an Arbitration concerning the Plaintiff's discharge. The Plaintiff was a member of a union, known as Butler Armco Independent Union (hereinafter "BAIU"). The Arbitrators upheld the decision to terminate the Plaintiff's employment.

The Plaintiff retained the Defendant to represent him sometime in April of 2001. Following the Arbitration, the Plaintiff requested that the Defendant appeal the Arbitrator's Decision on his behalf. The above-captioned matter arises from allegations regarding the Defendant's actions following the Arbitration.

The Defendant retained Graydon R. Brewer, Esquire, to represent him in the present matter. Mr. Brewer has a principal office located in Pittsburgh, Pennsylvania. Mr. Brewer also shares office space located in Wexford, Pennsylvania, with Mr. Murtaugh. At the office located in Wexford, Pennsylvania, Mr. Murtaugh and Mr. Brewer share space, a telephone number, and a fax number. Mr. Brewer also shares a secretary with Mr. Murtaugh at the Wexford location to the extent that she informs anyone who calls that location to instead reach Mr. Brewer at his principal office in Pittsburgh.

At the hearing on the Plaintiff's Conflict of Interest pleading scheduled for November 16, 2007, Mr. Murtaugh testified that he and Mr. Brewer discussed the fact that the Plaintiff was suing the Defendant, however, according to the testimony of Mr. Murtaugh, the conversation did not go any further than that.

II. Rule of Law

"When a lawyer becomes associated with a firm, the firm may not knowingly represent a person in the same or a substantially related matter in which that lawyer, or a firm with which the lawyer was associated, had previously represented a client whose interests are materially adverse to that person and about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter unless: (1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and (2) written notice is promptly given to the appropriate client to enable it to ascertain compliance with the provisions of this rule.

Rule 1.10(b) of the Rules of Professional Conduct.

“Whether two or more lawyers constitute a firm within this definition depends on specific facts.” *Explanatory Comment [1] to Rule 1.10 of the Rules of Professional Conduct.*

“Matters are ‘substantially related’...if they involve the same transaction or legal dispute or if there otherwise is a substantial risk that confidential factual information as would normally have been obtained in the prior representation would materially advance the client’s position in the subsequent matter.” *Explanatory Comment [3] to Rule 1.9 of the Rules of Professional Conduct.*

III. Discussion

The initial matter that must be examined is whether Mr. Brewer and Mr. Murtaugh were associated with the same firm. Based upon the fact that Mr. Brewer and Mr. Murtaugh share space, a telephone number, a fax number, and a secretary, for limited purposes, at the Wexford, Pennsylvania, location this Court finds that Mr. Brewer and Mr. Murtaugh were associated in the same firm. Regardless of the fact that Mr. Brewer’s principal office was located somewhere other than the Wexford, Pennsylvania, location, the men are associated in the same firm at the Wexford office.

Secondly, this Court must determine whether the matter in which Mr. Murtaugh represented his client, BAIU, on behalf of the Plaintiff, and the matter in which Mr. Brewer is currently representing his client, the Defendant, are substantially related. Although Mr. Murtaugh states that he did not actually represent the Plaintiff in the Arbitration matter, he presented the position of BAIU on behalf of the Plaintiff and gained confidential information about the Plaintiff’s case in the process of doing so. Mr. Brewer is presently representing the Plaintiff’s former attorney who

represented the Plaintiff around the time that the Arbitrators made their decision upholding the Plaintiff's discharge.

The information obtained by Mr. Murtaugh in his previous representation of the Plaintiff in the course of presenting BAJU's position at the Plaintiff's Arbitration hearing could be used to the advantage of Mr. Brewer in the course of preparing a defense for his client, the Defendant. Moreover, the previous matter in which Mr. Murtaugh provided representation and the present matter in which Mr. Brewer is counsel for the Defendant arose from the same occurrence, the Plaintiff's termination from his employment at AK Steel Corporation. Therefore, there is a conflict of interest with Graydon R. Brewer, Esquire, representing the Defendant due to the fact that he is associated in the same firm as John W. Murtaugh, Jr., Esquire, who previously represented the BAJU on behalf of the Plaintiff in a substantially related matter.

Accordingly, We Find As Follows:

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

JOSEPH G. MYERS, : CIVIL DIVISION
Plaintiff, : A.D. No. 04-10707
vs. :
JOSEPH CHIVERS, :
Defendant. :

Attorney for Plaintiff: Pro Se

Attorney for Defendant: Graydon R. Brewer, Esquire

Yeager, J.

November 20, 2007

ORDER OF COURT

AND NOW, this 20th day of November, 2007, upon consideration of Plaintiff's, Joseph G. Myers, Conflict of Interest pleading, oral argument thereon, and in accordance with the foregoing Memorandum Opinion, it is hereby Ordered that there is a Conflict of Interest in Graydon R. Brewer's representation of the Defendant, Joseph Chivers.

Defendant, Joseph Chivers, shall have thirty (30) days from the date of this Order of Court to obtain new counsel. Such retained counsel is then to immediately enter their appearance of record and thereafter confer with the Plaintiff, Joseph G. Myers, regarding the status of this case.

BY THE COURT,


**S. MICHAEL YEAGER
JUDGE**

**MARSHALL DENNEHEY
WARNER COLEMAN & GOGGIN**

ATTORNEYS-AT-LAW WWW.MARSHALLDENNEHEY.COM

A PROFESSIONAL CORPORATION

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NEW JERSEY	Long Island
Mount Laurel	New York City
Roseland	Westchester
DELAWARE	
Wilmington	

December 30, 2019

Nicholas V. Corsetti, Esquire, Deputy Prothonotary
Superior Court of Pennsylvania
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297

**Re: Joe Myers v. McCune, et al.
No. 1892 WDA 2019 (Superior Court of PA)
MDWCG File No.: 01280.00357**

Dear Mr. Corsetti:

I have enclosed for filing our Entry of Appearances on behalf of our client, defendant-appellee Joseph H. Chivers, Esquire, in the above-captioned appeal.

Additionally, I viewed the case caption in this appeal and am responding to your letter of today's date. Neither I nor, for that matter, any of the other attorneys representing defendant-appellee parties who had been sued and served with legal process, are named parties to the lawsuit filed in the trial court which is the subject of this appeal now taken by the plaintiff-appellant, Joe Myers.

In particular, the docket in the lower court will reveal on its face that no request was ever made or order entered naming the defense lawyers as parties to the lawsuit. Our office is following up with the Prothonotary's Office in Butler County to have this ministerial correction immediately made so that you may, in turn, make the same correction at the appellate level.

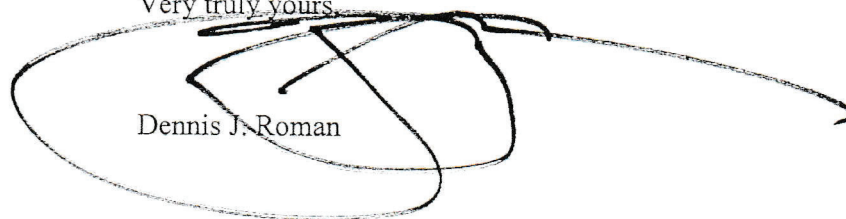
Should you have any questions, kindly contact our office.

Nicholas V. Corsetti, Esquire, Deputy Prothonotary

December 30, 2019

Page 2

Very truly yours,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Dennis J. Roman

DJR/dmk

Enclosure

cc: Joe Myers (w/encl.)

Adam K. Hobaugh, Esquire (w/encl.)

Nicholas J. Koch, Esquire (w/encl.)

Marie Millie Jones, Esquire (w/encl.)

Michael R. Lettrich, Esquire (w/encl.)

Graydon Brewer, Esquire (w/encl.)

Angelo Papa, Esquire (w/encl.)

LEGAL/12699888.v1



Superior Court of Pennsylvania

Western District

Joseph D. Seletyn, Esq.
Prothonotary
Nicholas V. Corsetti, Esq.
Deputy Prothonotary

310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
(412) 565-7592
www.pacourts.us/courts/superior-court

December 30, 2019

Mr. Joe Myers
12137 Emerald Green Court
Jacksonville, FL 32246

RE: Myers, J., Appt. v. McCune, et al
1892 WDA 2019

Dear Mr. Myers:

Pursuant to Pennsylvania Rule of Appellate Procedure 3517, a Superior Court Docketing Statement is enclosed. Please confirm that the Docketing Statement you received corresponds with the type of case from which the appeal has been taken (i.e., civil, criminal, or family) and that the pre-printed information is correct. If the enclosed Docketing Statement does not correspond with your case type or the information is incorrect, please contact this office before the Docketing Statement due date and a new Docketing Statement will be sent to you. If the Docketing Statement is correct, complete the Docketing Statement and return it to this office by January 13, 2020.

Failure to file a timely completed Docketing Statement may result in dismissal of the appeal. See Pa.R.A.P. 3517, amended June 5, 2001, effective September 1, 2001.

Nicholas V. Corsetti, Esq.
Deputy Prothonotary

/gjm
Enclosure