

IN THE SUPREME COURT OF
PENNSYLVANIA – WESTERN DISTRICT
JEAN COULTER, Petitioner No. 362 WAL 2020

v.
GERRI VOLCHKO PAULISICK and JOSEPH R.
PAULISICK, Respondents

ORDER PER CURIAM

AND NOW, this 2nd day of June, 2021, the
Application form Leave to File Original Process is
GRANTED, and the Petition for Allowance of Appeal
is DENIED.

Chief Clerk, Supreme Court of Pennsylvania

IN THE SUPREME COURT OF
PENNSYLVANIA – WESTERN DISTRICT
JEAN COULTER, Petitioner No. 362 WAL 2020

v.
GERRI VOLCHKO PAULISICK and JOSEPH R.
PAULISICK, Respondents

ORDER PER CURIAM

AND NOW, this 26th day of July 2021, the
Application for Reconsideration is DENIED.

Chief Clerk, Supreme Court of Pennsylvania

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, PENNSYLVANIA
JEAN COULTER, Plaintiff, CIVIL DIVISION
v. A.D. No. 2020-10334
GERRI VOLCHKO PAULISICK and
JOSEPH R. PAULISICK, Defendants.

Yeager, J. August 28, 2020

ORDER OF COURT

AND NOW this 28th day of August, 2020,
pursuant to the *Order of Court* under date of
December 17.2015, entered by the Honorable John C.
Reed in the Court of Common Pleas of Allegheny

1a.

County, Pennsylvania, at Docket No. GD- 15-002176,
the Plaintiff, Jean Coulter, *inter alia*,

[I]s 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 a 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.

...

2a.

IT 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" or "related claims").

Order of Court under date of December 17, 2015.
(Attached in its entirety.) Said *Order of Court* further provides that,

3a.

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. I (a), and imposing sanctions such as incarceration and imposing and awarding costs of litigation, interest, counsel fees, and damages.

Order of Court under date of December 17, 2015, p. 36.

As the Plaintiff, Jean Coulter, is proceeding in this matter as a pro se Plaintiff; as the Plaintiff, Jean Coulter, has not complied with the December 17, 2015, *Order of Court* by obtaining the prior written consent of a judge of the Court of Common Pleas of Butler County, Pennsylvania, to file the above-captioned lawsuit, and has further failed to file with the Office of the Prothonotary of Butler County, Pennsylvania, either a \$10,000 Cash Bond or a Bond with Corporate Surety in the amount of \$ 10,000; and, as the above-captioned matter was previously filed by the Plaintiff, Jean Coulter, against the Defendants, Gerri Volchko Paulisick and Joseph R. Paulisick, in the United States District Court for the Western District of Pennsylvania, at No. 2-15-cv-00937, thus violating the provisions that prohibit the Plaintiff from naming as a defendant any individuals she previously named as defendants in any state or federal court proceeding, or from asserting any cause of action or claim that she has previously asserted or

alleged in any state or federal court proceeding, upon the Court's own Motion, for the foregoing reasons, the above-captioned matter is DISMISSED WITH PREJUDICE.

In light of the above, the arguments on the Defendants', Gerri Volchko Paulisick and Joseph R. Paulisick, *Preliminary Objections to Amended Complaint and Motion to Dismiss*, scheduled for the 23rd day of October, 2020, at 10:00 O'clock A.M., are cancelled as moot.

**BY THE COURT,
MICHAEL YEAGER, JUDGE**

Below is the entire Allegheny County Order which Judge Yeager has partially cited (above). It is attached in entirety to include the portion which Judge Yeager cited only with an ellipsis in the phrase : "in the form attached to this Order, said Corporate Surety being authorized to do business in the Commonwealth of Pennsylvania. ...

IT IS FURTHER ORDERED"

Entire Order from Allegheny County – Note it excludes the imposition of its terms if a case is already pending.

**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 17th 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. (emphasis added)*

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

Decisions from the State's Lower Appellate Court
**IN THE SUPERIOR COURT OF
PENNSYLVANIA -WESTERN DISTRICT
JEAN COULTER, Petitioner**

v. Case No. : 83 WDN 2020
GERRI VOLCHKO PAULISICK
and JOSEPH R. PAULISICK

Order Denying Petition for Permission to Appeal

AND NOW, upon consideration of the September 14, 2020 "Petition for Permission to Appeal" filed by pro se petitioner, Jean Coulter, and answer thereto, the Petition is DENIED.

The requisite \$10,000.00 bond posted by petitioner is hereby FORFEITED.

The September 16, 2020 "application for Emergency Relief" is DENIED as moot.

Per Curiam
October 15, 2020

IN THE SUPERIOR COURT OF
PENNSYLVANIA – WESTERN DISTRICT
JEAN COULTER, Petitioner
v. Case No. : 83 WDN 2020.
GERRI VOLCHKO PAULISICK
and JOSEPH R. PAULISICK

Miscellaneous Docket Order Entered

AND NOW, upon consideration of the October 20, 2020 "Petition for En Banc Reconsideration of the Final Order Denying Coulter Permission to File Appeal" filed by pro se Petitioner Jean Coulter, the application is DENIED. The Prothonotary is DIRECTED to return Petitioner the \$10,000.00 bond check, bearing Check No. 1008. As there is no appeal in this court, the Prothonotary is FURTHER DIRECTED to return to Petitioner Check No. 1071 in the amount of \$90.25 that Petitioner submitted with her Notice of Appeal.

Per Curiam
November 20, 2020

28 U.S. Code § 1367. Supplemental jurisdiction
(a) Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute,

in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.

(b) In any civil action of which the district courts have original jurisdiction founded solely on section 1332 of this title, the district courts shall not have supplemental jurisdiction under subsection (a) over claims by plaintiffs against persons made parties under Rule 14, 19, 20, or 24 of the Federal Rules of Civil Procedure, or over claims by persons proposed to be joined as plaintiffs under Rule 19 of such rules, or seeking to intervene as plaintiffs under Rule 24 of such rules, when exercising supplemental jurisdiction over such claims would be inconsistent with the jurisdictional requirements of section 1332.

(c) The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if—

- (1) the claim raises a novel or complex issue of State law,
- (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,
- (3) the district court has dismissed all claims over which it has original jurisdiction, or
- (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

(d) The period of limitations for any claim

asserted under subsection (a), and for any other claim in the same action that is voluntarily dismissed at the same time as or after the dismissal of the claim under subsection (a), shall be tolled while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period.

...

Title 42 § 5103. Transfer of erroneously filed matters.

(a) General rule.--If an appeal or other matter is taken to or brought in a court or magisterial district of this Commonwealth which does not have jurisdiction of the appeal or other matter, the court or magisterial district judge shall not quash such appeal or dismiss the matter, but shall transfer the record thereof to the proper tribunal of this Commonwealth, where the appeal or other matter shall be treated as if originally filed in the transferee tribunal on the date when the appeal or other matter was first filed in a court or magisterial district of this Commonwealth. A matter which is within the exclusive jurisdiction of a court or magisterial district judge of this Commonwealth but which is commenced in any other tribunal of this Commonwealth shall be transferred by the other tribunal to the proper court or magisterial district of this Commonwealth where it shall be treated as if originally filed in the transferee court or magisterial district of this Commonwealth on the date when first filed in the other tribunal.

(b) Federal cases.--

(1) Subsection (a) shall also apply to any matter transferred or remanded by any United States court

for a district embracing any part of this Commonwealth. In order to preserve a claim under Chapter 55 (relating to limitation of time), a litigant who timely commences an action or proceeding in any United States court for a district embracing any part of this Commonwealth is not required to commence a protective action in a court or before a magisterial district judge of this Commonwealth. Where a matter is filed in any United States court for a district embracing any part of this Commonwealth and the matter is dismissed by the United States court for lack of jurisdiction, any litigant in the matter filed may transfer the matter to a court or magisterial district of this Commonwealth by complying with the transfer provisions set forth in paragraph (2).

(2) Except as otherwise prescribed by general rules, or by order of the United States court, such transfer may be effected by filing a certified transcript of the final judgment of the United States court and the related pleadings in a court or magisterial district of this Commonwealth. The pleadings shall have the same effect as under the practice in the United States court, but the transferee court or magisterial district judge may require that they be amended to conform to the practice in this Commonwealth. Section 5535(a)(2)(i) (relating to termination of prior matter) shall not be applicable to a matter transferred under this subsection...."

Pa.R.C.P Rule 233.1. Frivolous Litigation. Pro Se Plaintiff. 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.

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

A.D. NO. 2020-10334
JEAN COULTER, PLAINTIFF,
vs.
GERRI VOLCHKO PAULISICK AND
JOSEPH R. PAULISICK,
DEFENDANTS.
MOTION COURT
Proceedings
Held Before The

HONORABLE DR. S. MICHAEL YEAGER

August 25, 2020
For the Plaintiff:
Unrepresented Litigant

For the Defendants:
Samantha Farrell, Esquire

Lisa M. Hyatt
Official Court Reporter

PROCEEDINGS

August 25, 2020
Courtroom No. 3
Butler County, Pennsylvania

(WHEREUPON, Plaintiff, Jean Coulter, joined
the proceedings telephonically.)

THE COURT : Good morning.
MS. COULTER : Good Morning.
THE COURT : Counsel?
MS. FARRELL : Good morning, Your
Honor. Samantha Farrell for the Defendants. So, I
have here a Motion for Oral Argument. What I am
attempting to accomplish is to get before Your Honor
on the preliminary objections that
we filed. So, this case has a long history. It dates
back to 2013, and a fallen tree branch in 2013. We
were in the Federal Court system for many years.

THE COURT: There's actually an
Amended Motion for Oral Argument .

MS. FARRELL: Correct, Your Honor. We
just changed the date as per Ms. Coulter's request .

THE COURT: Okay .

MS. FARRELL: She wasn't available when we had originally noticed it.

THE COURT: We're essentially arguing the amended motion?

MS. FARRELL: Correct, Your Honor. Sorry for that. So, we had litigated a case in the Western District about these exact same issues since 2015, until — I can't remember when the United States Supreme Court denied the writ of certiorari, but it's been ongoing for many years .

My clients obviously have been plagued by this litigation since 2015, and given the history of Ms. Coulter in the past, I can only anticipate that we 're now on our second amended complaint that will continue with amended complaints until some indeterminate period of time. And I 'm just hoping that we can get in front of Your Honor on the preliminary objections . I don't even have a problem when she's just filed another complaint, a second amended complaint with filing preliminary objections to that second amended complaint and then getting argument dates . you just don't want to keep coming back every, know, 20 days having to file additional preliminary objections when the defects that we're raising in our preliminary objections are not going to change. They are fundamental defects with regard to her claims that are not going to change.

THE COURT: There's also a Praeclipe for Oral Argument and Scheduling Order .

MS. FARRELL: Correct, Your Honor. So I wasn't sure because I 've never had to present a motion like this before. I know that the typical procedure is once you file PO's, you do the Praeclipe for Oral Argument, and you don 't even have to

present it, just send it in and you get an argument date. So, I wanted to see if there was any way for us to -

THE COURT: All three of these things are requesting argument on the preliminary objections .

MS. FARRELL: Correct, Your Honor. Correct, Your Honor.

And as another matter of note, we also, in our motion -- in our preliminary objections, we filed a Motion Under Pennsylvania Rule of Civil Procedure 233.1, asking that the case be dismissed, and that Ms. Coulter be barred from initiating future litigation on these issues. So I think that even if the preliminary objections aren't scheduled for argument at this time, I believe that that motion should be scheduled for argument, or even just during I'm just looking for some sort argument court . of guidance on how to proceed in terms of getting in front of Your Honor on the merits.

THE COURT: Ms. Coulter? Ms. Coulter, you also have a motion here for sanctions pursuant to Pennsylvania Rule of Civil Procedure 1023.2. Do you want to go ahead and argue both of those, both your response to their motion for scheduling on the preliminary objections, and then your motion also please.

MS. COULTER: Okay. I'm only hearing tiny little bit of what the Court is saying. I could hear the other side's attorney speaking, but --

THE COURT : Do you --

MS. COULTER : -- I could just hear vague sounds of background, and now that I think there's a pause, I think I heard my name being

announced.

THE COURT : Yes, Ms. Coulter, there's two things here. You can make your response to what Ms. Farrell has just argued for a scheduling order, and you 've also filed a Motion for Sanctions pursuant to Pennsylvania Rule of Civil Procedure Rule 1023.2. Do you want to argue both those at this point in time, please.

MS. COULTER: Yes, please. First off, though, I would like to ask that your decision in the matter be delayed so that they will have time to withdraw their complaint because otherwise you can't issue sanctions until they've had 28 days to withdraw their arguments, because their arguments are total fiction, putting it politely. For example they argue Motion to Dismiss pursuant to 233.1., 233.1 requires that the claims, C—L—A—I—M—S, have been decided, and they very obviously did not include any copy of the Judge's Order, because the Judge's Order makes it so incredibly obvious that the Judge said, first, I'm a Federal Court. This case is brought here on diversity. I need to make sure I have jurisdiction . The Judge decided she did not have subject matter jurisdiction, although it was erroneous decision, et cetera, she decided she didn't, and then said all pending motions are dismissed without consideration. They're moot because there was no subject matter jurisdiction. Now, the attorney for the other side has been playing all sorts of games, including completely misstating things intentionally . So this is either done just to harass me, or it is done, as I refer to it, as invoking the secret handshake. She apparently is hoping that if she is so incredibly incompetent, this Court will look on her favorably and say, well you tried your best. You really screwed up royally, but you tried

your best --

THE COURT: Ma'am let me --

MS. COULTER: -- so we're going to give you

THE COURT: Let me assure you, Ma'am --

MS. COULTER: -- the benefit of the doubt.

THE COURT : Let me assure you, Ma ' am, that that this Court, and that is me, would never feel that way toward any attorney --

MS. COULTER: I did not think --

THE COURT: -- anybody that appears --

(WHEREUPON, the Court and Ms. Coulter were speaking simultaneously.)

THE COURT: I think that anyone that appears in front of me --

MS. COULTER: Okay. I'm sorry, I'm not hearing you --

THE COURT : I think that anyone that appears in front of me, whether they are represented by counsel or are pro se, are here and will be treated the same way. They get no leeway, whether you 're pro se or not. You're expected to know the rules, and that's just the way that I operate.

MS. COULTER: Well, that's good. That's what I'm counting on. That's why I'm saying -- that's why I put in the Motion for Sanctions, asking you to wait. They received that motion on August the 7th. So I need 28 days from August the 7th for them to withdraw everything that they submitted —

THE COURT: Ms. Farrell --

MS. COULTER: -- so that --

THE COURT: Ms. Farrell, are you going --

MS. COULTER: -- can impose sanctions --

THE COURT : -- to withdraw anything you 've

submitted?

MS. FARRELL: Absolutely not.

THE COURT: You just had your answer, Ms. Coulter.

MS. COULTER: Well, the problem is you cannot issue sanctions, from what I've seen, until they've had 28 days to do that. So what I'm trying to do is give you time --

THE COURT: Ma'am, I'm not going to issue sanctions against anyone. I can guarantee you that.

MS. COULTER: Okay, well, then let's get back to the argument on things like 221-- 233.1, which is clearly a frivolous motion. The same goes to for res judicata. Clearly it's frivolous. The only thing that was decided, the only, only, only thing that was decided in the Federal Courts at any level was a lack of subject matter jurisdiction.

THE COURT: Well, I'm going to schedule --

COULTER: Basically --

THE COURT: I'm going to schedule argument on the preliminary objections, and then you can make your arguments at that point in time. The only thing I'm doing today --

MS. COULTER: Okay. They've given no basis for saying that you're going to be able to say you get one amendment, and that's it.

THE COURT: I'm not saying --

COULTER: State law says --

THE COURT: I'm not saying that. I'm giving them the opportunity to state their preliminary objections, and if I feel that their preliminary objections are improper, then the case will proceed.

MS. COULTER: And by chance you feel their preliminary objections are proper though, is the

issue.

THE COURT: Then the case will be dismissed.

MS. COULTER: I'm sorry, I seriously --

THE COURT: Then the case will be dismissed. And, Ma'am, I go back -- we've had this discussion -- you and I have had this discussion before in other cases. There is a case out there in Pennsylvania that was issued by the Pennsylvania Superior Court, that said you have to get their consent to file any cases against anybody from the date that issue -- from the date that case was decided. And I think that this case is a 2020 case, and obviously falls underneath that umbrella.

MS. COULTER: It is not a 2020 case. It is a transfer, so it wasn't even filed --

THE COURT: Ma'am, the docket number on the case is 2020-10334.

MS. COULTER: Because, when you --

THE COURT: I'm not going to --

MS. COULTER: -- transfer a case --

THE COURT: Ma'am, I'm not going to get involved in this with you today. The case -- there will be no sanctions issued against anyone. I will issue an order that scheduled argument on the preliminary objections.

MS. COULTER: Okay. I'm going to be filing a Motion for Recusal, so --

THE COURT: You've done that how many times, Ma'am? I'm not going to recuse myself.

MS. Coulter: And I'd also like to have a transcript of this proceeding, because like I said, I wasn't hearing anything you had said until the past two minutes.

THE COURT: You can request the transcript, Ma'am.

MS. COULTER: Okay. Do I do that through your office? How do I do it --

THE COURT: No, you have to do it through Court Administration.

MS. COULTER: Thank you very much.

THE COURT: Thank you.

CERTIFICATE

From the Trial Court – evidence that the state courts
were presented the issues but failed to act on them

IN THE COURT OF COMMON PLEAS

OF BUTLER COUNTY, PENNSYLVANIA

JEAN COULTER, Plaintiff

CIVIL DIVISION

v. Case No. : 20-10334 .

GERRI VOLCHKO PAULISICK and

JOSEPH R. PAULISICK, Defendants

**1925(b) STATEMENT OF MATTERS
COMPLAINED OF ON APPEAL**

- 1.) Extreme bias of Judge Yeager both with respect to pro se plaintiff and undue deference to Defendants and Counsel despite their violations of PA Code of Conduct.
- 2.) Dismissal violates both Pa. Title 42 § 5103(d) and 28 U.S. Code § 1367 (d), by denying transfer of matters after the finding of lack of subject-matter jurisdiction.
- 3.) Both Pa. R.C.P. Rule 233.1 and Sr. Judge Reed's Order ("December 2015 Order") require that there have been a final decision in any earlier case.
- 4.) This Court's Dismissal decision, violates "December 2015 Order" which requires that the matters not be pending and that Claims have had a final decision..

- 5.) December 2015 Order is interlocutory and has intentionally been written to continue to remain so in perpetuity (and appellate court has refused to reviewed it).
- 6.) This Court has enforced the “December 2015 Order” despite it exceeding the authority of any judge with its Unconstitutional “authorization” which is beyond the scope of authority of one judge to authorize actions be taken in another county.
- 7.) The dismissal exceeds what is authorized by Pa. R.C.P. Rule 233.1
- 8.) Erroneously applied Pa. R.C.P. Rule 233.1 and/or December 2015 Order’s which restrict the ability to “institute” as the case was transferred - as otherwise both the “December 2015 Order” and Pa. R.C.P. Rule 233.1 violate Pennsylvania Title 42 § 5103(d) and 28 U.S. Code § 1367 (d) which require transfer be permitted.
- 9.) Rule 233.1 Unconstitutional (State and Federal)– limiting to the courts and only for pro se plaintiffs (and usually with respect to “Justice System” defendants).
- 10.) Rule 233.1 requires that there be a final determination but the finding of Lack of Subject-Matter Jurisdiction proves that the Federal Court did not consider any of the claims (despite requirements of both 233.1 and December 2015 Order).
- 11.) Rule 233.1 is Unconstitutionally Vague, and Unconstitutionally restricts access to the courts – violating both the Pennsylvania Constitution and the Constitution of the United States.
- 12.) December 2015 Order unconstitutionally requires bonds or permission of the court before filing (and also specifies no manner to obtain the

permission without filing a case which would also violate the order) - for the sole purpose of illegally and unconstitutionally restricting access to the courts.

13.) This Court "erroneously" determined the applicable date for the matter at hand as being the date indicated by the "docketing date", as PA Title 42 § 5103 requires it to be "treated" as though this matter was filed in the state court on the date that it was filed in the federal court – and this is prior to the date authorized by the "December 2015 Order".

Thus, Judge Yeager's Order is improper and must be over-turned.

Respectfully Submitted,
Jean Coulter, Plaintiff

From the Petition for Allowance of Appeal filed in the Pennsylvania Supreme Court –state courts were presented the issues but failed to act on them :

"... (3) Questions Presented for Review.

1. a. Is Rule 233.1 Unconstitutional as it violates the restrictions in the Constitution of the Commonwealth of Pennsylvania which places limitations on rules prescribed by the Pennsylvania Supreme Court?

A QUESTION OF FIRST IMPRESSION

b. Is Rule 233.1 Unconstitutional as it violates the guarantees of Equal Protection and Due Process in the United States Constitution, by treating Pro Se Plaintiffs differently as it does not permit equal access to the state courts in order for a Pro Se Plaintiff to receive Due Process (as guaranteed by the State's Constitution)?

A QUESTION OF FIRST IMPRESSION

c. Does Rule 233.1 violate both the United States Constitution as well as the Pennsylvania Constitution and is unconstitutional because the wording of the Rule is unconstitutionally vague?
A QUESTION OF FIRST IMPRESSION

2. Does Rule 233.1 (as it has been consistently determined by the lower courts) violate both federal and state "Transfer Statutes" – which require that following a determination in the federal court of Lack of Subject-Matter Jurisdiction, the case must be permitted to be transferred to the state court – despite Pennsylvania Courts having determined that (at least for certain "classes" of defendants), transfer will effectively not be permitted?

A QUESTION OF FIRST IMPRESSION

3. Does Pervasive Bias within the Pennsylvania Courts SystemWide, make it impossible for any Plaintiff to successfully recover from a defendant or defendants, if any one of those defendants are members of the "Justice System" (employed as judges, attorneys, members of law enforcement) or affiliated in some manner with one or more of these groups?

A QUESTION OF FIRST IMPRESSION

4. a. Does the decision by the Superior Court in Coulter's request for permission to file appeal, result in an Unconstitutional Order denying appeal by both the Panel and the Superior Court En Banc – in violation of the Pennsylvania Constitution's guarantee of Coulter's Right of Appeal?

A QUESTION OF FIRST IMPRESSION

b. Does the decision by the Superior Court in

Coulter's request for permission to file appeal,
results in an Unconstitutional Order denying appeal
by both the Panel and the Superior Court En Banc –
as the United States Constitution guarantees Due
Process and Equal Protection which also therefore
guarantees Coulter's Right of Appeal
based on the state's guarantee of that Right?
A QUESTION OF FIRST IMPRESSION ...

27a.