



Superior Court of Pennsylvania

Western District

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

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February 18, 2020

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

RE: Myers, J., Aplt. v. McCune, et al
No. 1892 WDA 2019
Trial Court Docket No: A.D. No. 19-10516

Dear Mr. Myers:

Enclosed please find a copy of an order dated February 18, 2020 entered in the above-captioned matter.

Very truly yours,

Nicholas V. Corsetti, Esq.
Deputy Prothonotary

/gjm

Enclosure

cc: Graydon Ryan Brewer, Esq.
William P. T. Cunningham, Esq.
The Honorable William R. Cunningham, Senior Judge
Adam Keith Hobaugh, Esq.
Marie Milie Jones, Esq.
Nicholas Joseph Koch, Esq.
Michael Robert Lettrich, Esq.
Angelo Anthony Papa Jr., Esq.
Dennis John Roman, Esq.

**IN THE SUPERIOR COURT OF PENNSYLVANIA
WESTERN DISTRICT**

JOE MYERS,

: No. 1892 WDA 2019

Appellant

v.

TIMOTHY F. MCCUNE, JOSEPH H.
CHIVERS, JOHN/JACK W. MURTAGH
JR., GRAYDON BREWER, CARL V.
NANNI, JACK LEWIS, JIM GALLAGHER,
HANK LEYLAND, GREG LOVERICK,
EDWARD TASSEY, AK STEEL ET AL,
UAW (FORMERLY BUTLER ARMCO
INDEPENDENT UNION) ET AL, ANGELO
PAPA, WILLIAM CUNNINGHAM,
MICHAEL LETTRICH, MARIA MILIE
JONES, DENNIS ROMAN, NICHOLAS
KOCH, ADAM HOBAUGH,

Appellees

ORDER

This appeal has been filed from an order granting preliminary objections and dismissing Appellant’s Complaint as against the objecting defendants. The complaint included as defendants, a former Butler County District Attorney who became a judge in the Court of Common Pleas of Butler County, along with UAW (formerly Butler Armco Independent Union). Under 42 Pa.C.S. § 762(a)(1)(i) Commonwealth Court shall have exclusive jurisdiction of all civil actions or proceedings original jurisdiction of which is vested in another tribunal by virtue of any of the exceptions to section 761(a)(1)(relating to original jurisdiction). Under 42 Pa.C.S. § 761(a)(1) Commonwealth Court has original jurisdiction in cases against the Commonwealth government, including any officer thereof acting in his official capacity. **See also** 42 Pa.C.S. § 762(a)(7) regarding Sovereign Immunity. Appeals relating to public officials and unions generally belong in the Commonwealth Court. Moreover, it is unclear whether the complaint has been

dismissed with prejudice as to each and every claim against each and every defendant. See also **West v. West**, 446 A.2d 1342 (Pa. Super. 1982) (holding that order is interlocutory and unappealable where further proceedings are anticipated). See also Pa.R.A.P. 341.

Therefore, Appellant shall show cause, in the form of a letter addressed to the Prothonotary of this court with a copy to opposing counsel, why this appeal should not be transferred to the Commonwealth Court of Pennsylvania. **See** Pa.R.A.P. 751. The letter shall be transmitted so as to be actually received by the Prothonotary of this Court within **fourteen (14) days** of the date of this Order. Failure to respond to this directive may result in transfer of the appeal without further notice to the parties. If following receipt of the response, it is determined that no action should be taken at this time, the appeal will continue without further notification to the parties and the issue raised by this Order will be referred to the panel assigned to decide the merits of the appeal.

Appellant shall also show cause, in the form of a letter addressed to the Prothonotary of this Court, with a copy to opposing counsel, why the appeal should not be quashed as interlocutory and shall explain how each and every claim against each and every defendant was disposed of. The letter shall be transmitted so as to be actually received by the Prothonotary within **fourteen** days from the date of this Order. Failure to comply with this order may result in quashal of the appeal without further notice.

PER CURIAM