

No. 24-389

FILED
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

**The Supreme Court
of the United States**

Jean Coulter, Petitioner

v.

James P. Coulter, Susan Vero Coulter,
Karen Vero Morrow, ... Marilyn Horan,
et al., Respondents

**Petition for Certiorari
to the
Third Circuit Court of Appeals**

Jean Coulter, Petitioner
3000 Chestnut Street
P. O. Box 8094
Philadelphia, PA 19101
412-616-9505

QUESTIONS PRESENTED

- 1. Do facts require that this matter be transferred to a different circuit?** The co-conspirators used their “connections” to affect actions taken by civil servants, evidenced by the fact that the Police did not “merely” provide unauthorized access, but then they also concealed those acts from others. Further, all federal judges are political appointees – and as one of the Respondents is a Federal Judge, their position enhances their influence on others within the “Justice System” (particularly within the same “region” as where they serve on the bench).
- 2. Do facts show the Respondents are co-conspirators violating Jean’s Rights to Privacy with sham “welfare check”?** In fact, it is clear that the Police would not have so blatantly chosen to “overlook” Jean’s Right to Privacy, had they not been pressured or encouraged to do so by those more politically powerful (judges) involved in case.
- 3. Do the facts show that certain of the Respondents violated Due Process both by willfully assigning Yeager to hear the related state case (knowing of Yeager’s desire to won the home) and by altering transcripts?** These are clearly the reasons for the timing of the delayed transfer of the case from the Philadelphia Courts.
- 4. Are all Respondents criminally and civilly liable for damages as the result of their conspiracy/conspiracies?** Police/Fire are not entitled to immunity under these facts - and others were not in conformance with their official capacities.
- 5. Must all Judicial Conduct Codes require their Reviewers report to police every time facts show that there has possibly been criminal activity by any lawyer or judge?**
“Self-policing” does not work!

PARTIES TO PROCEEDINGS
IN THE THIRD CIRCUIT

Petitioner - Jean E. Coulter

Respondents - James P. Coulter; Susan Vero Coulter; James L. Coulter; Joseph C. Coulter; Karen Vero Morrow; Roger Morrow; Sara Morrow; Benjamin Morrow; Pamela Vero Hammonds; Steven Hammonds; Patrick Hammonds; Mary Joanne Vero Anderson; Brian Anderson; Abigail Anderson; Nicholas Anderson; Sara Jane Sanzotti Vero; S. Michael Yeager; Stephanie Yeager Shaffer; William R. Shaffer; Nancy Natale; Lisa M. Hyatt; Joseph Caparosa; Marilyn Horan; Barbara Coulter; Jonathan W. Valvano; Ronald Elliott; Dillon McCandless King Coulter and Graham; Officer Howard, of the Police of the City of Butler, Pa; Bob O'Neill, Chief of Police of the City of Butler, Pa; Unknown Officer of the Bureau of Fire of the City of Butler, Pa; Unknown Employees of the Bureau

LIST OF PROCEEDINGS

In the Western District of Pennsylvania

Civil Action No. 2:22-cv-01806

Jean Coulter v. James P. Coulter

Decision 06/07/2023

Notice of Appeal 07/05/2023

In the Third Circuit Court of Appeals

No. 23-2222

Jean Coulter v. James P. Coulter

Decision 02/28/2024

Extension of Time granted by Justice Alito to July 27, 2024

Clerk's Office returned to re-file in order to comply with formatting rules – 60 days from July 31, 2024

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CONSTITUTION AND STATUTORY BASIS

Constitution of The United States of America

Article III Judicial Branch

Section 1 Vesting Clause

“... The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, ...

Section 2

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, ... to Controversies between ... a State and Citizens of another State;--between Citizens of different States ...”

42 U.S. Code § 1983 - Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. ...

STATEMENT OF THE CASE setting out the facts
material to consideration of the questions presented,
AND statement of the case setting out the facts
material to consideration of the questions presented,

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<u>Campbell v. City of Binghamton</u> , 2024	18.
<u>State v. Holt</u> , 314 P. 3d 870 – Kan. Supreme Court	19.

Section 1983 and/or 1985 Claims
VIOLATION OF CONSTITUTIONALLY
PROTECTED RIGHTS

INTRODUCTION

Beginning with the most recent (publicly visible) conspiratorial action (outside of those happening inside the courthouse), the Complaint has stated facts which **prove that the sham “Welfare Check” on January 2, 2022 – was just another step in the Color of Law violation of Petitioner Jean Coulter’s (“Jean’s) Constitutionally Protected Rights, as, on that date, both Jean’s Right to Privacy (and indirectly, Jean’s Right to Due Process) were violated.** The reason for their actions was because the conspirators were seeking to satisfy Yeager’s desire to finally have the opportunity to wander through the house whose exterior had fascinated him for years – to such an extent that it had become the major “element” of the conspiracy between Jim and Yeager!

The simple fact that Yeager had managed to find a way to be assigned to hear the case which would determine the ownership of the Family Home, means that Yeager would most certainly have been required to immediately Recuse, once his interest in owning that very same property was un-covered. And, in fact, that is one of many reasons why the determination in the District Court must be considered as “suspicious at best”! In fact, without any basis in fact of any source, District Judge Kearney specifically “ruled” that Yeager was given a personal, and unannounced, guided “tour” of the property by Jim (presumably taking place shortly after the

“assisted Break-in” on January 2, 2022). But, there was never any attempt to explain why/how Jean’s Constitutionally Protected Right to Due Process had not been violated (as supposedly as Jim took Yeager (and members of his family) on a guided “tour” – all while still permitting Yeager to continue to hear the case concerning the ownership of the home!

But, of course, Kearney’s “finding” was made without any basis – and, in fact would not have required that Jim have the door broken down (*which exactly what permitted Jean to learn of their conspiracy in the first place!*)!

ARGUMENT

Please note that this Petition for Certiorari is of critical importance, in part because of the conflict between courts in different states – and especially with respect to situations where there is no reliable record for the appellate courts to utilize, as is the case with this matter – as Section 1983 has been found applicable when an accurate Record of Proceedings is unavailable.

Fortunately, apparently, there are only a very small number of cases where such an extreme example of “adulterations” being “inserted” the transcripts has occurred. And, in most of those cases, an accurate record can be “reconstructed”. But there are cases beyond the Instant Matter, where such “reconstruction” of an accurate Record of the proceedings is likely impossible. In this case, this is likely the situation because the Record was willfully “adjusted” after an

unofficial (and secret) “order” (or demand) produced by Yeager, for the Court Reporters to eliminated evidence of Yeager’s personal interest in the ownership of the home (which he long-dreamed would be owned by his daughter).

A. THE THIRD CIRCUIT WILLFULLY AFFIRMED THE DISTRICT COURT’S “ERRONEOUS” DETERMINATION THAT JEAN DID NOT ADEQUATELY PLEAD SUFFICIENT FACTS TO SUPPORT CLAIMS OF A CONSPIRACY AMONG DEFENDANTS/ RESPONDENTS JIM, YEAGER AND HORAN WHEN HORAN ASSIGNED JEAN’S CASE TO YEAGER, DESPITE HORAN’S KNOWLEDGE OF YEAGER’S INTEREST IN ASSURING THAT ONE OF YEAGER’S FAMILY MEMBERS (YEAGER’S DAUGHTER) WOULD OWN THE COULTER FAMILY HOME) - AND THOSE ACTS VIOLATE JEAN’S RIGHTS TO DUE PROCESS, BY “JUDICIALLY FORCING” JEAN TO SELL THE HOME THAT SHE GREW UP IN!

Jean sufficiently pleads facts to implicate Jim, Yeager and Horan in a Conspiracy to permit Yeager to be assigned to rule on Jean’s case against Jim (so Jean could be forced to sell her interest in the home)

Jean’s Complaint clearly explains that in 2016, upon hearing that President Judge Doerr was likely going to be sanctioned by the Pennsylvania Supreme Court (in relation to Doerr’s decision to use his influence to get a job for a woman which Doerr was having an affair with) – **the conspirators realized that Doerr was likely to be only mildly**

sanctioned, and that Doerr would likely receive only a “slap on the wrist”. So, the co-conspirators (*all* members of the Justice System) correctly expected that probably Doerr would only lose his authority to make case assignments (while he was permitted to retain both the title of President Judge and the salary commensurate with that job title).

So, in 2016, Jim, Yeager and Horan, decided to have Jean’s case against Jim (which had been (properly) filed, by Jean in 2014 in the Philadelphia Court of Common Pleas), transferred into the Butler County Court as in that manner, it could be “assigned” by a jurist (Horan) who was sympathetic to their cause (namely assuring that Jim could become sole owner of the Family Home). This transfer was especially important as Jim had made his offer to sell the home to Jean in writing, and Jim had even cashed the check which Jean timely overnighted in response to Jim’s then, most recent “offer”.

Because Jean was concerned about the case being moved to Butler County, Jean appealed the decision permitting the transfer - so the transfer was not finalized until August 24, 2017 – so, the second overt Conspiratorial Act was completed when JIM finally paid the filing fee in Butler on November 8, 2017, more than 3 months after the paperwork reached the Butler County Records Office as JIM was waiting for Horan to be named Administrative Judge, in order to assure that Horan (alone) could assign the newly-(re)filed case. (So, the first overt conspiratorial act occurred when Jim filed for transfer in the Philadelphia Court. And

the third overt conspiratorial act occurred when Horan actually assigned the case to Yeager.)

JEAN'S FILINGS IN THE LOWER COURT ARE
SUFFICIENT TO IMPLICATE THE NAMED
DEFENDANTS IN A CONSPIRACY TO VIOLATE
JEAN'S RIGHTS TO DUE PROCESS

In the filings in the Instant Matter (which also concern the actions by Jim's Co-Conspirators, Yeager and Horan), Jean's Complaint states facts which clearly describe the proof of Jim's highly improper steps to stop Jean's receipt of an Order for Specific Performance. (all are from the Second Complaint, pages 14 and 15) :

“... 5.) ... HORAN would have the responsibility for assignment of cases (following the Pennsylvania Supreme Court's issuance of a Private Letter of Counsel to Doerr concerning improprieties by the then President Judge (with respect to acts detailed in a case which was filed in the Federal Court apparently shortly after the Private Letter of Counsel was issued to Butler County's President Judge)).

...
7.) So, the co-conspirators intentionally delayed the completion of the filing of the case, from August 24, 2017 (when the Philadelphia Court actually completed the transfer) until a date after HORAN would be named the Administrative Judge for the County Court. ... to assure that HORAN would be named the Administrative Judge (which had actually occurred on October 26, 2017).

and

“... 1.) During Motions Court on February 8, 2022, JEAN was presenting a Motion seeking Specific Performance – as the result of JEAN’s 2011 acceptance (and payment for the full amount demanded) in relation to JIM’s 2011 Offer to Sell Jim’s portion of the still jointly owned property. However, during Motions Court, YEAGER kept repeatedly interrupting JEAN’s presentation so that he could repeatedly attempt to convince JEAN that she should instead agree to the “suggestion” by YEAGER that a Partition occur – and JEAN could/should bid on the property as part of a Partition Action. ...”

3.) Even as it exists, the transcript proves that YEAGER was hoping to prove that JIM’s receipt (and even his cashing) of the Cashier’s Check for the full asking price was irrelevant - as YEAGER was under the false belief that JEAN had not responded to a written offer to sell. Specifically, what occurred was that YEAGER became visibly and significantly angry upon learning that the offer to sell had been made in writing!
Somehow though, this portion of YEAGER’s comments are entirely lacking from the transcript. (emphasis added)

...

4.) It is obvious that YEAGER was expecting to simply dismiss JEAN as a foolish old woman, by explaining that the Statute of Frauds requires that the sale have been the result of written offers, etc. – however, again

the transcript of the proceedings has been adjusted. ...

5.) YEAGER has repeatedly been presented with absolute proof of the written offer and acceptance. And, yet, still RON (JIM's counsel) has continued to deny even the existence of the Cashier's Check. And even after Jean presented both proof of the check as well as proof of timely receipt of that check by JIM, Yeager has still refused to Order Specific Performance.

And, perhaps most persuasive is the fact that Yeager actually was “forced” to make absurd determinations in response to what must be assumed to be “evidence” as neither unbiased testimony nor actual “evidence” was ever presented in Yeager’s courtroom :

“... 7.) And JIM claimed in November 2022 to have in his possession the actual Cashier’s Check, which JIM claimed still sat in the as-yet-unopened envelope that he waved in front of the Court. However, supposedly neither JIM nor YEAGER felt there was any reason for the enveloped to be opened or even placed into evidence in the Official Record of the Case, it is/was obvious that for YEAGER’s purposes, JIM’s completely unsupported “word” was more than sufficient to prove that the unopened envelope contained the Cashier’s Check – despite the fact that there wasn’t even a postmark on that envelope!...”

It is important to note that the District Court has chosen to “comprehend” this section of the complaint, as justification for Kearney’s “determination” that :

“Jim had the cashier’s check in his possession during the November 2022 hearing “where he waved [it] in front of Judge Yeager – but neither Jim nor Judge Yeager opened the envelope or placed it into evidence 68”

(appendix page 20)

Thus, rather than Kearney basing his “determinations” on reading the complaint as it is actually written (and as it actually occurred), Judge Kearney has chosen to “reinterpret those facts”, as otherwise Kearney would have no basis for his conclusion that Jim could even actually possess either the check itself or even the envelope anymore, as he had cashed the check years earlier:

“... JIM claimed in November 2022 to have in his possession the actual Cashier’s Check, which JIM claimed still sat in the as-yet-unopened envelope ...” (appendix page 88)

Note, however, that the District Court’s “interpretation” of the Complaint, states that “Jim had the cashier’s check in his possession during the November 2022 hearing”. **But it is only through “faulty interpretations” of the clearly stated facts**, such as this one, which have been “necessarily developed” by the federal jurists who have seen this matter, *in order for there to be any possible basis on which the District (and Circuit) Judge(s) could “support” their chosen conclusion, rather than the logical conclusions drawn from the clearly stated facts!*

B. THE THIRD CIRCUIT ERRONEOUSLY AFFIRMED THE DISTRICT COURT'S DETERMINATION THAT JEAN DID NOT ADEQUATELY PLEAD SUFFICIENT FACTS TO SUPPORT CLAIMS OF A CONSPIRACY AMONG DEFENDANTS/ RESPONDENTS JIM, YEAGER AND HORAN and CAPAROSA as well as POLICE AND FIRE EMPLOYEES – VIOLATING JEAN'S RIGHTS TO PRIVACY AND DUE PROCESS.

The Second Complaint explains that the Co-Conspirators wanted to have the police break-into the house (so it would be “open” for Yeager and/or Stephanie to enter at will without fear of any reports being produced as even if Jim had given Yeager a key –and/or a Report Produced, *especially if an alarm sounded or if someone saw Yeager entering the house* - as his personal interest in the property would mean that Yeager would be forced to recuse.

Jean sufficiently pleads facts to implicate Jim, Yeager and Horan in a Conspiracy to permit Yeager to wander unescorted through the home – to such an extent that the District Court felt “forced” to “pull out of thin air” supposed “facts” to support Judge Keanrney’s desired “finding” – that Jean’s Right to Privacy was not violated, as one of the co-owners, supposedly accompanied Yeager and Stephanie on a guided tour of the home,

So, the Federal Courts have chosen to improperly “determine” that the Second Complaint does not clearly states sufficient acts

**to support a finding of violation of JEAN's
RIGHT TO PRIVACY**

Specifically, the District Court even felt it necessary to falsely "find" that Jean's Complaint had "described" in some unidentified (and non-existent) location, facts which would allow the District Court to determine that Jim took Yeager and Stephanie on a tour - and in that manner, the District Court has tried to "justify" his "erroneous" determination that, because Jim remains co-owner, that Jean cannot support Claims for Violations of her **Right to Privacy** as Yeager and Stephanie, had supposedly, been accompanied by one of the owners at all times, as they were on a tour lead by Jim (a co-owner).

That series of (faulty) assumptions is explained in the District Court's decision as :

"...Jean also claims in late December 2021 or early January 2022 Judge Yeager toured the Coulter family home with Jim and his daughter.164..."

However, the Complaint clearly explains that the "assisted break-in" actually only occurred, as the co-conspirators hoped that Jean would never become aware of Yeager's intense personal interest in the property – particularly as Jean had repeatedly requested Yeager's recusal due to his personal biases (revolving around the ownership of the family home) :

"... And the fact that Officer Howard disconnected his telephone call to my Google Voice Number, without even attempting to leave any message – proves that Officer Howard was not actually trying to contact me. In fact, it actually

appears that the reason for the anonymous call, is/was specifically to continue to conceal the fact that there was anything going on at the Family Home – specifically so that Yeager and his family could wander through the home at their leisure. ..." (emphasis added)

"... 8.) At this time, it should also be noted that when JIM needed proof of neighbors having supposedly expressed concern for JEAN's well-being (on January 2, 2022), again HORAN came to JIM's aid. In fact, HORAN provided what they'd hoped would be a plausible basis for the Police to Break-In (and leave the property completely unsecured and accessible for other Defendants to access it at will) and then HORAN and CAPAROSA permitted their "open letters" to remain in plain sight for anyone walking past the house to know that the "coast is clear" and they could enter at will without concern for possible arrest for Breaking-and-Entering - as the door was never re-secured - despite the official Police Report claiming that it had been! ..." (Second Complaint, Page 15)

Again from the Second Complaint:

"... every single one of the State Actors listed in on this section, including my brother (JIM) (with the possible exception of the police officers), all have my email address and phone number in their personal and/or office files! (And, none of the Defendants actually made any attempt to contact JEAN, in any manner

until five (5) more days had passed (when RON finally sent an email to my account). ...”

Further, from the Second Complaint, page 17, explains that the Police Officer (Howard) clearly never intended to actually check on Jean's wellness – and realized that he dare not actually reach her with the mandate attempt at reaching her by telephone. And, in fact, JEAN provided both the District Court and the Third Circuit En Banc actual documentary evidence of Officer Howard's intentional acts (hang-up calls from an anonymous number) so those Courts also could see for themselves the intentional “errors” which are contained in both the Police Report and the District Judge's “findings”. So, Jean attached to her filings (in both of the lower courts) the actual Call Records from Google Voice that clearly prove that absolutely no message what-so-ever was left on Jean's phone, and that the hang-up calls came from an anonymous number (and copies of those same records have been attached to this Petition for Certiorari showing no message from 724-287-7743 at the times mentioned in the police report) :

“... 1.) JIM contacted the Butler Police Department, claiming that the neighbors had contacted him, and supposedly they had expressed concerns about JEAN's “well-being”, ostensibly because the never-identified neighbors had not seen JEAN in more than a month.

2.) There is absolutely no indication that the City Police even attempted to speak with any of the neighbors – not even a single

attempt was made to ask if there was any reason for that neighbor to have had any reason to even expect to see JEAN, as JEAN has not lived in the Western Pennsylvania region during the Winter months for a decade or more. Indeed, ***other than two (2) anonymous calls to JEAN's cell-phone (one at 11:42 am and another at 12:32 pm on Sunday, January 2, 2022) - there is absolutely no indication that anyone ever tried to confirm what JIM was telling the police!*** (emphasis added)

Further, Officer Howard even admitted that no member of either the Police or Fire Departments ever even took one step into the home – and in fact, JIM was alone to enter the home without any of the Emergency Personnel present! So, despite the fact that the Official Police Report states that the home was re-secured prior to the Emergency Services Personal leaving, when JEAN arrived at the home, not only was the door entirely unsecured (as it could be opened by only using very gentle pressure on the door itself, and there was no need to even touch the doorknob), and further there was no sign that anyone had ever even attempted to re-secure the home.”

However, **the District Court chose to interpret those facts, to instead indicate that someone had accidentally forgotten to “re-lock” the front door** (which would be something that someone might innocently forget to do), **instead of deciding to willfully leave the side door “broken in”, which (they apparently hoped) that Jean would**

reasonably expect was the result of crimes by either squatters or thieves :

“... But no one ever “re-secured” the Coulter family home.⁵⁵ So Jean found the front door unlocked when she eventually returned.⁵⁶ ...”

It is important to note that the District Court drew this “conclusion” despite the fact that the Complaint clearly explains that the Side Door had been left unsecured, rather than merely someone having accidentally left the front door unlocked, following the supposed tour provided by Jim :

“And, ...despite the fact that the Official Police Report states that the home was re-secured prior to the Emergency Services Personal leaving, when JEAN arrived at the home, not only was the door entirely unsecured (as it could be opened by only using very gentle pressure on the door itself, and there was no need to even touch the doorknob), and further there was no sign that anyone had ever even attempted to re-secure the home. ...”

And, in fact, no mention of the front door was ever made by anyone – except with respect to the fact that one of the two OPEN LETTERS had been attached to the front door (as well as one being left on the stairs to the side door of the home).

Further, as explained in OcAsio v. City of Canandaigua, No. 18-CV-6712DGL, the District Court acknowledged that a Welfare Check could result in an official being liable for damages :

“...With respect to O'Connor, plaintiffs allege that O'Connor called 9-1-1 to request a welfare check on Guardiola, even though he knew there was no emergency, and was aware that

he had not exhausted other reasonable efforts to check on her welfare. ...”

C. THE THIRD CIRCUIT ERRONEOUSLY AFFIRMED THE DISTRICT COURT'S DETERMINATION THAT JEAN DID NOT ADEQUATELY PLEAD SUFFICIENT FACTS TO SUPPORT CLAIMS OF A CONSPIRACY AMONG DEFENDANTS/ RESPONDENTS YEAGER AND COURT REPORTERS, VIOLATED JEAN'S RIGHTS TO DUE PROCESS. AS THE TRANSCRIPT HAVE BEEN REPEATEDLY AND SIGNIFICANTLY ADULTERATED AS YEAGER HAS REPEATEDLY “BULLIED” THE COURT REPORTERS INTO CONCEALING YEAGER'S EXTREME BIAS.

THE INVOLVEMENT OF THE COURT REPORTERS IS OF SPECIAL SIGNIFICANCE AS IT IS AN EXAMPLE OF THE CONFLICT BETWEEN COURTS IN DIFFERENT REGIONS, WITH RESPECT TO VIOLATIONS OF DUE PROCESS WHEN A RELIABLE RECORD OF THE PROCEEDINGS IS NOT AVAILABLE – AS HAS OCCURRED IN THE STATE COURT, SPECIFICALLY BECAUSE STATE JUDGE YEAGER HAS REPEATEDLY (SECRETLY) “ORDERED” THE COURT REPORTERS TO “ADJUST” THE RECORD TO CONCEAL YEAGER'S OBVIOUS PERSONAL INTEREST IN THE OUTCOME OF THE CASE IN THE STATE COURT!

Jean sufficiently pleads facts to implicate Jim, Yeager and Court Reporters in a Conspiracy to permit Yeager to be assigned to rule on Jean's case

against Jim (so Jean could be forced to sell her interest in the home)

“... As the result of the cooperation of various Court Reporters, the transcripts of the discussions in Motions Court have been significantly “adjusted” – consistently to the benefit of one or more of the Defendants in the Instant Matter, and nearly always to “improve upon” (eliminate entirely) statements made by Yeager during Motions Court. These improvements to the transcript include occasions such as when Yeager repeatedly demanded that Jean name a specific price at which she would sell her “interest” in the property to her brother – and after many attempts to convince Yeager that the house was not for sale, Jean finally succumbed to his demands for Jean to name a price, and Jean finally stated that since ***she was being forced to name a price***, she would demand \$1,000,000.00).

The fact that a Section 1983 and/or a Section 1985 claim is appropriate for falsifications of the transcripts of court proceedings has been explained in the decision for Slavin v. Curry, 574 F. 2d 1978 – Court of Appeals, which states :

“... conspired and acted to deprive him of rights guaranteed by the United States Constitution. Slavin based his cause of action on **42 U.S.C. Section 1983, and 1986**. ... when complaint is read with the requisite liberality, however, it asserts a single,

continuing conspiracy. ... when court reporters certified the transcript of Slavin's trial.

...
The other act came after the trial when the judge directed the court reporter to alter the trial transcript.

...
Since there was no allegation that he had participated in the conspiracy otherwise than in his judicial role, Judge Lindsey cannot be liable for damages for injury to Slavin"

However, the Complaint clearly explains that Yeager's damaging acts extended far beyond his actual "judicial role".

In Coulter's Second Complaint, she clearly plead that on numerous occasions Yeager assured that the Transcripts did not provide evidence of his extreme bias.

In most cases, an audio record of the proceedings would be available to be utilized in a "reconstruction" of the proceedings – and when that is unavailable, the aggrieved Party can attempt to reconstruct a transcript from participants memories. **However, in matters such as this, where the judge hearing the matter has a deep personal interest in the results – well fortunately, so far, that is an almost unheard of situation.**

And, on the rare occasions when the courts in different states have been forced to find a solution which will provide Due Process for the Parties, there have been different manners in which this has been addressed. For example, in the case of **Curro v. Watson** 844 F.Supp. 708 (1995) from the U.S. District Court for the Eastern District of New York :

“... Plaintiff alleges that the defendants deliberately altered significant portions of the trial transcript. *Plaintiff's trial counsel supports these allegations in an affidavit and in his testimony* (emphasis added) at the transcript settlement hearing. Plaintiff and his trial counsel allege two principal areas of inaccuracy.

...
the plaintiff asserts that the prosecutor improperly changed his theory of the case from that set forth in the indictment. Plaintiff further contends that the trial judge responded to this objection by stating, "[t]o the best of my recollection there was testimony to that effect." The transcript reflects neither an objection nor a statement by the court. *See id.* ¶ 2. This objection did not occur in isolation, however, as the record shows that, during the course of the prosecutor's summation, Curro's trial counsel lodged objections on at least 24 separate occasions. *See* Tr. at 822-59

...
Stephen Murphy, Esq., testified at the hearing. Murphy testified to the same discrepancies in the transcript that he swears to in his affidavit, including the aforementioned discrepancies at pages 777 and 837.

...
However, as explained in some of the citations to Curro v. Watson, frequently the aggrieved Party can seek correction during a hearing before the same judge who originally heard the case. But, in the

rare instance when a jurist has a direct, personal and secret interest in the outcome of the case, as is the situation in this matter, that “solution” is clearly unavailable – and thus the only solution offered in Curro v. Watson is worthless.

As explained in Campbell v. City of Binghamton, 2024 and 4 similar citations :

In addition [to available NYS post-deprivation remedies], any significant unresolved questions concerning the transcript's accuracy could be raised on appeal, and if found to be substantial, would permit a remand of the proceedings back to the original trial judge to resettle the transcript...

and

“... Further, as noted above, Plaintiff has not indicated whether he has pursued any other available transcript settlement procedures. ...”

But that solution in this matter, is impossible as Yeager would certainly not again be shocked when he learned of the written offer – and thus the entirety of the “reconstruction: would be meaningless.

The only possible other solution which I can suggest is that the Parties should be able to independently record the proceedings (but that method would be more prone to possible “corruption” by the holder of the recording(s)) – or, there could be a system in place in every courtroom, where multiple recording devices are automatically activated during regular “business hours”, and those devices are of sufficient quality to be able to independently record/reproduce anything and everything that occurred in every courtroom in the nation. **But one way or the other, This Honorable Court, must**

find a solution to the situation where an obviously inaccurate transcript is all that is available to the Parties, as it is readily apparent that this is not the only matter where a transcript is proven to be sufficiently inaccurate that the Party has been denied Due Process!

In the Instant Matter, for example, it is obvious that Yeager would no longer be shocked to again hear that there exists a written offer and acceptance for the purchase of Jim's share of the home, and thus Yeager would not instinctively respond in shock to what he had just heard. So, the option of a do-over would be of no value at all!

And further, the necessity for a reliable transcript has been handled differently in different regions. For example, in addition to Curro v. Watson (from New York), there is also the case of State v. Holt, 314 P. 3d 870 – Kan. Supreme Court where the state's Supreme Court ordered an entirely new trial, as there was no other available method for assuring that a reliable transcript would be available to the Parties.

CONCLUSION

With the exception of the “legal professionals”, none of the Defendants have been “charged” with acting in a manner which could possibly permit them to assert that they possess any form of immunity – as all of the actions by all of the Emergency Services personnel (including Officer Howard, whose anonymous phone calls and decision to never enter the home to see for himself if I was alright) prove that Howard and the other “Emergency Services” Respondents were present only as a set of tools with

strong/young bodies to wield those tools. And even **all of the legal professionals, including Respondent Judge Yeager, can and must be found liable for his many acts that are not judicial in nature :**

“... Judges have been given judicial immunity to preserve their important governmental function. ... Truly judicial acts, however, must be distinguished from the administrative, legislative, or executive functions that judges may occasionally be assigned by law to perform. Here, the promoting and demoting of aids can be classified as an administrative act, not a judicial one....”

For the Police Officer, for example, Officer Howard certainly realized that Jim was not being truthful – as Jim made a point of **meeting Officer Howard outside of the station (on the morning of January 2, 2022 (in Western Pennsylvania)).** and clearly the officer made no legitimate attempt to contact me in any reasonable manner either before or after the “Assisted Break-in”!

And further, **the fact that Officer Howard disconnected his telephone call to my Google Voice Number, without even attempting to leave any message – proves that Officer Howard was not actually trying to contact me.** In fact, it actually appears that the reason for the anonymous call, is/was specifically to continue to conceal the fact that there was anything going on at the Family Home – specifically so that Yeager and his family could wander through the home at their leisure. **(It is believed that the Officer was not aware of the**

“detail” which is provided by Google Voice – and therefore that the Officer expected that he would merely have to show the call log from his phone, to prove that he had been “on the line”, for a certain number of seconds, but that his call had never been “answered”.)

While Judge Kearney has indicated that Marilyn Horan has/had Judicial Immunity, however, because a.) at least some of the events which Horan is properly held responsible for occurred on a Sunday (or while she was assigning cases in Butler County) – and b.) no one, not even Judge Kearney himself, has ever identified any case which Horan was adjudicating concerning any of the Parties in this matter, so, well *it certainly look as though the Just us System is alive and well, and continuing to defy their obligation to act without bias* – and that Horan is (also) liable for her role in the “Assisted Break-in” (in which she was a willing participant).

So whether these municipal employees are expected to Protect and Defend or Apply the Law Fairly and Dispassionately, on Sunday, January 2, 2022, at least, it seems obvious that everyone in attendance understood that both Jim were “expecting a ‘favor”, and indeed received all of the assistance that either of them desired, both from their fellow members of the Justice System, as well as from Jim’s (former) colleagues in the employ of the City of Butler!

Respectfully Submitted,


Jean Coulter, Petitioner