

**IN THE SUPREME COURT OF  
PENNSYLVANIA – WESTERN DISTRICT**

JEAN COULTER, Petitioner

No. 59 WM 2020

v.

PHILIP A. IGNELZI, TIMOTHY P.  
O'REILLY, RONALD W. FOLINO,  
TONY BAGNATO, JAMIE L. LENZI,  
CIPRIANI & WERNER  
AND DAVID N. WECHT, Respondents

**ORDER**

PER CURIAM

AND NOW, this 31<sup>st</sup> day of July, 2020, the Application form Leave to File Original Process is GRANTED, and the Petition for Writ of Mandamus is DENIED. The Prothonotary is DIRECTED to strike the names of the jurists from the caption.

Justice Wecht did not participate in the consideration or decision of this matter.

A True Copy Patricia Nicola

As of 07/31/2020

Attest: Patricia Nicole

Chief Clerk

Supreme Court of Pennsylvania

IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION - No. GD-15-002176

JEAN COULTER, Plaintiff,

vs.

PHILIP A. IGNELZI, TIMOTHY P. O'REILLY,  
RONALD W. FOLINO, TONY BAGNATO, JAMIE L.  
LENZI, CIPRIANI & WERNER, and DAVID N.  
WECHT, Defendants.

MEMORANDUM ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION

This matter comes before this Court on Plaintiff Jean Coulter's Motion for Reconsideration of this Court's Memorandum Opinion and Order dated December 17, 2015. In her Motion for Reconsideration, Plaintiff Coulter asserts the following grounds:

**1. (a) Whether this Court's ruling on Defendants' Preliminary Objections "was without notice ... and is also in direct violation of Local Rules land. Case Law which makes Preliminary Objections moot when an amended complaint is filed."**

Plaintiff Coulter's initial premise is unfounded. Plaintiff filed her original Complaint on February 2, 2015, an Amended Complaint on March 31, 2015, and a Second Amended Complaint on May 11, 2015. Thereafter, Plaintiff Coulter filed a Third Amended Complaint on June 22, 2015, a Fourth Amended Complaint on August 6, 2015, a Fifth Amended Complaint on September 22, 2015, a Sixth Amended Complaint on November 3, 2015, and a Seventh Amended Complaint on December 23, 2015.

Defendants Cipriani & Werner, PC and Lenzi filed Preliminary Objection I— Motion to Dismiss

Pursuant to Rule 233.1 on March 6, 2015 to the original Complaint and, on April 16, 2015, filed an identical Preliminary Objection to the Amended Complaint.

Defendant Bagnato filed both a Motion to Dismiss Pursuant to Pa. Civ. Proc. 233.1 and Preliminary Objections on March 6, 2015 to the original Complaint and, on April 21, 2015, filed an identical Preliminary Objection to the Amended Complaint.

Defendants Ignalzi, O'Reilly, Folino, and Wecht filed Preliminary Objections March 3, 2015 to the original Complaint; and, on June 2, 2015, filed Amended Preliminary Objections to the Amended Complaint, asserting in paragraph 13, that Plaintiff Coulter's Amended Complaint should be "dismissed pursuant to Pa.R.C.P. 233.1

Because all of the Defendants had raised the Pa.R.C.P. 233.1 issue, by Order of Court, dated May 15, 2015, this Court directed "that argument on Defendants' Motions pursuant to Pa.R.C.P. 233.1 shall be held on June 10, 2015 at 10:00 a.m."

Plaintiff Coulter and counsel for all of the Defendants appeared at the June 10, 2015 oral argument and presented oral argument restricted to whether Plaintiff Coulter's Complaints should be dismissed pursuant to Pa.R.C.P. 233.1.

**(b) Whether "even if the court was scheduled to be ruling on Preliminary Objections, the action violates Rules of Court which permit Amendment of the Complaint 'as of course.' So, this ... judge has ruled on a moot set of Preliminary Objections and therefore on non-issues."**

As noted above, as of December 23, 2015, Plaintiff Coulter has filed an original Complaint and seven Amended Complaints. Plaintiff Coulter asserts that her Amended Complaints rendered moot the Preliminary Objections the Defendants filed to previous Complaints; and, therefore, there are no viable preliminary objections upon which a court can rule. If Plaintiff Coulter's analysis is correct, she can foreclose any court decision by continually and timely filing amended complaints. However, this novel proposition is not correct. The entry of the May 15, 2015 Order of Court scheduling "argument on Defendants' Motions pursuant to Pa.R.C.P. 233.1 " essentially "froze" the pleadings until such time as this Court could rule upon the propriety of the pending objections and none of Plaintiff Coulter's Amended Complaints could resolve the procedural Rule 233.1 issue.

Therefore, Plaintiff Coulter's first series of issues are without merit.

**2. Whether this Court failed to consider Plaintiff Coulter's argument that "Rule 233.1 violates the Pennsylvania Constitution — as it obviously abridges and/or modifies Coulter's Rights to access the courts to settle disputes."**

The Pennsylvania Supreme Court is the ultimate arbiter of whether various statutes, rules, regulations, etc. violate the Pennsylvania Constitution. Pa.R.C.P. 233.1, entitled "Frivolous Litigation. Pro Se Plaintiffs. Motion to Dismiss," was approved by and adopted by the Supreme Court of Pennsylvania. Plaintiff Coulter has not provided a scintilla of legal authority in support her position that Pa.R.C.P. 233.1 violates the Pennsylvania

Constitution. Without substantial legal authority, this Court is not inclined to determine that actions of the Pennsylvania Supreme Court are unconstitutional.

Therefore, Plaintiff Coulter's second issue is without merit.

**3. Whether "the [December 17, 2015] Order drastically exceeds the 'sanctions' permissible by Rule 233.1."**

Pa.R.C.P. 233.1 (c) provides,

Upon granting the motion and dismissing the action, the court may bar the pro se plaintiff from pursuing additional pro se litigation against the same or related defendants raising the same or related claims without leave of court."

In its December 17, 2015 Order, this Court directed that:

[Plaintiff Coulter be] ENJOINED from instituting any pro se civil action (including but not limited to filing writs of summons, complaints, praecipes for lis pendens, etc.) in any Court of Common Pleas in the Commonwealth of Pennsylvania or in any Magisterial District Court in the Commonwealth of Pennsylvania until such time as:

(a) She obtain the written consent of a judge of a court of competent jurisdiction after having presented to said judge a written request, under oath or affirmation, setting forth with specificity and particularity the facts to be pled, the cause of action, and naming the parties proposed to be named as defendants...

Presumably, Plaintiff Coulter views the above-quoted portion of this Court's December 17, 2015 Order as a "sanction"; however, she has again provided no legal authority in support of her position. To the contrary, this Court views the above-quoted portion of the Order as merely implementing Pa.R.C.P. 233.1 (c).

Therefore, Plaintiff Coulter's third issue has no merit.

**4. (a) Whether this Court's decision imposed upon Plaintiff Coulter "an obligation to fund 2 'Bonds' without any basis in Statute, Case Law or Rule of Court to authorize this new 'modification' of Coulter's Rights of access to the courts.**

Plaintiff Coulter has misconstrued this COUNS December 17, 2015 Order, which in pertinent part, provided:.

(a) She obtain the written consent of a judge of a court of competent jurisdiction after having presented to said judge a written request, under oath or affirmation, setting forth with specificity and particularity the facts to be pled, the cause of action, and naming the parties proposed to be named as defendants; or,

(b) She file a Cash Bond in the amount of \$10,000 with the prothonotary of a court of competent jurisdiction and venue in the form attached to this Order; or,

(c) She file a Bond with Corporate Surety in the amount of \$10,000 with the prothonotary of the court of competent jurisdiction and

venue in the form attached to this Order, said Corporate Surety being authorized to do business in the Commonwealth of Pennsylvania.

As apparent from the above-quoted language, if a plaintiff has been barred from filing pro se proceedings pursuant to the provisions of Rule 233.1, he or she cannot proceed with another pro se litigation without "leave of court." Since "leave of court" is not a defined term, in the exercise of its discretion, this Court fashioned three methods for the pro se plaintiff to obtain "leave of court:"

- (a) Obtain the written consent of a judge; or,
- (b) Post a \$10,000 Cash Bond; or,
- (c) Post a \$10,000 Surety Bond.

If "leave of court," as specified in Rule 233.1 (c), meant only the "consent of court," this Court could merely have allowed Plaintiff Coulter to obtain the consent of a court as specified in alternative (a). However, in an effort to afford Plaintiff Coulter greater latitude, this Court provided that she could post either a Cash Bond or a Surety Bond — the choice being hers — in order to institute pro se litigation. Thus, this Court has provided an advance automatic "leave of court" so as to permit her to institute pro se litigation without the necessity of contacting a judge.

Therefore, this Court fails to understand Plaintiff Coulter's objections of how she is prejudiced by being permitted to post either a Cash Bond or a Surety Bond in addition to obtaining consent of court.

**(b) Whether "the 'Bonds' at \$10,000.00 each — provide no manner which the funds will**

**be released back to Coulter or provide another use for the funds which the Court has illegally be [sic] paid by Coulter."**

In the December 17, 2015 Order, this Court provided examples of a Cash Bond and a Surety Bond, both of which contained the following language:

Upon the conclusion of the above matter, if I, as the principal, pay all costs of litigation, interest, counsel fees, and damages as may be awarded by any court of competent jurisdiction for the reason that the I, as principal, filed pleadings that are frivolous, dilatory, obdurate, vexatious, vindictive, harassing, in bad faith, obstructive of the administration of justice, or dismissed pursuant to Rule 233.1(a) of the Pennsylvania Rules of Civil Procedure, then this obligation shall be void; otherwise it shall remain in full force.

Thus, if a court directs Plaintiff Coulter to pay litigation costs, interest, counsel fees, or damages, and she pays those court-ordered amounts, the conditions of the Bond are satisfied, and Plaintiff Coulter is released from her obligation and the funds of the Cash Bond are returned to her. Conversely, if Plaintiff Coulter fails to pay those court-ordered amounts, the Bond is available to satisfy her obligations.

**(c) Whether "by requiring prior approval for all civil actions (even ones which are not involving anyone who is part of the 'Justice System'), the Court has essentially, altered the Statute of Limitations for Coulter. (since the case cannot be filed until after any bogus**



**decision is overturned — making the statute [of] limitation approximately 6 months at the longest for all claims except Breach of Contract — an obvious abridgment of Coulter's right to access the courts!"**

As discussed earlier, Rule 233.1 (c) permits the Court to require "leave of court" for a pro se plaintiff to institute a legal action. Plaintiff Coulter suggests that the "leave of court" provision of Rule 233.1 (c) is violative of her rights because it may permit a statute of limitations to expire during the time she is attempting to comply with Rule 233.1 (c) — thus resulting in a deprivation of her rights. This is merely a rephrasing and restatement of the issue addressed in Issue 2, supra, — that Rule 233.1 results in a deprivation of constitutional rights. Again, this Court is not inclined to determine that the action of the Pennsylvania Supreme Court in approving and adopting Rule 233.1 was unconstitutional, even in Plaintiff Coulter's speculative scenario.

Therefore, Plaintiff Coulter's fourth series of issues are without merit.

**5. Whether "the Court failed to find that the Claims had been previously 'considered and Resolved' as is required by Case Law (the same case as the Court cited) — likely because the Judge noticed that Defendants had made no argument in this respect and indeed, there is none. The Court also had to ignore the decision by Senior Judge Wettick, which Coulter presented in Oral Argument, which specifically finds that when a period of time has passed between the events which precipitated the**

**Civil Actions, they cannot be considered 'related'."**

Senior Judge Wettick issued Orders on November 12, 2014 and January 26, 2015 in Coulter v. Levenson, GD-14-001506, Allegheny County; each Order dismissing Plaintiff Coulter's lawsuits against specific individuals pursuant to Rule 233.1. Nowhere did Senior Judge Wettick define "related parties" or "related claims." Instead, Senior Judge Wettick merely barred Plaintiff Coulter from instituting "litigation against these defendants raising any claims that in any way arise out of or have any connection with the court proceedings resulting in Coulter's imprisonment and termination of her parental rights."

Obviously, this prohibition did not prevent Plaintiff Coulter from filing the instant action. Decisions rendered by Senior Judge Wettick are frequently considered authoritative; however, due to judicial parity, they are neither precedential nor binding upon this Court. Therefore, this Court was not legally compelled to adopt any alleged conclusions of Senior Judge Wettick.

Thus, Plaintiff Coulter's fifth issue has no merit.

**6. (a) Whether "Defendants have criminally released info [sic] from sealed Adoption Records, and the Court has illegally done so as part of a civil and criminal conspiracy against these criminals!"**

Whether any of the above-named Defendants released protected information contrary to the penal laws of this Commonwealth is not an issue in the above-captioned case.

**(b) Whether this Court abused its discretion when it considered "documents whose filing constitutes the commission of a crime — much less quote those same sealed facts!"**

This Court found it necessary to review Plaintiff Coulter's approximately two dozen prior lawsuits in order to determine if there was any interconnectedness of her numerous lawsuits, i.e., "related parties" and "related claims." In its December 17, 2015 Memorandum Opinion, this Court described facts alleged in Plaintiff Coulter's complaints filed in those previous lawsuits, and to facts and conclusions found in the opinions filed by the Judges presiding over her prior lawsuits. At no time did this Court review any pleadings filed by Plaintiff Coulter's various adversaries in those prior cases. Thus, the individuals to whom Plaintiff Coulter refers are either she or the various state and federal judges who have presided over her prior lawsuits. It is inconceivable that Plaintiff Coulter considers these judges or herself as "criminals." 1 Without specifying the "documents" to which she objects, Plaintiff Coulter concludes that this Court committed an abuse of discretion because disclosure of the contents of those "documents" constitutes a crime.

Plaintiff Coulter's sixth issue is without merit.

**7. Whether this Court "stated multiple false facts, but most glaring is the statement that the Superior Court agreed that all of the cases presented related claims and related defendants. Indeed, nothing could be further from the truth. Coulter placed most emphasis on the fact that O'Reilly was serving his "temporary judicial service" in clear violation**

**of Pennsylvania Statute and he therefore completely lacked jurisdiction! (Essentially, Coulter's Oral Argument was eliminated at the eleventh hour, so planned Oral Argument concerning the issue of relatedness, etc. was found to be waived (an obviously biased decision).**

Plaintiff Coulter believes that this Court, in its December 17, 2015 Memorandum Opinion, relied upon "multiple" unspecified "false facts." The only specific example cited by Plaintiff Coulter was this Court's statement "that the Superior Court agreed that all of the cases presented related claims and related defendants." Specifically, on page 17 of its Memorandum Opinion, this Court concluded:

Clearly, however, the Superior Court agreed with Sr. Judge O'Reilly that all of the cases subject to his Dismissal Order involved "related parties" and "related actions." Just as the two dozen or so cases that have preceded the case sub judice and were dismissed

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<sup>1</sup> It is inconceivable that Plaintiff Coulter considers these judges or herself as 'criminals.'

pursuant to Pa.R.C.P. 233.1(a), this Court is likewise compelled by the rules and applicable law to dismiss this case.

Plaintiff Coulter believes that the Superior Court was not given the opportunity to hear argument on this issue—"Essentially, Coulter's Oral Argument was eliminated at the eleventh hour, so planned Oral Argument concerning the issue of relatedness, etc. was found to be waived ... [by the Superior Court]." Despite this assertion, in *Coulter v.*

Ramsden, 2015 PA. Super. 27, 583 WDA 2013 (2015), the Superior Court stated, "With regard to Coulter's claim that the trial court improperly dismissed Coulter's complaint pursuant to Pa.R.C.P. 233.1, we conclude that her argument similarly lacks merit."

Coulter then reasserts her belief that Senior Judge O'Reilly had no authority to decide her prior cases because, in her argument before the Superior Court, she "placed most emphasis on the fact that O'Reilly was serving his 'temporary judicial service' in clear violation of Pennsylvania Statute." This Court fails to understand how the objectionable actions of the Superior Court or Senior Judge O'Reilly in prior cases have any bearing in the case subjudice,

**8. Thus, Plaintiff Coulter's seventh issue is without merit. Based on the extreme bias present in both Senior Judge O'Reilly and Senior Judge Reed, it is apparent that the "temporary judicial service" itself assures a biased court and is therefore violate the Due Process Clause the United States Constitution, as the status of Senior Judges are particularly vulnerable to pressures from fellow jurists — due to their day-to-day and/or month-to-month employment status.**

The Pennsylvania Judicial Code defines a "Judge" as including a justice of the Supreme Court and a senior judge. 42 Pa.C.S.A. 102. The Judicial Code further provides for the assignment of Judges:

**4121. Assignment of judges**

**(a) General rule.**—Subject to general rules any judge may be temporarily assigned to another court and may there hear and

determine any matter with like effect as if duly commissioned to sit in such other court.  
(b) Senior judges.—A senior judge may, with his consent, be assigned on temporary judicial service pursuant to subsection (a).

42 Pa.C.S.A. 4121

Because Senior Judge O'Reilly, Senior Judge Wettick, and the undersigned Senior Judge Reed have issued rulings adverse to Plaintiff Coulter, this fact is proof that "Senior Judges are particularly vulnerable to pressures from fellow jurists — due to their day-to-day and/or month-to-month employment status." *A fortiori*, the use of Senior Judges "violates the Due Process Clause the United States Constitution." Plaintiff Coulter provides no legal authority to support her proposition that the above-cited provisions of Pennsylvania's Judicial Code relating to Senior Judges are unconstitutional as violative of due process.

Therefore, there is no merit to Plaintiff Coulter's final issue.

ACCORDINGLY, it is ORDERED that Plaintiff Coulter's Motion for Reconsideration is DISMISSED without oral argument or briefs for the reason that none of the issues raised by Plaintiff Coulter have any merit.

BY THE COURT:

John C. Reed, Senior Judge  
Specially Presiding

Dated: January 26, 2016

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

CIVIL DIVISION - No. GD-15---002176

JEAN COULTER, Plaintiff,

vs.

PHILIP A. IGNELZI, TIMOTHY P. O'REILLY,  
RONALD W. FOLINO, TONY BAGNATO,  
JAMIE L. LENZI, CIPRIANI & WERNER,  
and DAVID N. WECHT, Defendants.

**MEMORANDUM OPINION and ORDER**

This matter comes before this Court on Defendants' Preliminary Objections to Plaintiff's ("Coulter") Complaint. In order to understand the context of Coulter's Complaint, it is necessary to review briefly the history of other cases leading up to Coulter filing her present Complaint.

**BACKGROUND**

Coulter has tiled numerous lawsuits against many individuals and organizations, both in the Common Pleas Courts of this Commonwealth and the US District Courts in Pennsylvania. With the exception of pending lawsuits, all of Coulter's lawsuits have been dismissed or quashed by the respective courts, and when appealed, the appellate courts have either affirmed the decisions of the trial courts or quashed the appeals. Coulter's various lawsuits stem from a criminal action and a termination of her parental rights, both occurring in Butler County. The background of Coulter's lawsuits was briefly explained in *Coulter v. Ramsden*, 2014 PA Super 127, 94 A.3d 1080, reargument denied (Aug. 4, 2014). appeal denied, 110 A.3d 998 (Pa. Super 2014) :

We summarize the protracted history of this case as follows.' This matter stems from

Coulter's 2007 plea of "no contest" and imprisonment for the crime of aggravated assault against her minor daughter in the Butler County Court of Common Pleas. Butler County Children and Youth Services became involved, and court proceedings related to the minor child were initiated.\* These resulted in the termination of Coulter's parental rights on January 12, 2011.

Prior and subsequent to filing the instant matter, Coulter filed multiple complaints in Allegheny County against persons and entities involved in the Butler County proceedings. Coulter has also filed numerous and duplicative appeals with this Court over the past several years. (See, e.g, *In the Interest of A.C.*, 47 A.3d 1242 (Pa.Super.2012); *Wilder & Mahood, P.C. v. Coulter*, 46 A.3d 824 (Pa.Super.2012); *In re Adoption. of A.S.C.*, 38 A3d 927 (Pa.Super.2011) (unpublished memorandum); *In re Adoption of A.C.*, 23 A.3d 584 (Pa.Super.2010) (unpublished memorandum); *In re A.C.*, 23 A.3d 576 (Pa.Super.2010) (unpublished memorandum)). Coulter claims that the termination proceedings in Butler County were unjust; that various persons conspired to deprive her of her rights, and that she is entitled to monetary relief in excess of \$200,000,000.00. She has also claimed civil rights violations.

In addition, Coulter initiated multiple actions in the United States District Court for the Western District of Pennsylvania prior

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Footnotes in *Coulter v. Ramsden*:



<sup>1</sup> We note that there are six other related appeals before this panel. Nos. 582 WDA 2013, 584 WDA 2013, 585 WDA 2013, 586 WDA 2013, 678 WDA 2013, and 679 WDA 2013. These appeals have been decided in separate Memoranda filed concurrently with this Opinion.

<sup>2</sup> James Mahood represented Coulter through May of 2009. On June 12, 2009, Deborah Erbstein, Esquire, and Todd Zwinkl, Esquire, entered their appearances on Coulter's behalf. However, on December 15, 2009, Erbstein's and Zwinkl's requests to withdraw from representation were granted. On April 6, 2010, Joan Shoemaker, Esquire, entered her appearance for Coulter, and she was permitted to withdraw on April 13, 2010. On May-17, 2010, Stephanie Anderson, Esquire, and Mary Suzanne Ramsden, Esquire, entered their appearances on Coulter's behalf. On August 4, 2010, Christine Gale, Esquire, substituted her appearance as counsel of record. When Coulter was not represented by counsel in the Butler County matters, she proceeded pro se. Judge Doerr presided over the custody action which ultimately resulted in the termination of Coulter's parental rights to her daughter in 2011. Dennis McCurdy, Esquire, was counsel for Butler County Children and Youth Services. Susan Lope, Esquire, and Elizabeth Smith, Esquire, represented Coulter's daughter as court appointed counsel and Guardian ad Litem, respectively. Rochelle Graham is a caseworker at Butler County Children and Youth Services.

to filing this matter in state court. These actions arose out of the same Butler County proceedings. The federal court defendants were sued due to their participation in the proceedings and Coulter's alleged injuries resulting from her dissatisfaction with the results of those proceedings. All of Coulter's federal complaints were dismissed with prejudice by the United States District Court.

The United States District Court found Coulter to be a vexatious litigant and prohibited her from filing additional civil actions relating to or arising from the state court proceedings involving her criminal conviction and the subsequent termination of her parental rights. See *Coulter v. Ramsden, et al.*, 2012 WL 6592597 (W.D. Pa. 2012).

Id. 94 A.3d 1082-83.

**COULTER'S CASES PRECEEDING AND FOLLOWING THE CASE SUB JUDICE<sup>1</sup>**

Prior to instituting the above-captioned action, Coulter had instituted a couple dozen lawsuits in the state and federal courts against many individuals, agencies, governmental personnel, frequently the same individuals. A detailed examination of these state and federal court proceedings is too voluminous to describe in body of this Opinion; however, a chronological detailed listing of some of Coulter's state and federal lawsuits are set forth in Appendix "A" to this Opinion.

**THE ABOVE-CAPTIONED ACTION**

Coulter filed her Complaint in the above-captioned action on February 9, 2015. Construing the averments in Coulter's Complaint in a light most favorable to her, Coulter alleges that certain events occurred while she was pursuing the case of *Coulter v. Allegheny County Bar Association* ("the ACBA"<sup>2</sup> - see Appendix "A," Case #9, hereafter the "*Coulter v. ACBA*") against Judge Doerr (the Butler County judge presiding over the dependency and termination proceedings), Attorney Mahood, (Coulter's former counsel), Wilder & Mahood (Attorney Mahood's Law

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<sup>1</sup> During oral argument in the above-captioned case, Coulter strenuously objected to Defendants' counsel referring to her prior criminal conviction, issues involving her child, or her history of litigation.

<sup>2</sup> Note: Bolded Italized individuals, agencies, and organizations later became defendants named in Coulter's numerous civil actions.

firm), Attorney Rothey (Chairperson of the ACBA's Fee Dispute Committee), Attorney Avalli (a member of the ACBA's Fee Dispute Committee), Attorney Long (a member of the ACBA's Fee Dispute Committee), the ACBA (the parent organization of the Fee Dispute Committee) and the Pennsylvania Bar Association ("the PBA"). Coulter v. Allegheny County Bar Association, et. al., 585 WDA 2013 (2013) — see Case #14 in Appendix "A."

(a) When she filed Preliminary Objections Based on Questions of Fact on December 11, 2012, she requested to have a hearing scheduled at least 90 days later according to the rules of civil procedure. A motions clerk for the Allegheny County Courts, Tony Bagnato (a Defendant herein), ignored her request, and instead scheduled her Preliminary Objections on Questions of Fact to be heard on January 28, 2013, contemporaneously with the Defendants' previously filed Preliminary Objections.

(b) The Hon. Philip A. Ignalzi (a defendant herein), a Judge of the Allegheny County Court of Common Pleas normally assigned to the Criminal Division, was on temporary assignment with the Court's Civil Division.

(c) The Hon. Ronald W. Folino (a Defendant herein), the Administrative Judge of the Court's

Civil Division, assigned Judge Ignalzi to preside over Coulter v. ACBA.

(d) The ACBA was represented by the law firm of Cipriani & Werner (a Defendant herein), its lead attorney being Jamie Lenzi, Esq. (a Defendant herein).

(e) When Coulter asked Attorney Lenzi if a judge was assigned to preside over Coulter v. ACBA, Attorney Lenzi, knowing that Judge Ignalzi had been assigned, misrepresented to Coulter that no judge had been assigned yet. When Coulter later learned that Judge Ignalzi was assigned to preside over Coulter v. ACBA and confronted Attorney Lenzi, who explained that there was no problem and that Judge Ignalzi was transferred from the Court's Criminal Division to the Civil Division to alleviate a case backlog in the Civil Division.

(f) Upon learning that Judge Ignalzi had previously served on the ACBA's Board of Governors, Coulter filed a Recusal Motion, requesting that Judge Ignalzi recuse himself. Subsequently, Judge Ignalzi did recuse himself and "personally hand-selected and assigned" Senior Judge Timothy P. O'Reilly (a Defendant herein) to preside over Coulter v. ACBA,

(g) On February 8, 2013, Sr. Judge O'Reilly entered an Order dismissing Coulter v. ACBA. In the Dismissal Order, Sr. Judge O'Reilly stated:

... upon consideration of Defendants', James Mahood, Brian McKinley and Wilder & Mahood, Motion to Dismiss Pursuant to Pennsylvania Rule of Civil Procedure 233.1 and Brief in Support thereof, it is hereby ORDERED, ADJUDGED, and DECREED that

. said Motion is GRANTED, and Coulter's Complaints in the above-captioned matters are dismissed with prejudice. Coulter [is] barred from pursuing additional pro se litigation raising the same or related claims.<sup>3</sup>

(h) On March 7, 2013, Coulter appealed Sr. Judge O'Reilly's Dismissal Order to the Pennsylvania Superior Court, the case being assigned to a panel of judges consisting of the Hon. Jacqueline O. Shogan, the Hon. Judith F. Olson, and the Hon. David N. Wecht. During oral argument, Judge Wecht attempted "to convince [Coulter] that [Judge Ignelzi] was acting within appropriate parameters when [Judge Ignelzi] personally hand-selected [Sr. Judge O'Reilly as] his replacement."

(i) On June 20, 2014, the Superior Court affirmed Sr. Judge O'Reilly's Dismissal Order, and after denial of her Application for Reconsideration, Coulter filed a Petition for Allowance of Appeal with the Pennsylvania Supreme Court, which Petition was denied on December 10, 2014.

(j) On February 9, 2015, Coulter filed her Complaint in the above-captioned claiming:

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<sup>3</sup> This Dismissal Order was also entered in the cases of Coulter vs. Susan Lope, Elizabeth Smith, James Mahood, Wilder & Mahvod, Unknown Clerk in the Office of Butler County Clerk of Orphans' Court, Office of Butler County Clerk of Orphans' Court and Thomas Doerr at Case No. G.D. No. 12-24620; and Coulter vs. Allegheny County Bar Association, James E. Mahood, Wilder & Mahood, Melanie S. Rothery, Charles J. Avalli, Louis C. Long, the Pennsylvania Bar Association, and Thomas J. Doerr at Case No. 12-12905.

In the former case, a Motion for Dismissal was filed by Defendants Unknown Clerk in the Office of Butler County Clerk of Orphans' Court, Office of Butler County Clerk of

Orphans' Court. In addition, Defendants Lope and Smith filed Preliminary Objections to Coulter's Complaint in the nature of a Motion to Dismiss; and Defendant Doerr also filed Preliminary Objections to Coulter's Complaint in the nature of a Motion to Dismiss.

In the latter case, Defendants Mahood, McKinley and Wilder & Mahood filed Preliminary Objections to Coulter's Complaint in the nature of a Motion to Dismiss. In addition, a Motion for Dismissal was also filed by Defendants Rothey, Avalli, Long, the Pennsylvania Bar Association, and the Allegheny County Bar Association.

(1) Defendant Bagnato was familiar with Coulter's litigation history and attempted to subvert her Preliminary Objections Based on Questions of Fact by failing to schedule a hearing thereon in accordance with the Pennsylvania Rules of Civil Procedure, and Defendant Bagnato's actions were at the direction of a member or members of the Allegheny County judiciary. Therefore, by his actions, Defendant Bagnato joined with the other Defendants herein in conspiring to injure Coulter by defeating her claims in Coulter v. ACBA.

(2) Defendant Folino deliberately appointed Defendant Ignalzi to preside over Coulter v. ACBA knowing that Defendant Ignalzi had a conflict of interest having served on the ACBA's Board of Governors and was therefore predisposed to enter rulings adverse to Coulter. Thus through his actions, Defendant Folino joined the other Defendants herein in conspiring to injure Coulter by defeating her claims in Coulter v. ACBA.

(3) Defendant Lenzi, as counsel for the ACBA, knew or should have known through members of her law firm, Cipriani & Werner, that Defendant Ignalzi had served as a member of the ACBA's Board of Governors and that he was predisposed to rule in

favor of the ACBA. With knowledge of these facts, Lenzi first told Coulter that no judge had been appointed to preside over Coulter v. ACBA, and later tried to convince Coulter that there was nothing inappropriate in Defendant Ignalzi presiding over Coulter v. ACBA. Therefore, by her actions, Defendant Lenzi, and by extension her law firm, joined the other Defendants herein in conspiring to injure Coulter by defeating her claims in Coulter v. ACBA.

(4) When Defendant Ignalzi entered his Recusal Order and recommended that Coulter v. ACBA be reassigned to Defendant O'Reilly, he knew that Defendant O'Reilly was predisposed to make rulings adverse to Coulter. Therefore, by his actions, Defendant Ignalzi joined the other Defendants herein in conspiring to injure Coulter by defeating her claims in Coulter v. ACBA case.

(5) During oral argument before the Superior Court, Defendant Wecht assured Coulter that Defendant Ignalzi acted appropriately "when. he selected Defendant O'Reilly to preside" over Coulter v. ACBA. By his actions, Defendant Wecht joined with the other Defendants herein in conspiring to injure Coulter by defeating her claims in Coulter v. ACBA.

(6) Coulter asserts that her claims set forth in Coulter v. ACBA (Case #14 in Appendix "A") were meritorious, but that she never had the opportunity to prove those claims due to the concerted efforts of the Defendants herein.

(7) Coulter asserts that the Defendants herein, acting in concert with each other, injured her (a) by committing fraud, (b) by breaching a contract, (c) by breaching an implied contract, (d) by harassing

her, (e) inflicting emotional distress upon her, (f) by violating her civil rights under color of law, and (g) inflicting personal injuries upon her by commission of a crime and abuse of process.

(8) In her claim for relief, Coulter requests damages of five hundred million dollars (\$500,000,000.00).

**PROCEDURAL HISTORY**  
**OF THE CASE SUB JUDICE**

All of the Defendants herein have filed Preliminary Objections to Coulter's Complaint claiming, inter alia, that Coulter filed her Complaint in violation of Sr. Judge Wettick's Dismissal Orders of November 12, 2014 and January 26, 2015 entered in Coulter v. Levenson (see Case #4 in Appendix "A"); and in violation of Sr. Judge O'Reilly's Dismissal Order of February 8, 2013 entered in Coulter v. ACBA (Case #14 in Appendix "A"), and that the Complaint should be summarily dismissed pursuant to Rule 233.1(a) of the Pennsylvania Rules of Civil Procedure, Pa. R.C.P. 233.1 (a).

On April 15, 2015, the Hon. Jeffrey A. Manning, President Judge of the Allegheny County Court of Common Pleas entered an Order recusing the entire Bench of the Allegheny County Courts and requesting that the Pennsylvania Supreme Court assign the above-captioned case to another judge. On April 20, 2015, Zygmunt A. Pines, Court Administrator of Pennsylvania, recommended that Sr. Judge John C. Reed, a retired judge from Mercer County, be assigned to preside over the above-captioned case, and on that same date, the Hon. Thomas G. Saylor, Chief Justice of Pennsylvania appointed Sr. Judge Reed to preside over the above-captioned case pursuant to Rule



701(C)(2) of the Pennsylvania Rules of Judicial Administration, Pa. R.J.A. 701(C)(2).

On May 15, 2015, Sr. Judge Reed (hereinafter “this Court,” unless otherwise specified) entered a Scheduling Order directing that argument on the Defendants’ Motions pursuant to Rule 233.1(a) be held on June 10, 2015 and established a briefing schedule, to wit. Defendants’ briefs were due on or before May 29, 2015 and Coulter’s brief was due on or before June 8, 2015. Briefs and oral argument were instructed to address the applicability of Pa.R.C.P. 233.1(a). At oral argument, Coulter appeared pro se and the Defendants appeared by counsel.

Ancillary to these proceedings, Coulter had also filed the following motions that do not require argument or a hearing and may be disposed of at this time:

- (a) A Motion for a Change of Venue filed on May 28, 2015, similar in nature to a change of venire seeking to have a commissioned (elected) judge from another county, rather than a senior judge, be appointed to preside over the above-captioned action, and that the above-captioned action be transferred to that judge’s home county; and,
- (b) A Motion for Recusal filed on June 3, 2015, seeking to have Sr. Judge Reed recuse himself.

#### DISCUSSION OF LAW AND ALLEGED FACTS

Defendants have submitted that Coulter’s above-captioned action should be dismissed because it is violative of Sr. Judge Wettick’s Dismissal Orders entered on November 12, 2014

and January 26, 2015 in Coulter v. Levenson (Case #5 in Appendix “A”). The November 12, 2014 Dismissal Order states that “Jean Coulter is barred from pursuing ... litigation against this defendant [Asst. District Attorney Christine Studeny, Esq.] raising any claims [related to Coulter’s imprisonment and termination of her parental rights]. Coulter submits that this November 12, 2014 Dismissal Order is not applicable in the above-captioned case because she is not pursuing litigation against Studeny in the case sub judice.

Sr. Judge Wettick’s January 26, 2015 Dismissal Order in Coulter v. Levenson states, “Jean Coulter is barred from pursuing in any Pennsylvania state court, without leave of court... | litigation against these defendants raising any claims that in any way arise out of or have any connection with court proceedings [resulting in Coulter’s imprisonment and termination of her parental rights].” Coulter likewise submits that this January 26, 2015 Coulter v. Levenson Dismissal Order is not applicable because she is not pursuing litigation against either Forrest or Hoerner in the above-captioned case.

It is difficult to construe the phrase “these defendants” refers to all of the defendants in that case when the subjects of the Dismissal Order were only Parole Agent Forrest and Agent Supervisor Hoerner. Since neither Forrest nor Hoerner are named as defendants in the above-captioned action, there appears to be logic to Coulter’s positions—that Sr. Judge Wettick’s two Dismissal Orders do not preclude Coulter from pursuing the above-captioned action.

Defendants also submit that Coulter's above-captioned action should be dismissed because it is violative of Pa. R.C.P. 233.1(a) and Sr. Judge O'Reilly's February 8, 2015 Dismissal Order in Coulter v. ACBA, Rule 233.1 provides:

Rule 233.1. Frivolous Litigation. Pro Se Coulter. Motion to Dismiss

(a) Upon the commencement of any action filed by a pro se plaintiff in the court of common pleas, a defendant may file a motion to dismiss the action on the basis that

- (1) the pro se plaintiff is alleging the same or related claims which the pro se plaintiff raised in a prior action against the same or related defendants, and
- (2) these claims have already been resolved pursuant to a written settlement agreement or a court proceeding.

(b) The court may stay the action while the motion is pending.

(c) Upon granting the motion and dismissing the action, the court may bar the pro se plaintiff from pursuing additional pro se litigation against the same or related defendants raising the same or related claims without leave of court.

(d) The court may sua sponte dismiss an action that is filed in violation of a court order entered under subdivision (c).

(e) The provisions of this rule do not apply to actions under the rules of civil procedure governing family law actions.

Pa.R.C.P. No. 233.1

Sr. Judge O'Reilly's Dismissal Order entered on February 8, 2013 in Coulter v. ACBA (Case #14 in Appendix "A") states, "Coulter [is] barred from pursuing additional pro se litigation raising the same or related claims."

It is not disputed that Coulter is acting pro se in the above-captioned action, and therefore is subject to the provisions of the three above-quoted, Dismissal Orders and Pa.R.C.P. Rule 233.1(a).

It is not alleged that Coulter is suing the "same defendants" in the above-captioned action. Coulter has never previously filed suit against the Defendants Bagnato, Folino, Lenzi, . Cipriani & Werner, Ignalzi, O'Reilly, or Wecht.

There is some dispute whether Coulter is alleging the "same claims" raised in prior actions because in several of Coulter's prior actions, she has also claimed that the defendants therein "conspired to deprive Coulter of her rights, breach of contract, fraud, etc." However, the basis of Coulter's claims of "breach of contract, fraud, etc." are alleged to have arisen through the conduct of those defendants named in those prior law Suits, not the conduct of the Defendants herein. Therefore, a strict construction of the "prior claims" provision would lead to the conclusion that the claims raised in the above-captioned action are not the same claims raised in these prior cases.

Since they are not the "same defendants" nor the "same claims," Coulter's instant action is not "frivolous" under Rule 233.1(a) — unless the Defendants herein are "related defendants" and the claims herein are "related claims" as argued by Defendants.

There appear to be only two cases that previously discussed this provision. In *Gray v. Buonopane*, 53 A.3d 829 (2012), former homeowners, acting pro se, filed three (3) suits against a real estate agency, a lender, and others arising out of property lockout following a foreclosure sale and alleged removal of personal property. The homeowners filed four (4) amended complaints throughout the course of the litigation asserting claims for negligence, trespass to real property, replevin, trespass to personal property, conversion, conspiracy, fraudulent misrepresentation, and sought declaratory judgment as ancillary relief.

The trial court, per Judge Allan L. Tereshko, dismissed all of the homeowners' complaints under Pa.R.C.P. 233.1(a). Finding that the homeowners' actions were "related and grew out of the prior foreclosure action" against the homeowners, the trial judge entered an order barring the homeowners, as pro se plaintiffs, from filing, without prior leave of court, new actions against the named defendants for the same claims or claims related to those addressed in the foreclosure action. The homeowners appealed to the Superior Court, and in a case of first impression, the Court had the opportunity to examine the history and purpose of Rule 233.1.

Rule 233.1 was promulgated by our Supreme Court in 2010 to stem a noted increase in serial lawsuits of dubious merit filed by pro se litigants disaffected by prior failures to secure relief for injuries they perceived but could not substantiate. See Pa.R.C.P. 233.1 Comment. Accordingly, the drafting committee constructed the Rule with attention to potential manipulation of the legal process by

those not learned in its proper 'use, seeking to establish accountability for pro se litigants commensurate with that imposed upon members of the Bar. See *id.* Thus, the Rule operates to spare potential defendants the need to defend spurious claims, first, by allowing the expeditious dismissal of duplicative pro se actions and, second, by empowering the trial court to ban the pro se litigant's commencement of further actions against such defendants. See *id.*

Following scrutiny of the Rule's text, we discern the extent of our Supreme Court's intent in the Rule's allowance of summary proceedings for dismissal substantially less exacting than those required by the Rules of Court for counseled actions, as well as the absence from the language of any of the elements encompassed under the doctrines of *res judicata*<sup>1</sup> and collateral estoppel.<sup>2</sup> The Rule's language is noteworthy, specifically, in its omission of any reference to existing procedures under the Rules for obtaining judgment prior to trial, see, e.g., Pa.R.C.P. 1028(a)(4) (Preliminary Objections (Demurrer)), 1034 (Judgment on the Pleadings), 1035.2 (Summary Judgment). Indeed, the very fact that Rule 233.1 was promulgated in the presence of this series of rules and procedures, that by design tests every aspect of the legal and factual merit of a plaintiff's claim, announces the Supreme Court's focus and intent with exceptional clarity. Quite simply, the Court saw no reason

to expose already beleaguered defendants to the demands of extended litigation and the rigor of technical procedural rules for summary disposition when the claims at issue have already been addressed in a substantive manner and resolved.

As noted by the drafting committee, the Rule allows that [u]pon the filing of an action by a pro se plaintiff, a defendant may file a motion to dismiss a pending action provided that (1) the pro

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“Footnotes in Gray v. Buonopane:

1 The doctrine of res judicata will preclude an action where the former and latter suits possess the following common elements: (1) identity of issues; (2) identity in the cause of action; (3) identity of persons and parties to the action; and (4) identity of the capacity of the parties suing or being sued.” Daley v. A.W. Chesterton, Inc., 614 Pa. 335, 37 A.3d 1175, 1189-1190 (2012) (quoting /n the Matter of lulo, 364 Pa. 205, 766 A.2d 335, 337 (2001)).

2 Collateral estoppel applies if four elements are present:

- (1) An issue decided in a prior action is identical to the one presented in a later action;
- (2) The prior action resulted in a final judgment on the merits;
- (3) The party against whom collateral estoppel is asserted was a party to the prior action, or is in privity with a party to the prior action; and
- (4) The party against whom collateral estoppel is asserted had a full and fair opportunity to litigate the issue in the prior action. Columbia Medical Group, Inc. v. Herring & Roll. P.C.. 829 A.2d 1184, 1190

se plaintiff is alleging the same or related claims against the same or related defendants, and (2) the claims have already been resolved

pursuant to a settlement agreement or a court proceeding. Pa.R.C.P. 233.1 Comment.

Contrary to [Plaintiffs'] suggestion, neither the language of the Rule nor the explanatory comment mandate the technical identity of parties or claims imposed by res judicata or collateral estoppel: rather, it merely requires that the parties and the claims raised in the current action be "related" to those in the prior action and that those prior claims have been "resolved." Pa.R.C.P. 233.1(a). These two terms are noteworthy in their omission of the technical precision otherwise associated with claim and issue preclusion; whereas parties and/or claims are to be "identical" under the purview of those doctrines, Rule 233.1 requires only that they be sufficiently related to inform the trial court, in the exercise of its discretion, whether the plaintiff's claim has in fact been considered and "resolved." The drafting committee's recourse to the word "resolved" in this context is equally significant. In the Rule's requirement that the matter have been "resolved pursuant to a written settlement agreement or a court proceeding," the language assures that the pro se litigant is availed of a chance to address his claim subject to the contractual guarantee of a settlement agreement or to the procedural safeguards that attend a court proceeding. It does not require, however, that the matter has progressed to a "final judgment on the merits," *Columbia Medical Group, Inc.*, 829 A.2d at 1190, nor does it require the "identify of the



quality or capacity in the persons for or against whom the claim is made[.]" Daley, 37 A.3d at 1189-90. In view of the circumstances under which the rule was promulgated, "the mischief to be remedied," and the object to be attained, see Pa.R.C.P. 127 (c). We find these multiple omissions indicative of the manner in which the Supreme Court intends Rule 233.1 to operate and dispositive of {[Plaintiffs']} current actions.

Gray v. Buonopane, 53 A.3d 836-836.

The more recent case is Coulter's own case, Coulter v. Ramsden, 94 A.3d 1080 (2014) (Case #16 in Appendix "A"). As described previously in this Opinion, this suit by Coulter accused the defendants therein of depriving Coulter of her rights when Ramsden and Anderson and their law firm, Raphael, Ramsden & Behers, inter alia, failed to prevent evidence critical of Coulter from being presented by McCurdy, and by Judge Doerr refusing to give credence to Coulter's evidence in rendering his decisions. This case added nothing to this discussion because it merely quoted Gray when explaining the history of Pa.R.C.P. 233.1.

It is obvious that Coulter has created a "daisy chain," each link being represented by another lawsuit wherein that link references a prior lawsuit, i.e. a previous link. For example, in the criminal case (Case #1 in Appendix "A," *injra.*), Judge Shaffer sentenced Coulter on July 17, 2007. In that proceeding, Commonwealth was represented by Asst. D.A. Christine Studeny, Esq., and Coulter was represented by Alexander H. Lindsey, Jr., Esq., later by Sandra Anne Kozloski, Esq., later by Stanton

Levenson, Esq., and, still later by Sally Frick, Esq. Coulter was serving a probationary sentence, her probation officer being Thomas Forrest, his supervisor being Dennis Hoerner, and the District Supervisor being Thomas Eidenmutler, all of the Pennsylvania Board of Probation and Parole.

The "daisy chain" is constructed thusly:

(a) The First Chain - the First Link - Commonwealth v. Coulter (Case #1 in Appendix "A"): In her criminal case. Coulter was represented by Attorney Lindsey, and later by Attomeys Kozloski, Levenson, and Frick. The Commonwealth was represented by Asst. DA Studeny and the presiding Judge was Thomas Shaffer. When the terms of Coulter's probation were changed, her probation officer was Forrest, his supervisor was Hoerner, and the Board's District Supervisor was Eidenmuller.

(b) The First Chain - the Second Link - Coulter vs. Studeny (Case #3 in Appendix "A"). In this Federal lawsuit, Coulter named as defendants Jeremy Stewart, Hoerner, Forrest, and Eidenmuller, Studeny, and Shaffer claiming that the defendants had violated her rights under Section 1983 when they conspired to "resentence"<sup>TM</sup> her by amending her probation to add a "no-contact" provision.

(c) The First Chain — the Third Link: — Coulter v. Levenson (Case #5 in Appendix "A"): Coulter filed suit in Allegheny County, naming as defendants therein Shaffer. Studeny, Forrest, Hoerner, Levenson, and Frick claiming that these defendants

conspired to injure her by depriving her of her rights, etc. Judge Folino assigned the case to Judge /gnalzi, and upon recusal, Judge O'Reilly was assigned to preside over this case. Judge O'Reilly dismissed the case pursuant to Pa.R.C.P. 233.1(a), which, upon appeal, was affirmed by a panel of Superior Court Judges that included Judge Wecht.

(d) The Second Chain — the First Link — In the Interest of A.C.. Coulter retained the services of James E. Mahood, Esq. of the law firm of Wilder & Mahood. Following a dispute over legal fees, Attorney Mahood invoked the binding arbitration provisions of the fee agreement and the matter was submitted to the Fee Dispute Committee of the ACBA, the members being Attorneys Rothery, Avalli, and Long, which rendered an award in favor of Mahood.

(e) The Second Chain ~ the Second Link — Coulter v. ACBA (Case #14 in Appendix "A"): Coulter filed a state court action against Doerr (the Butler County judge overseeing In the Interest of 4.C.), Mahood, Wilder & Mahood, Rothery, Avalli, Long, the ACBA, and the PBA. The ACBA was represented by Attorney Lenzi of the law firm of Cipriani & Werner. Judge Folino assigned the case to Judge /gnalzi, and upon recusal. Sr. Judge O'Reilly was assigned to preside over this case. During the proceedings, Tony Bagnato, the Court's motions clerk, allegedly violated the Pa.R.C.P. in scheduling a date for Coulter's motion. Later, Sr. Judge O'Reilly dismissed the case pursuant to Pa.R.C.P. 233.1(a) and a panel of

Superior Court Judges that included Judge Wecht affirmed the dismissal.

(f) The Second Chain — the Third Link — Coulter v. Mahood (Case #20 in Appendix “A”): On January 10, 2013, Coulter filed a state court action naming as defendant therein Mahood, McKinley, Wilder & Mahood, Butler CYS, Doerr, Graham, McCurdy, Smith, Lope, Rothey, Avalli, Long, the PBA, and the ACBA alleging that the defendants had conspired to deprive Coulter of her rights, etc. Judge Folino also assigned the case to Judge Ignelzi, and upon recusal, Sr. Judge O’Reilly was assigned to preside over this case. Sr. Judge O’Reilly dismissed the case pursuant to Pa.R.C.P. 233.1(a) and a panel of Superior Court Judges that included Judge Wecht affirmed the dismissal.

(g) The Common Link between the Two Chains — Coulter v. Bagnato, the case sub judice: On February 9, 2015, Coulter filed the above-captioned case naming as defendants Bagnato O’Reilly Folino Ignalzi Lenzi, Cipriani & Werner, and Wecht claiming that during the pendency of Coulter v. ACBA and Coulter v. Mahood, the defendants conspired with each other to deprive Coulter of her rights, etc.

In this manner, Coulter has fashioned and tied together an elaborate chain of events, both of which ultimately can be traced back to her criminal proceedings or to the termination of her parental rights. She has construed the conduct of virtually everyone who has had any role in her

numerous cases as evidence of a common design and conspiracy to cause her injury.

Each case filed by Coulter related to either her criminal proceedings or the dependency and termination of parental rights proceedings. Each case filed by Coulter named as defendants individuals and agencies involved in either her criminal proceedings or the dependency and termination of parental rights proceedings. All of these cases and their progeny have been decided adversely to Coulter.

Clearly, however, the Superior Court agreed with Sr. Judge O'Reilly that all of the cases subject to his Dismissal Order involved "related parties" and "related actions." Just as the two dozen or so cases that have preceded the case sub judice and were dismissed pursuant to Pa.R.C.P. 233.1(a), this Court is likewise compelled by the rules and applicable law to dismiss this case.

#### Change of Venue.

Coulter filed a Motion for a Change of Venue Pursuant to Pa.R.C.P. 1006(d)(2) – Second Request ("Motion for Change of Venue"). Essentially, Coulter believes that senior judges are appointed to serve counties on a "month-to-month" basis. As such, senior judges are predisposed to issue rulings favorable to that county or court system in which they are appointed to serve. If they fail to do so, they jeopardize future appointments. Coulter's suggested remedy is to have her case transferred to another county (change of venue) so that a commissioned ("elected") judge could preside over her case.

Unfortunately, Coulter is mistaken in her initial assumption. There are at least two types

of senior judge appointments, an assignment for a specified period of time (i.e. daily, weekly, etc.) and a case-specific assignment. It appears that Coulter's experiences to date have involved senior judges in the former category. Historically, Senior Judge Wettick is appointed by the Supreme Court on a month-to-month basis to serve as a Special Motions Judge for the Allegheny County Courts. Sr. Judge O'Reilly is customarily appointed by the Supreme Court on a month- to-month basis to handle cases expeditiously and avoid backups in caseloads in Allegheny County.

As described previously, this Sr. Judge is a retired judge from the Mercer County bench. Due to the Allegheny County full-bench recusal, this Senior Judge was appointed by the Chief Justice of the Supreme Court to only preside over the above-captioned case, to wit. a case specific appointment. The Allegheny County judges do not appoint out-of-county senior judges, only the Supreme Court can do this. The Allegheny County judges do not recommend the appointment of out-of-county senior judges; the Court Administrator of the Supreme Court makes those recommendations.

Coulter also believes that some unspecified pleadings she filed in the above-captioned case and/or her other Allegheny County cases mysteriously disappeared. Coulter believes that a change of venue would remedy this issue and would result in all pleadings being filed in that reassigned county. However, Coulter can protect herself against the potential misfortune by simply obtaining "time-date stamped" copies of the pleadings at the time of filing, and by filing a certificate of service. If the document is not in the Prothonotary's file, Coulter

has a time-date stamped copy to prove its filing. If an opponent claims not have received a copy of the document, the certificate of service verifies that a copy was mailed to that opponent.

Coulter's Motion for Change of Venue is based upon mistaken assumptions as to the manner senior judges are appointed. It is also is based upon allegations of missing documents that could occur anywhere and which Coulter is able to protect against. Nothing would be accomplished by having a hearing on Coulter's Motion for Change of Venue. As such, the Motion lacks merit and will be dismissed. Motion for Recusal.

Coulter filed an Emergency Motion for Recusal ("Motion for Recusal"), requesting that this Senior Judge recuse himself from presiding over her case. In . in paragraph 8 of her Motion for Recusal, Coulter correctly asserts that Sr. Judge Reed was instrumental in creating Mercer County's Veterans Court that was patterned, in large part, after the previously established Butler County Veterans Court. However, Coulter incorrectly asserts that, in the process of creating a Veterans Court, Sr. Judge Reed had consulted with President Judge Thomas Doerr of the Butler County Courts. In fact, Sr. Judge Reed consulted extensively with Judge Timothy McCune, Butler County's Veterans Court Judge, but has never had any discussions with President Judge Doerr regarding Veterans Courts or any case, past or present. Thus, this allegation is factually inaccurate. In her Motion for Recusal, Coulter also alleges some of the same reasons set forth in her Motion for Change of Venue, supra, these reasons being rejected by this Court. As such, this Motion also lacks merit and will be dismissed.

**IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

JEAN COULTER, Plaintiff,

vs.

No. GD-15-002176

PHILIP A. IGNELZI,  
TIMOTHY P. O'REILLY,  
RONALD W. FOLINO,  
TONY BAGNATO,  
JAMIE L. LENZI,  
CIPRIANI & WERNER,  
and DAVID N. WECHT,  
Defendants.

**ORDER**

**AND NOW**, this 17<sup>th</sup> day of December 2015,  
based upon the foregoing *Memorandum Opinion*, IT  
IS HEREBY ORDERED as follows:

1. Plaintiff Jean Coulter's Motion for Change of Venue Pursuant to Pa.R.C.P.1006(d)(2) is DISMISSED without a hearing for the reason that it is meritless.
2. Plaintiff Jean Coulter's Emergency Motion for Recusal is DISMISSED without a hearing for the reason that it is meritless.
3. All of Plaintiff Jean Coulter's Complaints filed in the above-captioned case, Coulter v. Bagnato, et. al., GD-15-002176, are hereby DISMISSED.
4. Pursuant to Rule 233.1(a) of the Pennsylvania Rules of Civil Procedure and the above-captioned case, Coulter v. Bugnato, et. al., GD-15-002176, is DISMISSED with prejudice.



IT IS FURTHER ORDERED AND DECREED that, pursuant to Rule 233.1(c) of the Pennsylvania Rules of Civil Procedure, the Plaintiff, Jean Coulter, is PERMANENTLY BARRED, PROHIBITED, and ENJOINED from instituting any *pro se* civil action (including but not limited to filing writs of summons, complaints; praecipes for lis pendens, etc.) in any Court of Common Pleas in the Commonwealth of Pennsylvania or in any Magisterial District Court in the Commonwealth of Pennsylvania until such time as:

- (a) She obtain the written consent of a judge of a court of competent jurisdiction after . having presented to said judge a written request, under oath or affirmation, setting forth with specificity and particularity the facts to be pled, the cause of action, and naming the parties proposed to be named as defendants; or,
- (b) She file a Cash Bond in the amount of \$10,000 with the prothonotary of a court of competent jurisdiction and venue in the form attached to this Order; or,
- (c) She file a Bond with Corporate Surety in the amount of \$10,000 with the prothonotary of the court of competent jurisdiction and venue in the form attached to this Order, said Corporate Surety being authorized to do business in the Commonwealth of Pennsylvania.

For all purposes herein, the term “prothonotary” shall mean the prothonotary of any Common Pleas Court in the Commonwealth of Pennsylvania. The term “court of competent

jurisdiction” shall mean that court having original subject matter jurisdiction or any appellate court thereof. The term “venue” shall mean that county in which one or more events giving rise to the cause of action occurred. The foregoing bar, injunction, and prohibition shall not apply to any cases previously instituted by the Plaintiff Jean Coulter that are still pending and not yet finally resolved.

The foregoing bar, injunction, and prohibition shall not apply to any cases in which the Plaintiff, Jean Coulter, is represented by and continues to be represented by an attorney-at-law currently licensed to practice law in the Commonwealth of Pennsylvania who has entered his or her appearance for the Plaintiff Jean Coulter at the time the Plaintiff Jean Coulter instituted her action. No attorney-at-law will be permitted to withdraw his or her appearance until another attorney-at-law has entered his or her appearance or the Plaintiff Jean Coulter has complied with the *pro se* provisions of this Order as set forth in paragraphs (a), (b), or (c), above.

After obtaining either the written consent of a court of competent jurisdiction or filing a Bond, the pro se Plaintiff, Jean Coulter shall immediately institute her action and make service upon the opposing parties in accordance with the Pennsylvania Rules of Civil Procedure and diligently pursue said action.

IT IS FURTHER ORDERED that the Plaintiff Jean Coulter is BARRED, PROHIBITED, and ENJOINED from instituting any pro se legal action or filing any pro se pleadings in any state court that:

(a) Either name as a defendant therein any individual, agency, organization, entity, judge, or justice that Plaintiff Jean Coulter has previously named as a defendant in any state or federal court proceeding, including but not limited to those parties identified in the foregoing Memorandum Opinion and Appendix "A" ("prior defendants"), or name as a defendant therein any individual, agency, organization, entity, judge, or justice that have or had any relationship, direct or indirect, to any "prior defendant" ("related defendants"); and, :

(b) Either assert or allege any cause of action or claim that Plaintiff Jean Coulter has previously asserted or alleged in any state or federal court proceeding, including but not limited to those causes of action or claims identified in the foregoing Memorandum Opinion and Appendix "A" ("prior claims"), or that assert or allege any cause of action or claim that has or had any relationship, direct or indirect, to any "prior claims" ("related claims").

IT IS FURTHER ORDERED that the Plaintiff Jean Coulter is BARRED, PROHIBITED, and ENJOINED from instituting any legal action or filing any pleadings, whether pro se or otherwise, that are frivolous, dilatory, obdurate, vexatious, vindictive, harassing, retaliatory, in bad faith, or disruptive or obstructive to the orderly administration of justice.

IT IS FURTHER ORDERED that in the event Jean Coulter is found to be in willful violation of the

above injunction by any court of competent jurisdiction, she may be held in contempt of court and may be sanctioned with incarceration and directed to pay all costs of litigation, interest, counsel fees, and damages as may be awarded by said court of competent jurisdiction to any party injured by or suffering a loss or incurring expenses or fees as a result of said conduct.

IT IS FURTHER ORDERED that the Prothonotary of Allegheny County or any Magisterial District Judge in Allegheny County shall, within one business day, notify this Court, in writing, of any civil actions filed, or attempted to be filed, by Jean Coulter in violation of this *Order*.

IT IS FINALLY ORDERED that any Judge of any Court of Common Pleas of the Commonwealth of Pennsylvania or of other court of competent jurisdiction may enforce the provisions of this *Order*, including but not limited to dismissing legal actions pursuant to Pa.R.C.P. 233.1(a), and imposing sanctions such as incarceration and imposing and awarding costs of litigation, interest, counsel fees, and damages.

The Prothonotary of Allegheny County shall forward a copy of this *Order* to the President Judge of every judicial district in the Commonwealth of Pennsylvania.

BY THE COURT:  
John C. Reed, Senior Judge  
Specially Presiding

**Additional material  
from this filing is  
available in the  
Clerk's Office.**