

No. 20-725

In The Supreme Court of
the United States of America

27

MICHAEL RAMON OCHOA,
Petitioner, pro se,
v.
Dr. Arthur Levine, *et al.*,
Respondents.

APPENDICES

INDEX OF APPENDICES

Appendix A. Decision of State Court of Appeals Quashing the Appeals	
07-24-19 923-4 WDA 2019 DISMISSED as Duplicative	App.1
08-09-19 922 WDA 2019 ORDER to Correct the Docket	App.2
10-18-19 922 WDA Application to Quash GRANTED	App.3
Appendix B. Decision of State Court of Appeals Denying Rehearing	
11-06-19 922 WDA 2019 Reconsideration DENIED	App.4
Appendix C. Decisions and Opinions of State Trial Court on Appeal	
01-18-19 Motion to Dismiss per Pa.R.C.P. 233.1 DENIED	App.5-6
04-12-19 <i>Non Pros</i> Defendants 2-4, 6-9, 14-20 & 22	App.7
04-12-19 <i>Non Pros</i> Defendants 10, 11, 12, 13.....	App.8
05-22-19 Amended Complaint STRICKEN	App.9
05-30-19 Pa.R.A.P. 1925(a) Opinion	App.10-13
06-29-19 Pa.R.A.P. 1925(a) Opinion	App.14-15
Appendix D. Decision of State Supreme Court Denying Review	
05-27-20 426 WAL 2019 Petition for Allowance of Appeal, Motion to Amend, Motion for Sanctions DENIED	App.16
Appendix E. Decision of the State Supreme Court Denying Rehearing	
06-25-20 426 WAL 2019 Reconsideration DENIED	App.17
Exhibits Dashboard	App.18
Exhibits A-J	App.19-31

DR. ARTHUR LEVINE, ET AL

- ! No. 922 WDA 2019
- ! No. 923 WDA 2019
- ! No. 924 WDA 2019

The appeals at No. 923 WDA 2019 and 924 WDA 2019 are hereby dismissed, *sua sponte*, as duplicative. All properly preserved issues sought to be raised at No. 923 WDA 2019 and 924 WDA 2019 may be raised in the appeal at No. 922 WDA 2019.

App.1

IN THE SUPERIOR COURT OF PENNSYLVANIA
WESTERN DISTRICT

MICHAEL RAMON OCHOA

No. 922 WDA 2019

Appellant

v.

DR. ARTHUR LEVINE, ET AL

ORDER

Upon consideration of the August 2, 2019 “**Motion to Amend Docket, Motion to Stay Filing of Briefs,**” and upon noting the Prothonotary provided a Pro Se access code to Appellant on August 5, 2019, the following is **ORDERED**: the request for the PACFile access code is dismissed as moot, the request for correction of the docket is granted only to the extent that the Prothonotary is **DIRECTED** to check this Court’s docket and the certified record to make certain that each and every party is listed on this Court’s docket and the Prothonotary may make corrections deemed necessary; and the request for stay is **DENIED**.

PER CURIAM

Filed 10/18/2019

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

MICHAEL RAMON OCHOA

No. 922 WDA 2019

Appellant

v.

DR. ARTHUR LEVINE, ET AL

ORDER

Upon consideration of the September 26, 2019 “**Application to Quash**,” and upon noting that no response was received thereto, the application is **GRANTED** and the appeal is **QUASHED**.

PER CURIAM

Filed 11/06/2019

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

MICHAEL RAMON OCHOA

Appellant

v.

DR. ARTHUR LEVINE, ET AL

No. 922 WDA 2019

ORDER

Appellant's October 31, 2019 request for reconsideration is **DENIED**.

PER CURIAM

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

MICHAEL RAMON OCHOA,

CIVIL DIVISION

No. GD 13-011757

Plaintiff,

vs.

DR. ARTHUR LEVINE, UNIVERSITY OF
PITTSBURGH BOARD OF TRUSTEES,
UPMC BOARD OF DIRECTORS,

Defendants,

vs.

DAVID S. POLLOCK, ESQUIRE, BRIAN
C. VERTZ, ESQUIRE, BENJAMIN E.
ORSATTI, POLLOCK BEGG KOMAR
GLASSER VERTZ, LLC, DR. GEORGE K.
MICHALOPOULOS, DR. ANTHONY JAKE
DEMETRIS, CHAIRMAN OF THE BOARD
OF TRUSTEES PRESTON G. ATHEY,
HEADMASTER ZACHARY LEHMAN, THE
HILL SCHOOL, DR. ANNE THOMPSON,
DR. PARMJEET S. RANDHAWA, DR.
MICHAEL A. NALES[NIK], DR. MARTA
MINERVINI, DR. TONG WU, THOMAS E.
STARZL TRANSPLANTATION INSTITUTE,
DR. MUKESH SAH, DR. PIERRE AZZAM,
DR. ROLF G. JACOB, DR. DUANE G.
SPIKER, DR. SAMUEL WESTMORELAND,
and WESTERN PSYCHIATRIC INSTITUTE
and CLINIC,

Additional Defendants.

ORDER OF COURT

AND NOW, this [18] day of January, 2019, upon consideration of Defendants' Joint Motion to Dismiss Frivolous Litigation Brought by Pro Se Plaintiff Pursuant to Pa.R.C.P. 233.1, it is hereby ORDERED that the Motion is denied. While the Court appreciates Defendants' concern regarding the potential futility of some or all of the forty-three counts asserted in Plaintiff's complaint, the issues set forth in Defendants' Motion are more properly addressed through Preliminary Objections. Defendants have not sufficiently established that all of these claims are so plainly repetitive of claims raised in prior litigation such that dismissal is warranted under Pa.R.C.P. 233.1. Attorney Montgomery shall furnish copies of this Order of Court to all other parties.

BY THE COURT:

[Rcolville]
COLVILLE, J.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MICHAEL RAMON OCHOA,

CIVIL DIVISION

Plaintiff,

No. G.D. 13-011757

vs.

DR. ARTHUR LEVINE, et al.

Defendants,

vs.

ORDER OF COURT

AND NOW, this [12] day of [April], 2019, upon consideration of the within Motion to Enter Judgement of Non Pros filed on behalf of additional defendants, Dr. Arthur Levine, University of Pittsburgh Board of Trustees, UPMC Board of Directors, Dr. George K. Michalopoulos, Dr. Anthony Jake Demetris, Dr. Samuel Westmoreland, Dr. Pierre Azzam, Dr. Rolf G. Jacob, Western Psychiatric Institute and Clinic, Dr. Anne Thompson, Dr. Parmjeet S. Randhawa, Dr. Michael A. Nalesnik, Dr. Marta Minervini, Thomas E. Starzl Transplantation Institute and Dr. Mukesh Sah, is hereby ORDERED, ADJUDICATED and DECREED that said Motion is GRANTED.

Judgement shall be entered as to all claims asserted against Dr. Arthur Levine, University of Pittsburgh Board of Trustees, UPMC Board of Directors, Dr. George K. Michalopoulos, Dr. Anthony Jake Demetris, Dr. Samuel Westmoreland, Dr. Pierre Azzam, Dr. Rolf G. Jacob, Dr. Anne Thompson, Dr. Parmjeet S. Randhawa, Dr. Michael A. Nalesnik, Dr. Marta Minervini, Thomas E. Starzl Transplantation Institute and Dr. Mukesh Sah. Furthermore, judgement shall be entered as to all claims asserted against Western Psychiatric Institute and Clinic but for Count 26 of plaintiff's Complaint.

BY THE COURT:

[_____ Rcolville _____] J.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MICHAEL RAMON OCHOA,

CIVIL DIVISION

Plaintiff,

No. G.D. 13-011757

vs.

DR. ARTHUR LEVINE, et al.

Defendants,

vs.

ORDER OF COURT

AND NOW, this [12] day of [April], 2019, upon consideration of the within Motion to Enter Judgement of Non Pros filed on behalf of additional defendants, DAVID S. POLLOCK, ESQUIRE, BRIAN C. VERTZ, ESQUIRE, BENJAMIN E. ORSATTI, POLLOCK BEGG KOMAR GLASSER VERTZ, LLC, is hereby ORDERED, ADJUDICATED and DECREED that said Motion is GRANTED.

Judgement shall be entered as to all claims asserted against DAVID S. POLLOCK, ESQUIRE, BRIAN C. VERTZ, ESQUIRE, BENJAMIN E. ORSATTI, POLLOCK BEGG KOMAR GLASSER VERTZ, LLC.

BY THE COURT:

[Reolville] J.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MICHAEL RAMON OCHOA,

CIVIL DIVISION

Plaintiff,

No. G.D. 13-011757

vs.

DR. ARTHUR LEVINE, et al.

Defendants.

ORDER OF COURT

AND NOW, this [22] day of [May], 2019, upon consideration of the within Motion to Strike filed on behalf of Dr. Arthur Levine, University of Pittsburgh Board of Trustees, UPMC Board of Directors, Dr. Pierre Azzam, Dr. Rolf G. Jacob, Western Psychiatric Institute and Clinic, Dr. Anne Thompson, Dr. Parmjeet S. Randhawa, Dr. Michael A. Nalesnik, Dr. Marta Minervini, Dr. Samuel Westmoreland, Thomas E. Starzl Transplantation Institute and Dr. Mukesh Sah, it is hereby ORDERED, ADJUDICATED and DECREED that said Motion is GRANTED. Plaintiff's Amended Complaint is hereby stricken from the docket.

BY THE COURT:

[_____Rcolville_____] J.

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

MICHAEL RAMON OCHOA,

CIVIL DIVISION

No. GD 13-011757

Plaintiff,

vs.

DR. ARTHUR LEVINE, UNIVERSITY OF
PITTSBURGH BOARD OF TRUSTEES,
UPMC BOARD OF DIRECTORS,

Defendants,

vs.

DAVID S. POLLOCK, ESQUIRE, BRIAN
C. VERTZ, ESQUIRE, BENJAMIN E.
ORSATTI, POLLOCK BEGG KOMAR
GLASSER VERTZ, LLC, DR. GEORGE K.
MICHALOPOULOS, DR. ANTHONY JAKE
DEMETRIS, CHAIRMAN OF THE BOARD
OF TRUSTEES PRESTON G. ATHEY,
HEADMASTER ZACHARY LEHMAN, THE
HILL SCHOOL, DR. ANNE THOMPSON,
DR. PARMJEET S. RANDHAWA, DR.
MICHAEL A. NALESN[IK], DR. MARTA
MINERVINI, DR. TONG WU, THOMAS E.
STARZL TRANSPLANTATION INSTITUTE,
DR. MUKESH SAH, DR. PIERRE AZZAM,
DR. ROLF G. JACOB, DR. DUANE G.
SPIKER, DR. SAMUEL WESTMORELAND,
and WESTERN PSYCHIATRIC INSTITUTE
and CLINIC,

Additional Defendants.

1925(a) Opinion

AND NOW, this [30th] day of May, 2019, pursuant to Pa.R.A.P. 1925(a), the reasons for this Court's Orders dated April 12, 2019 are set forth as follows:

Two Motions to Enter Judgement of Non Pros were presented by a number of Defendants in the above-captioned action on April 12, 2019. Plaintiff did not appear to oppose wither Motion. Both Motions asserted that judgement should be entered in the moving Defendants' favor on all but one of Plaintiff's remaining claims because Plaintiff had failed to file an amended complaint in accordance with the Honorable John T. McVay, Jr.'s January 23, 2019 Orders of Court, which sustained all but one of the moving Defendants' Preliminary Objections and dismissed most of Plaintiff's claims with prejudice, but also permitted Plaintiff twenty days to amend some of his claims. Plaintiff subsequently file a Motion for Reconsideration on February 11, 2019. Judge McVay denied Plaintiff's Motion for Reconsideration on March 15, 2019. The moving Defendants presented, and this Court granted, Defendants' Motions to Enter Judgement of Non Pros on April 12, 2019, twenty-eight days following Judge McVay's denial of Plaintiff's Motion for Reconsiderations. At that time, Plaintiff had not filed an amended complaint with respect to his claims which were dismissed with prejudice.

Pa.R.C.P. 1037(c) provides that "[I]n all cases, the court, on motion of a party, may enter an appropriate judgement against a party upon default or admission." The Commonwealth Court of Pennsylvania has held that "local courts are entitled to impose sanctions for noncompliance with procedural rules and such determinations will not be disturbed absent an abuse of discretion." *Muth v. Ridgway Twp. Mun Auth.*, 8 A.3d 1022, 1027 (Pa. Commw. Ct 2010)(quoting *Hany v. Sabia*, 59 Pa.Cmwlt. 123, 428 A.2d 1041, 1042 n. 2 (1981)). In *Broglie v. Union Twp.*, the Superior Court of Pennsylvania affirmed a trial court's entry of judgment of non pros based upon a plaintiff's failure to file an amended complaint in accordance with a court order, and explained as follows:

In the instant case, appellees did not seek a judgment of *non pros* on the ground that appellant had been dilatory in proceeding with the action but on the ground that

appellant had failed to timely obey an order of court. The distinction is significant. Appellant was granted twenty days, and only twenty days, to file an amended complaint. The parties by agreement extended that time for filing by an additional thirty days. In such a case, "due diligence" becomes a more foreshortened concept than that found in *James Brothers Lumber Co., supra*, and is defined by reference to the calendar rather than by reference to the circumstances of the case. Likewise, prejudice never becomes a consideration since the trial court is empowered to enter a judgement of *non pros* without a showing of prejudice where a violation of an order of court is involved. This is particularly true, where, as in this case, counsel has made no attempt to explain the failure to comply with the court's order.

Brogie v. Union Twp., 465 A.2d 1269, 1272 (Pa. Super. 1983)(citing *Jones v. Trexler*, 275 Pa.Super. 524, 419 A.2d 24 (1980)).

Because Plaintiff failed to file an amended complaint¹ within twenty days of Judge McVay's denial of Plaintiff's Motion for Reconsideration, Plaintiff failed to comply with Judge McVay's January 23, 2019 Orders of Court. Because a violation of court orders is involved, a showing of prejudice was not required prior to the entry of judgement of *non pros*. While the eight-day delay between the deadline imposed by Judge McVay's January 23, 2019 Orders and the presentation of moving Defendants' Motions is not particularly egregious, the Court notes that Plaintiff did not appear before the Court at time of presentation to oppose the Motions, and has at no point set forth or suggested a reasonable explanation or excuse for his failure to comply with

¹ With respect to Plaintiff's claims that were dismissed without prejudice.

Judge McVay's Orders. Accordingly, for the reasons discussed above, the Court granted the moving Defendants' Motions and entered the Judgements of Non Pros at issue.²

BY THE COURT:

[Rcolville]
COLVILLE, J.

² The Court notes that the only issue presently before the undersigned is Plaintiff's appeal of this Court's April 12, 2019 Orders of Court. While technically procedurally improper under Pa.R.C.P.3051, the Court has addressed the merits of the appeal above. The Court further notes that Plaintiff's filing of an Amended Complaint on April 25, 2019, as well as any delay in the filing of this Court's April 12, 2019 Orders of Court, are irrelevant to Plaintiff's appeal, as the only dates that are relevant to Defendants' Motions are those which establish the deadline by which Plaintiff was to file an amended complaint pursuant to Judge McVay's January 23, 2019 Orders of Court. Any event that occurred subsequent to this Court's entry of judgment implicates only Plaintiff's ability to seek relief from the entry of judgment, and does not speak to the merits of the Motions the were decided by this Court via it April 12, 2019 Orders. Plaintiff failed to comply with the deadline imposed by Judge McVay's Orders, and continues to fail to provide a reasonable explanation or excuse for this failure.

To the extent that Plaintiff seeks relief from judgment of non pros via motion and/or petition that was filed, but not presented, in this action, the Court notes that Pa.R.C.P. 237.3, respecting petitions for relief from judgments of non pros filed within ten days of judgment, does not apply on the instant action because the Judgements of Non Pros at issue were entered pursuant to court order under Pa.R.C.P. 1037(c) as opposed to praecipe under Pa.R.C.P. 1037(a). See Pa.R.C.P. 237.1(b)(1). The Court finds that Plaintiff's filings, namely his May 1, 2019 "Motion to Assign Case to Civil/Commerce and Complex Litigation Canter, Motion to Amend Complaint, *Nunc Pro Tunc*" and his May 15, 2019 "Reply to Motion to Strike Amended Complaint; Petition for Relief from Judgments on *Non Pros*, *Nunc Pro Tunc*; Motion for Sanctions," fail to set forth, as required pursuant to Pa.R.C.P. 3051(b)(2), a "reasonable explanation or legitimate excuse for the conduct that gave rise to the entry of judgment of non pros." As discussed above, Plaintiff has at no time set forth or suggested a reasonable explanation or legitimate excuse for his failure to file an amended complaint within twenty days of the denial of Plaintiff's Motion for Reconsideration. Plaintiff's actions in filing an amended complaint after judgment was entered, as well as any delay in the filing of this Court's entry of judgment, did not excuse Plaintiff's failure to timely comply with the deadline imposed by Judge McVay's January 23, 2019 Orders of Court. Plaintiff's filings also violate Pa.R.C.P. 3051(a), which requires that "[a]ll grounds for relief, whether to strike off the judgment or to open it, must be asserted in a single petition." Plaintiff also has not presented, or properly noticed for presentation, either his Motion or his Petition before this Court. The Court has briefly addressed the above filings because, while the Honorable Christine A. Ward has scheduled argument on Plaintiff's "Motion to Assign Case to Civil Commerce and Complex Litigation Center," it remains unclear whether Judge Ward intends to address Plaintiff's "Motion to Amend Complaint, *Nunc Pro Tunc*" at that time as well. For that reason, and because Plaintiff's Motion, as well as his May 15, 2019 Petition, seek relief from the undersigned's entry of judgement, the above analysis is intended to briefly address the deficiencies of Plaintiff's Motion and Petition, at least to the extent that they seek relief from this Court's entry of judgment of non pros.

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

MICHAEL RAMON OCHOA,

CIVIL DIVISION

No. GD 13-011757

Plaintiff,

vs.

DR. ARTHUR LEVINE, UNIVERSITY OF
PITTSBURGH BOARD OF TRUSTEES,
UPMC BOARD OF DIRECTORS,

Defendants,

vs.

DAVID S. POLLOCK, ESQUIRE, BRIAN
C. VERTZ, ESQUIRE, BENJAMIN E.
ORSATTI, POLLOCK BEGG KOMAR
GLASSER VERTZ, LLC, DR. GEORGE K.
MICHALOPOULOS, DR. ANTHONY JAKE
DEMETRIS, CHAIRMAN OF THE BOARD
OF TRUSTEES PRESTON G. ATHEY,
HEADMASTER ZACHARY LEHMAN, THE
HILL SCHOOL, DR. ANNE THOMPSON,
DR. PARMJEET S. RANDHAWA, DR.
MICHAEL A. NALES[NIK], DR. MARTA
MINERVINI, DR. TONG WU, THOMAS E.
STARZL TRANSPLANTATION INSTITUTE,
DR. MUKESH SAH, DR. PIERRE AZZAM,
DR. ROLF G. JACOB, DR. DUANE G.
SPIKER, DR. SAMUEL WESTMORELAND,
and WESTERN PSYCHIATRIC INSTITUTE
and CLINIC,

Additional Defendants.

1925(a) Opinion

AND NOW, this [29th] day of June, 2019, pursuant to Pa. R.A.P. 1925(a), the reasons for this Court's Orders dated April 12, 2019 and May 22, 2019 are set forth in this Court's May 30, 2019 1925(a) Opinion. The Court Notes, in supplementing its May 30, 2019 1925(a) Opinion, that Plaintiff failed to appear to oppose the moving Defendants' Motion to Strike Amended Complaint. Further, Plaintiff's Amended Complaint was filed outside the deadline imposed by the Honorable John T. McVay's January 23, 2019 Orders of Court, and contains claims and allegations that were dismissed by those Orders. This Court entered judgment as to such claims by way of its April 12, 2019 Orders, well ahead of the filing of the Amended Complaint.

BY THE COURT:

[Rcolville]
COLVILLE, J.

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

MICHAEL RAMON OCHOA,

Petitioner

v.

DR. ARTHUR LEVINE, ET AL,

Respondents

: NO. 426 WAL 2019

:
: Petition for Allowance of Appeal
: from the Order of the Superior Court

:
:
:
:
:
:
:

ORDER

PER CURIAM

AND NOW, this 27th day of May, 2020, the Petition for Allowance of Appeal,
and the Motion to Amend, and Motion for Sanctions are **DENIED**.

A True Copy Patricia Nicola
As Of 05/27/2020

Attest: [Patricia Nicola]
Chief Clerk
Supreme Court of Pennsylvania

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

MICHAEL RAMON OCHOA,

Petitioner

v.

DR. ARTHUR LEVINE, ET AL,

Respondents

: NO. 426 WAL 2019

:
: Petition for Allowance of Appeal
: from the Order of the Superior Court
:
:
:
:
:

ORDER

PER CURIAM

AND NOW, this 25th day of June, 2020, the Application for Reconsideration is denied.

A True Copy Patricia Nicola
As Of 06/25/2020

Attest: [Patricia Nicola]
Chief Clerk
Supreme Court of Pennsylvania

Exhibits Dashboard

Root Facts

Exhibit A. Defendants

Exhibit B. Event Matrix

Exhibit C. Dialogue with the Deans

Exhibit D. Conversations with the Late, Honorable Ralph J. Cappy

Exhibit E. University of Pittsburgh Conversations

Exhibit F. The Hill School Conversations

Exhibit G. Items of Judicial Notice

Exhibit H. U.S. Supreme Court Conversations

Exhibit I. U.S. Law Enforcement Conversations

Exhibit J. Questions or *Aporia*

Analogue Root Data

Linearized Root Data

Defendants

Defendant 1	Dr. Erin Rubin 1575 Fillmore St. Denver, CO 80206 Dr. Erin Rubin % University of Oklahoma General Counsel Anil V. Gollahalli The University of Oklahoma Health Sciences Center 1100 N. Lindsay, Oklahoma City, OK 73104 Dr. Erin Rubin % University Counsel and Secretary of the Board of Regents José Padilla University of Colorado, Denver 1800 Grant St., Suite 800 Campus Box 35 UCA Denver, CO 80203
Defendant 2	Dr. Mukesh Sah
Defendant 3	Dr. Pierre Azzam
Defendant 4	Dr. Samuel Westmoreland
Defendant 5	Dr. Duane G. Spiker 3811 O'Hara Street Pittsburgh, PA 15213 spikerdg@upmc.edu Dr. Duane G. Spiker 5614 Northumberland Pittsburgh, PA 15217
Defendant 6	Western Psychiatric Institute and Clinic (WPIC)
Defendant 7	Dr. Rolf G. Jacob
Defendant 8	Dr. Anthony Jake Demetris
Defendant 9	Dr. George K. Michalopoulos

Defendants

- Defendant 10 David S. Pollock, Esquire, PA I.D. #19902
525 William Penn Place, Suite 3501
Pittsburgh, PA 15219
412-471-9000
dpollock@pollockbegg.com
- Defendant 11 Brian C. Vertz, Esquire, PA I.D. #64822
525 William Penn Place, Suite 3501
Pittsburgh, PA 15219
412-471-9000
bvertz@pollockbegg.com
- Defendant 12 Pollock Begg Komar Glasser & Vertz, LLC, PA Firm #419
525 William Penn Place, Suite 3501
Pittsburgh, PA 15219
412-471-9000
- Defendant 13 Benjamin E. Orsatti, PA I.D. #93092
525 William Penn Place, Suite 3501
Pittsburgh, PA 15219
412-471-9000
- Defendant 14 Dr. Arthur Levine
- Defendant 15 Dr. Anne Thompson
- Defendant 16 University of Pittsburgh Board of Trustees
- Defendant 17 UPMC Board of Directors
- Defendant 18 Dr. Parmjeet S. Randhawa
- Defendant 19 Dr. Michael A. Nalesnik
- Defendant 20 Dr. Marta I. Minervini
- Defendant 21 Dr. Tong Wu %
President Michael A. Fitts
Tulane University
6823 St. Charles Avenue
New Orleans, LA 70118
504-865-5000
mike@tulane.edu

Defendants

Defendant 22 Starzl Transplantation Institute
Defendant 23 Chairman of the Board of Trustees Preston G. Athey
Defendant 24 Headmaster Zachary Lehman
Defendant 25 The Hill School

Counsel for Defendants 2, 3, 4, 6, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 22.

Justin M. Gottwald, Pa.I.D. #92847
Katelin J. Montgomery Pa. I.D. #322698
Rebecca Good McBride Pa. I.D. #90623
Steven L. Ettinger Pa. I.D. #316266
Dickie, McCamey & Chilcote, P.C. Pa. firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222
800-243-5412

Counsel for Defendants 23, 24, 25

Scott G. Dunlop, Pa. I.D. #41638, 11-19-18
Grant H. Hackley, Pa. I.D. #206141
Marshall Dennehey Warner Coleman & Goggin
501 Grant Street, Suite 700
Pittsburgh, PA 15219
412-803-1140

Counsel for Defendants 10, 11, 12, 13

David S. Pollock, Esquire, PA I.D. #19902
Brian C. Vertz, Esquire, PA I.D. #064822
Benjamin E. Orsatti, PA I.D. #93092
Pollock Begg Komar Glasser & Vertz, LLC, PA Firm #419
525 William Penn Place, Suite 3501
Pittsburgh, PA 15219
412-471-9000

Pro Se Defendants 1, 5, 21

Event Matrix

	Statute violations	Root Facts	Time	Defendants	Evidence	Elements of Proof	Damages
Count 1	Civil Conspiracy						
Count 1.1	18 Pa. C.S. §2702 Aggravated assault	1-11	mid-September to 11-07-06	1			
Count 1.2	18 Pa. C.S. §2705 Recklessly endangering another person	1-11	mid-September to 11-07-06	1			
Count 1.3	18 Pa. C.S. §2706 Terroristic threats	9-10	mid-September to 11-07-06	1			
Count 1.4	18 Pa. C.S. §3922 Theft by deception	8,123	10-11-06	1			
Count 1.5	18 Pa. C.S. §3923 Theft by extortion	4,5,13-15	mid-September to 11-07-06	1			
Count 1.6	18 Pa. C.S. §4952 Intimidation of witness or victims	9,10	mid-September to 11-07-06	1		11-07-16 Motion for Custody and Relief 63-82	
Count 1.7	18 Pa. C.S. §4904 Unsworn falsification to authorities	11,12	11-07-06	1			
Count 1.8	18 Pa. C.S. §2906 Criminal coercion	11-15	11-07-06 to 02-12-07	1			
Count 1.9	18 Pa. C.S. §2903 False imprisonment	11-23	11-07-06 to 02-12-07	1,2,3,4,5,6			
Count 1.10	18 Pa. C.S. §2902 Unlawful restraint	13-15	11-07-06 to 02-12-07	1			
Count 1.11	18 Pa. C.S. §903 Criminal conspiracy	16-20	Begun 11-07-06 to 12-15-06, ongoing	1,8,9,10,11,12			
Count 1.12	18 Pa. C.S. §2505 Causing or aiding suicide	19,20	11-29-06 and 12-08-06	1			
Count 1.13	18 Pa. C.S. §5107 Aiding consummation of crime	19,20	11-29-06 and 12-08-06	2,3,4,5,6			
Count 1.14	18 Pa. C.S. §2705 Recklessly endangering another person	11-23	11-07-06 to 02-12-07	2,3,4,5,6,7			
Count 1.15	204 Pa. Code §81.4 Rule 8.4 Misconduct	1-250	02-09-07 to 08-15-17	10,11,12,13			
Count 1.16	18 Pa. C.S. §2906 Criminal coercion	23,28	03-13-07	1,10,11,12			
Count 1.17	18 Pa. C.S. §4902 Perjury	1-250	02-09-07 to 08-15-17	1,10,11,12,13			
Count 1.18	18 Pa. C.S. §4103 Fraudulent destruction, removal or concealment of recordable instruments	3,4,146,195-199, 203-206,217-222	02-09-07 to 08-15-17	1,10,11,12,13		08-21-12, 10-23-12 Ron Gold Interrogatories and Answers	
Count 1.19	18 Pa. C.S. §4910 Tampering with or fabricating physical evidence	3,4,146,195-199, 203-206,217-222	09-17-08, 01-24-11, 11-18-11	1,10,11,12,13		08-21-12, 10-23-12 Ron Gold Interrogatories and Answers	
Count 1.20	18 Pa. C.S. §903 Criminal conspiracy	36-50	Begun 12-07-07 to 02-25-08, ongoing	14,15			
Count 1.21	18 Pa. C.S. §911 Corrupt organizations	36-50	12-07-07 to 02-25-08	6,16,17,22			
Count 1.22	18 Pa. C.S. §4910 Tampering with or fabricating physical evidence	4,13-15,22,25,26 32,35,39,45,51-6 1,63-65,70-74, 173	12-07-07 to 08-15-17	1,6,8,9,10,11,12 13,14,15,16,17, 18,19,20,21,22			
Count 1.23	18 Pa. C.S. §903 Criminal conspiracy	66-79, 84-93, 238-248	Begun 11-07-08 to 01-20-09, ongoing	6,16,17,22			
Count 1.24	18 Pa. C.S. §911 Corrupt organizations	1-250	Begun 11-07-08 to 01-20-09, ongoing	6,16,17,22			
Count 1.25	18 Pa. C.S. §5301 Official oppression	36,43-46,80,81,8 6-93,98,112-115, 118,149,150,153, 164-167,214,224 -231,234-237	Begun 11-07-08 to 01-20-09, ongoing	16			
Count 1.26	18 Pa. C.S. §4910 Tampering with or fabricating physical evidence	119-121,173	05-14-09	1,9,10,11,12,14, 15		05-14-09 GM to ERO	
Count 1.27	18 Pa. C.S. §4904 Unsworn falsification to authorities	101-108,112-118	06-09-09 to 06-17-09	1,10,11,12,16, 17		06-09-09 transcript p.116 line 19 to p.122 line 23	

Event Matrix

	Statute violations	Root Facts	Time	Defendants	Evidence	Elements of Proof	Damages
Count 1.28	18 Pa. C.S. §2903 False imprisonment	101-108,112-118	06-09-09 to 06-17-09	1,10,11,12,16,17			
Count 1.29	18 Pa. C.S. §2906 Criminal coercion	113-117	06-09-09 to 06-17-09	1,6,10,11,12			
Count 1.30	18 Pa. C.S. §4114 Securing execution of documents by deception	146	12-24-09	1,10,11,12			
Count 1.31	18 Pa. C.S. §5126 Flight to avoid apprehension, trial or punishment		Some time between 10-23-12 and 10-11-13	1	10-23-12 Transcript pp.39-40,44; 08-27-13 Pre-complaint Discovery; 10-11-13 PACSES Case Closed		
Count 1.32	18 Pa. C.S. §5105 Hindering apprehension or prosecution		08-27-13 to present	8,9,10,11,12,13,14,15,16,17,18,19,20,21,22			
Count 1.33	18 Pa.C.S. §4953 Retaliation against witness, victim or party	1-250	11-07-06 to present	1,8,9,10,11,12,13,14,16,17,22			
Count 1.34	18 Pa.C.S. §2901(a.1) Kidnapping of a minor	2-4,23,28,124,250	11-07-06 to 03-12-17	1,10,11,12,13			
Count 1.35	18 Pa. C.S. §2909 Concealment of whereabouts of a child	2-4,23,28,124,250	10-11-13 to Spring 2017	1,10,11,12,13,23,24,25	05-22-14 DHHS OIG		
Count 1.36	18 Pa.C.S. §4304 (a.1,2) Endangering welfare of children	2-4,23,28,124,250	05-22-14 to Spring 2017	23,24,25			
Count 1.37	18 Pa. C.S. §4904 Unsworn falsification to authorities			23,24,25			
Count 1.38	18 Pa. C.S. §903 Criminal conspiracy			23,24,25			
Count 2	Malpractice						
Count 2.1	Malpractice	7	mid-September to 11-07-06	1			
Count 2.2	Malpractice	13,14,19,20	11-07-06 to 02-12-07	1,2,3,4,5,6,7			
Count 2.3	Malpractice	115,117	06-09-09 to 06-17-09	6			
Count 3	Wrongful use of civil Proceedings						
	42 Pa. C.S. §8351 Wrongful use of civil proceedings	16-21	02-09-07 to 08-15-17	1,10,11,12,13			
Count 4	Medical Record Services						
	28 Pa. Code Ch. 115 Medical Record Services, §115.29 Patient access	29,43-50	11-07-06 to present	2,6,14,15,16,17			
Count 5	Defamation						
	42 Pa. C.S. §8341-8346 Defamation		11-07-06 to present	1-25			

Dialogue with the Deans

12-07-07 There has been some considerable unpleasantness...
12-27-07 ... my childrens' best interest is my fundamental, adamant motivation.
12-31-07 I am the Dean for Faculty Affairs for the School of Medicine
01-11-08 I am deeply obliged to demonstrate the truth to the best of my ability.
01-18-08 ... the careful attention to methodology reflected in my scientific work.
01-23-08 ... the NIH NIDDK will have to be notified at some point.
01-24-08 If these proofs fail, I have others which may take more effort to demonstrate.
01-29-08 ... there is no chance, whatsoever, that I will be swayed by coercion ...
01-31-08 ... we found no basis to proceed and are closing the matter.
02-25-08 This is precisely what it means for Institutional Power to become abusive.

Conversations with the Late, Honorable Ralph J. Cappy¹

01-29-08 A rather serious situation has arisen involving several members of UPMC ...
09-12-08 It now falls to you and the Trustees to fulfill you fiduciary duties ...
09-12-08 ... I belong to a marginal, invisible, voiceless demographic.
10-14-08 ... like being held down while being ravaged by a pit-bull.
10-14-08 ... Dr. Amadeo Marcos ... was abruptly fired ...
11-07-08 Please note that there are large gaps in the record.
11-07-08 This proved to be a near lethal insult to his narcissistic ego.
11-21-08 WSJ Doing a Volume Business in Liver Transplants
11-27-08 ... you know Judge Flaherty. I intend to turn everything over to him ...
12-16-08 You may consider this to be a formal complaint ...
01-20-09 ... the pervasive culture of corruption and abuse within ... the Starzl Institute
01-20-09 What is at stake is UPMC's market share of human liver
05-01-09 ... Ralph Cappy's leadership led directly to resolving Pennsylvania's medical malpractice crisis.

¹ *May Minos and Rhadamanthus have mercy on his eternal soul!*

University of Pittsburgh Conversations

10-31-12 Trustees Interrogatories
01-08-13 Trustees Cease and Desist
03-07-13 Trustees Cease and Desist
07-25-13 *Praecipe* to Reissue Writ of Summons Defendants 14, 16, 17
08-27-13 Pre-Complaint Discovery
01-23-14 Motion to Assign Case to Commerce and Complex Civil Litigation Center
08-15-14 *Praecipe* to Reissue Writ of Summons Defendants 10, 11, 12, 13
04-01-16 *Praecipe* for Writ to Join Additional Defendants 8, 9
11-07-16 Motion for Custody and Relief
02-09-17 Emergency Motion
05-16-17 Emergency Motion
11-07-17 *Praecipe* to Reissue Writ of Summons Defendants 23, 24, 25
01-18-18 *Praecipe* to Reissue Writ of Summons Defendants 15, 18, 19, 20, 21, 22
04-20-18 *Praecipe* to Reissue Writ of Summons Defendants 2, 3, 7, 5, 4, 6
06-08-18 Affidavit of Service Defendant 4
11-07-18 Complaint
11-07-18 *Praecipe* to Reissue Writ of Summons Defendant 1
01-02-19 Affidavit of Service Defendant 1
01-08-19 Motion to Assign Case; Motion to Amend Complaint
01-10-19 Affidavit of Service Defendant 21
01-18-19 Joint Motion to Dismiss DENIED
01-23-19 Defendants 2, 3, 6, 7, 15, 18, 19, 20, 22 AMEND
01-23-19 Defendants 4, 8, 9, 14, 16, 17 AMEND
01-23-19 Defendants 10, 11, 12, 13 AMEND
01-23-19 Defendants 23, 24, 25 DISMISSED
02-11-19 Motion to Reconsider; Motion to Amend Complaint; Motion to Stay
02-19-19 ORDER to Hear Reconsideration 03-14-19
03-15-19 Reconsideration DENIED
04-05-19 Motion to Assign Case and Motion to Amend Complaint *nunc pro tunc*
04-12-19 *Non Pros* 2, 3, 4, 6, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 22 GRANTED
04-12-19 *Non Pros* 10, 11, 12, 13 GRANTED
04-25-19 GD-13-011757 Motion to Assign Case and Motion to Amend Complaint
04-25-19 Amended Complaint
04-29-19 Order to Appear 06-17-19
05-17-19 Reply to Motion to Strike Amended Complaint
05-22-19 Motion to Strike Amended Complaint GRANTED
05-30-19 1925(a) Opinion
06-29-19 Opinion
07-22-19 Motion to Assign Case GRANTED; Motion to Amend Complaint DENIED
07-22-19 Motion to Strike Amended Complaint GRANTED
08-08-19 Motion for Reconsideration and Petition for Protection of Victims of Intimidation

Black = Plaintiff; Red = Colville; Green = McVay; Blue = Ward

The Hill School Conversations

*Τὸ λοιπόν, ἀδελφοί καὶ ἀδελφές, ὅσα ἐστὶν ἀληθὴ, ...ὅσα δίκαια...
ταῦτα λογίζεσθε - Phil 4:8*

05-22-14 DHHS OIG
07-10-14 The Hill School*
08-19-14 Plaintiff's Motion for Special Relief
02-13-15 Petition for Writ of Certiorari
02-13-15 Proof of Service
11-07-16 Motion for Custody and Relief
02-09-17 Doc 447 Emergency Motion
05-16-17 FD Emergency Motion
05-16-17 GD Emergency Motion
06-15-17 The Hill School*
08-15-17 Application for Extraordinary Relief or Exercise of the King's Bench Powers
10-13-17 DHHS OIG*
11-07-17 Praecipe for Writ to Join Additional Defendants*
01-18-18 *Praecipe* to Reissue Writ of Summons*
04-20-18 *Praecipe* to Reissue Writ of Summons*
06-08-18 Affidavit of Service
11-07-18 Complaint
11-07-18 *Praecipe* to Reissue Writ of Summons
01-02-19 Affidavit of Service
01-08-19 Motion to Assign Case Motion to Amend Complaint
02-11-19 Motion to Reconsider Motion to Amend Complaint and Motion to Stay
02-11-19 Brief in Support of Petition in Error and Application to Assume Original
Jurisdiction
04-05-19 Reply to Answer
04-05-19 Motion for Reconsideration
04-05-19 Motion to Assign Case and Motion to Amend *nunc pro tunc*
04-25-19 Cover Letter to the Hon. Christine A. Ward
04-25-19 Motion to Assign Case to the Civil/Commerce and Complex Litigation Center
& Motion to Amend Complaint, *nunc pro tunc*
04-25-19 Amended Complaint

* Email Service

Items of Judicial Notice

Pennsylvania Dockets

Allegheny County Court of Common Pleas FD-07-000190; GD-13-011757

Pennsylvania Superior Court 1821 WDA 2009; 214 WDA 2011; 1612 WDA 2012; 1764 WDA 2012; 822 WDA 2012; 163 WDA 2012; 1766 WDA 2012; 326 WDA 2019; 327 WDA 2019; 328 WDA 2019; 329 WDA 2019; 922-4 WDA 2019

Pennsylvania Supreme Court 61 WAL 2011; 196 WAL 2012; 416 WAL 2012; 42-8 WAL 2013; 275 WAL 2013; 79 WM 2013; 80 WM 2013; 80 WAL 2014; 347 WAL 2014; 609 WAL 2014; 08-15-17 Application for Extraordinary Writ or Exercise of the King's Bench Powers; 134 WAL 2019; 135 WAL 2019; 136 WAL 2019; 137 WAL 2019

Pennsylvania Grand Jury Reports

California Dockets

California Superior Court CGC-12-522119; CGC-12-526521; FCS-13-349291

Oklahoma Dockets

Oklahoma District Court CM-2018-2256; PO-2018-997

Oklahoma Supreme Court DF-117153

Oklahoma Court of Civil Appeals DF-117153

United States Supreme Court

11-5664; 12-732; 12-10508; 13-7019; 13-8108; 02-26-14 Petition for Extraordinary Writ; 09-11-14 Application to Chief Justice Roberts; 14-6408; 14-8625; 15-42; 19-902, 19-903, 19-904, 19-905

U.S. Supreme Court Conversations

- 10-18-11 ... τὰ δὲ χαλεπὰ ἐν ταῖς ψυχαῖς τῶν τυράννων κέκτηται ἀποκεκρυμμένα ...
10-18-11 ἂν δὲ μηθέν, γελοῖον τὸ ζητεῖν λόγον πρὸς τὸν μηθενὸς ἔχοντα λόγον, ἢ μὴ ἔχει
12-01-11 After defending myself in shackles ... I was locked up naked in an isolated cell
12-20-12 "You're in the jungle now! this is a jungle!"
03-12-13 ... which I hereby write into the indelible history of this Court.
05-21-13 ... death by cyanide poisoning, then immediate organ harvesting
10-17-13 ... the ghoulisb criminal proclivities of ... UPMC
10-24-13 Thus, I stand bereft on this dark, Hobbesian plane of your making.
12-19-13 कर्माशुक्लाकृष्ण योगिनस्त्रिविधमितरेषाम्
12-19-13 ... the only consistent, coherent and complete account of the facts ...
02-26-14 ... to vanquish the Leviathan of corruption by force of right and reason.
02-26-14 तज्जयात्प्रज्ञालोक
09-11-14 The best solution now open to this U. S. supreme Court is immediately to ...
09-11-14 तस्य हेतुरविद्या
09-11-14. These actions speak for themselves.
11-27-14 मैत्र्यादिषु बलानि
02-13-15 ... to prevent further self-inflicted damage to state and federal institutions ...
06-21-15 ... ἵνα εἰδῆτε ὅτι καὶ ἄρχεσθαι ἐπίσταμαι ὥς τις καὶ ἄλλος μάλιστα ἀνθρώπων.
11-07-19 मैत्र्यादिषु बलानि : मैत्री
11-07-19 मैत्र्यादिषु बलानि : उपेक्षा
11-07-19 मैत्र्यादिषु बलानि : करुण
11-07-19 मैत्र्यादिषु बलानि : प्रमुक्ति
11-07-19 Τὸ λοιπόν, ἀδελφοί καὶ ἀδελφές, ὅσα ἐστὶν ἀληθὴ ... ὅσα δίκαια ...

U.S. Law Enforcement Conversations

08-10-10. In other words, you found the bodies right where I said they would be.
2-04-11 my innocent daughters and I continue to pay for UPMC's crimes and coverup.
12-13-11 I expect to suffer serious physical harm of worse if I appear.
02-28-12 It is long past time for you to support this whistleblower.
04-12-12 This is how corrupt organizations make their victims disappear
06-28-12 The tone at the top is demonstrably incompetent and corrupt
11-12-12 Lie, cheat, steal, even kill, to protect the flow of DHHS funds to UPMC
01-03-13 bring racketeering charges against the University of Pittsburgh [and] UPMC
03-07-13 Extend all available protections to me and to Jael and Esther Ochoa.
08-27-13 UPMC is now attempting to "launder" its criminal complicity
12-06-13 Dr. Rubin should now be considered an interstate fugitive
05-22-14 To prevent further tragedy, I again implore you to find my missing daughters.
12-15-16 thank all of you for your years of high-minded and patriotic service
03-12-17 In lay terms, I "doxed" myself to preserve Truth.
10-13-17 The cure for Machiavellian abuse is Xenophonic candor.

Exhibit H. Questions or *Απορία*

Απορία or Perplexities

Discovery or *Εύρηκα!*

Pa. Superior Court Questions

Pa. Supreme Court Questions

U.S. Supreme Court Questions