

JEAN COULTER, Petitioner,

v.

ALEXANDER H. LINDSAY JR., LINDSAY LAW
FIRM, JOSEPH VICTOR CHARLTON AND
PATRICIA LINDSAY, Respondents.

No. 198 WAL 2017.

Supreme Court of Pennsylvania, Western District.

October 12, 2017.

Jean Coulter, for Petitioner, Pro Se.

David J. Rosenberg, Weber Gallagher Simpson
Stapleton Fires & Newby LLP, for Joseph Victor
Charlton, Respondent.

David J. Rosenberg, Weber Gallagher Simpson
Stapleton Fires & Newby LLP, for Lindsay Law
Firm, Respondent.

David J. Rosenberg, Weber Gallagher Simpson
Stapleton Fires & Newby LLP, for Alexander H.
Lindsay, Respondent.

David J. Rosenberg, Weber Gallagher Simpson
Stapleton Fires & Newby LLP, for Patricia Lindsay,
Respondent.

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

ORDER

PER CURIAM.

AND NOW, this 12th day of October, 2017, the
Petition for Allowance of Appeal is DENIED.

1a.

159 A.3d 947 (2017)
2017 PA Super 92

Jean COULTER, Appellant

v.

Alexander H. LINDSAY, Jr., Lindsay Law Firm,
Joseph Victor Charlton and Patricia Lindsay,
Appellees.

No. 627 WDA 2016.

Superior Court of Pennsylvania.

Argued January 10, 2017.

Filed April 7, 2017.

949*949 Appeal from the Order Entered April 1,
2016, in the Court of Common Pleas of Butler
County, Civil Division at No(s). Case No. 15-10340.

Jean Coulter, appellant, pro se.

David J. Rosenberg, Pittsburgh, for appellees.

BEFORE: FORD ELLIOTT, P.J.E., OLSON and
STRASSBURGER,^[*] JJ.

ORDER

PER CURIAM:

AND NOW, this 7th day of April, 2017, IT IS
HEREBY ORDERED that:

1. Appellant's Motion for Recusal is
DENIED.
2. Appellees are awarded attorney's fees
and costs associated with defending this appeal. The
trial court shall determine the amount on remand.
3. If Appellant wishes to appeal a trial
court's order and/or judgment in a non-criminal

proceeding, she must file a petition with this Court setting forth the reasons that the appeal is non-frivolous. Any such petition must be accompanied by a \$10,000.00 bond. If Appellant files such a petition without the requisite bond the Prothonotary of this Court is directed to enter an order denying the petition and issue a rule to show cause why Appellant should not be held in civil and /or criminal contempt. If the petition is accompanied by the requisite bond, it shall be considered by a motions panel. If the petition is denied, Appellant shall forfeit the bond that accompanied her petition.

4. If Appellant files a pro se notice of appeal to this Court in a non-criminal proceeding which lacks the requisite order from this Court permitting the appeal, the Prothonotary of this Court is directed to immediately enter an order quashing the appeal and issue a rule to show cause why Appellant should not be held in civil and/or criminal contempt.

5. The Prothonotary of this Court is directed to immediately enter an order quashing any appeal by Appellant in a non-criminal proceeding which is transferred to this Court by the Commonwealth Court or our Supreme Court and issue a rule to show cause why Appellant should not be held in civil and /or criminal contempt.

6. If Appellant fails to fully comply with any portion of this Order, she shall be subject to civil and /or criminal contempt proceedings.

7. Notwithstanding the provisions of 210 Pa.Code § 65.37 (or any rule of appellate procedure which supersedes that operating procedure), any litigant may cite to the opinion filed in this case in any litigation involving Appellant.

8. The Prothonotary of this Court shall serve a copy of this Order on Appellant via USPS signature confirmation, restricted delivery.

JEAN COULTER, Petitioner,
v.
ALEXANDER H. LINDSAY JR., LINDSAY LAW
FIRM, JOSEPH VICTOR CHARLTON AND
PATRICIA LINDSAY, Respondents.
No. 198 WAL 2017.

Supreme Court of Pennsylvania, Western District

Order denying Application for Reconsideration.

PER CURIAM.

AND NOW, this 18th day of December, 2017, the
Application for Reconsideration is denied.

Justice Wecht did not participate in this matter.

159 A.3d 947 (2017)
2017 PA Super 92

Jean COULTER, Appellant
v.
Alexander H. LINDSAY, Jr., Lindsay Law Firm,
Joseph Victor Charlton and Patricia Lindsay,
Appellees.
No. 627 WDA 2016.

Superior Court of Pennsylvania.
ORDER

PER CURIUM:

AND NOW, upon review of appellant's application for reconsideration for reargument docketed April 24, 2017, the application for reargument is hereby DISMISSED as untimely filed. The application was due April 21, 2017, within fourteen (14) days from the decision filed on April 7, 2017. See Pa.R.A.P. 2542(a)(1) (application for reargument to be filed within fourteen (14) days after entry of judgment or order). See Pa.R.A.P. 2547 (applications which are out of time, will not be received).

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

JEAN COULTER, Petitioner

v. Case No. : 198 WAL 2017.

ALEXANDER H. LINDSAY JR.,

LINDSAY LAW FIRM,

JOSEPH VICTOR CHARLTON

and PATRICIA LINDSAY, Respondents

MOTION FOR RECONSIDERATION
OF DENIAL OF ALLOWANCE OF APPEAL

NOW COMES, Petitioner, JEAN COULTER, and files Motion for Reconsideration of Denial of Allowance of Appeal which was docketed on October 12, 2017. In support of this Request, Coulter states :

1.) Coulter filed a Civil Action in 2015, naming Justice David Wecht as a Defendant - in relationship to Justice Wecht's involvement (which a Judge in the Pennsylvania Superior Court) in a

Criminal Acts taken by and for the benefit of Judge Ignelzi (and others) from the Allegheny County Court of Common Pleas.

That Case is still active in Allegheny County, and is awaiting a decision from the Senior Judge on Coulter's Renewed Motion for Special Relief.
(Exhibit A)

2.) Justice Wecht however, has failed to Recuse himself from the Instant Matter, despite the fact that Justice Wecht has previously recognized his obligation to do so, sua sponte, due to the obvious bias which would be found by any "reasonable man".

WHEREFORE, Recusal by Judge Wecht and Reconsideration of Coulter's Petition for Allowance of Appeal is required in order to assure that the corrupting effect of Justice Wecht's involvement in the Instant Matter, does not affect the Public's view of the Integrity of Pennsylvania's Highest Court - particularly as the circumstances surrounding the self-appointment of members of the Superior Court Panel have raised significant issues about the validity of any decision by the Judges involved in the appeal in the Superior Court and by members of Pennsylvania's Judiciary in general - much like the scandals which rocked this Honorable Court in 2013 - 2016 particularly as it appears that none of the members of this court have complied with their obligation to report the obviously criminal acts by the Superior Court Panel (as required by Canon 2. A judge shall perform the duties of judicial office impartially, competently, and diligently. Rule 2.15. Responding to Judicial and Lawyer Misconduct).!

Respectfully Submitted,

Jean Coulter, Petitioner

IN THE SUPERIOR COURT OF PENNSYLVANIA
WESTERN DISTRICT

JEAN COULTER, Appellant

v. Case No. : 627 WDA 2016 .

ALEXANDER LINDSAY, JR., ET. AL., Appellees

MOTION FOR RECONSIDERATION

NOW COMES, Appellant, JEAN COULTER, and files Motion for Reconsideration, asking that the Panel reconsider its decision in this matter. In support of this request Coulter states :

1.) The Panel which decided this matter was not composed of the Jurists assigned to hear appeals on January 10, 2017 - as Judge Kate Ford Elliott replaced Judge Bowes who had been assigned by the normal procedures of the Superior Court. (Exhibit A - 11 pages)

2.) While substitution of Jurists is hardly unheard of, in this case, there is absolutely no record of Judge Bowes recusing - or even that any Party made such a request.

3.) Further, as was heard by everyone present on the date of presentation before the Panel, this matter was heard out-of-order, specifically for the convenience of Judge Kate Ford Elliott. And, as is evidenced by the listing of cases to be heard on that day, Judge Elliott's substitution was clearly not scheduled in any official manner, as there exists only a hand-written notation on the listing of cases, which "explains" that Judge Elliott was going to hear the Instant Matter on January 10, 2017. It should be noted that this case alone appears to have been "removed" from Judge Bowes' assignments - for the

obvious purpose of permitting Judge Elliott to hear the matter in place of Judge Bowes.

4.) The un-official "assignment" of Judge Elliott to hear this case to the Panel was never intended to serve the purpose of permitting an impartial jurist to decide this case. Instead, as the obviously "dubious" decision in this case proves, Judge Elliott was selected for her apparent willingness to ignore the obligations of the Code of Conduct for Judges in Pennsylvania. Specifically, Judge Elliott was needed to assure that each legitimate issue with the decision by the Trial Court was ignored (as no legitimate reason could be found to "affirm" a decision which had no basis in the Record (or anywhere else)). Judge Elliott's position on the Panel was also used to assure that there was a significant pot of cash available (which was not drawn from the pockets of a fellow Member of the Bar) to make payments to whomever the participants in this Criminal Conspiracy felt deserved additional "remuneration" for their actions on January 10 and since - as no one has asked any Court to grant Counsel fees.

Thus, it is readily apparent that all of the Panel Members (including Judge Bowes) are part of a Color of Law Violation of Coulter's Civil Rights and Conspiracy to Violate Rights Under Color of Law - Federal Crimes carrying a total of eleven (11) years in Federal Prison - and it is believed that Appellees and the Trial Court are also implicated in these same crimes. And, any individuals who are not directly implicated in this matter are implicated in Misprision of a felony - as each of the listed individuals are obligated by the Code of Conduct for

their profession, to report such obvious crimes to the appropriate authorities :

"204 Pa. Code Rule 8.3. Reporting Professional Misconduct.

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority." ...

and

"CHAPTER 33. CODE OF JUDICIAL CONDUCT

Rule 2.15. Responding to Judicial and Lawyer Misconduct.

(A) A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge shall inform the appropriate authority.

(B) A judge having knowledge that a lawyer has committed a violation of the Pennsylvania Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or

fitness as a lawyer shall inform the appropriate authority.

(C) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action.

(D) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Pennsylvania Rules of Professional Conduct shall take appropriate action.

Comment:

(1) Taking action to address known misconduct is a judge's obligation. Paragraphs (A) and (B) impose an obligation on the judge to report to the appropriate authority or other agency or body the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent.

(2) A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C) and

(D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this Code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Rules of Professional Conduct may include but are not limited to communicating directly with the lawyer who may have committed the violation, or reporting the suspected violation to the appropriate authority or other agency or body.

Further, the crimes have extended to theft of a significant amount of cash - constituting commission of the State Felony, Theft by Deception, by the Jurists in this matter. Additionally, a lengthy list of other State Crimes committed by these same individuals, includes, from Pa Code, Title 18 :

- a.) Section 4701 - Bribery in official and Political matters
- b.) Section 4702 - Threats and other improper influence in official and political matters
- c.) Section 4952 - Intimidation of witness or victims (part 4)
- d.) Section 4953 - Retaliation against witness, victim or party
- e.) Section 5101 - Obstructing administration of law or other governmental function
- f.) Section 5107 - Aiding consummation of crime

- g.) Section 5301 - Official Oppression
- h.) Section 3923 - Theft by extortion (part 4)
- i.) Section 3922 - Theft by deception
- j.) Section 3016 - Obstruction of justice
- k.) Section 3017 - Violation by business entities
- l.) Section 901 - Criminal attempt
- m.) Section 902 - Criminal solicitation
- n.) Section 903 - Criminal conspiracy
- o.) Section 3304 - Criminal mischief (part 3) a felony of the third degree
- p.) Section 3926 - Theft of services
- q.) Section 4108 - Commercial bribery and breach of duty to act disinterestedly

WHEREFORE, each of the Members of the Bar involved in any manner with this case - including the Courts' Clerks, as well as the other members of Pennsylvania's Superior Court (and their Clerks), as well as the Justices on the Pennsylvania Supreme Court, who will see this matter on appeal from this court (and their Clerks) - are obligated to report to Law Enforcement, the actions which they have learned of from this Motion for Reconsideration. And, while Coulter has not yet reached out to Pennsylvania's Governor, in his role as head of the Law Enforcement Branch of Pennsylvania's government, it is believed that Governor Wolfe will take notice of the importance of "cleaning out" the Commonwealth's Judicial Branch - a job which the Courts have consistently refused to perform!

Respectfully Submitted,
Jean Coulter, Pro Se Appellant

IN THE SUPERIOR COURT OF PENNSYLVANIA -
WESTERN DISTRICT

JEAN COULTER, Appellant

v.

Case No. : 627 WDA 2016

ALEXANDER H. LINDSAY, JR., LINDSAY LAW

FIRM,

JOSEPH VICTOR CHARLTON and PATRICIA

LINDSAY,

Appellees

MOTION FOR RECUSAL OF THE PANEL

NOW COMES, JEAN COULTER, Pro Se
Appellant, and files MOTION FOR RECUSAL of all
Panel Members. In support of this request, Coulter
states :

1.) Judges Kate Ford Elliott and Judith F.
Olson heard Oral Argument in the Instant Matter on
January 10, 2017 - along with Senior Judge Gene
Strassburger. The composition of the Panel was not
made public until moments before the Superior
Court session began that afternoon. Indeed, the
names of the Panel members did not appear on the
Docket (available on the internet) until the day
following Oral Argument.

2.) From comments made by the Court
Crier, just prior to commencement of the
proceedings, as well as those made by Superior Court
Judge Mary Jane Bowes - Judge Kate Ford Elliott
was not scheduled to hear this case through the
normal procedures for Random Assignment of
Judges. Indeed, both Judge Bowes comments, and
those of the Court Crier, indicated that Judge Bowes
was stepping aside, for the exclusive purpose of
permitting Judge Kate Ford Elliott to hear the case
instead of Judge Bowes.

3.) It is noteworthy that Judge Bowes provided absolutely no explanation of her reasons for stepping aside (other than to permit Judge Kate Ford Elliott to move join the Panel), and Coulter has been unable to uncover any reason why Judge Bowes would possibly have chosen to recuse from this case - as no apparent conflict of interest is evident. It is particularly noteworthy that **there is no docket entry which indicates that recusal occurred.**

4.) It is also important to note that Judge Kate Ford Elliott opened the proceedings with a statement indicating that she is well aware of Coulter's history of Pro Se litigation. However, as Coulter has confirmed through review of cases in the PA Superior Court, Judge Kate Ford Elliott has only heard a couple of cases involving Coulter – and Coulter was not Pro Se in at least one of those cases.

5.) It seems readily apparent that a “reasonable man” would draw the conclusion that Judge Kate Ford Elliott has side-stepped the established procedures for assignment of cases, in order to hear the instant matter. And, therefore, it seems certain that the “reasonable man”, would question Judge Kate Ford Elliott's ability to act impartially in this matter.

6.) As explained in United States v. Delfonso, 707 F.2d 757, Court of Appeals Third Circuit, 1983 :

“... a judge should recuse himself where a reasonable man knowing all the circumstances would harbor doubts concerning the judge's impartiality. United States v. Poludnick, 657 F. 2d 948 (8th Cir. 1981) ...”

Specifically, Pennsylvania Case Law explains that it is “not how the judge appraises the situation but how

a detached observer, the common law's "reasonable man". And, as explained in Municipal Publications, Inc. v. Snyder, 469 A. 2d 1084 - Pa: Supreme Court 1983, the Court is required to Recuse when such a circumstance exists, even if the Moving Party is not able to prove that bias actually is present.

Conclusion

WHEREFORE, it is clear both that Judge Kate Ford Elliott must recuse, and further that there must be an investigation of possible criminal activities which have occurred to result in Judge Kate Ford Elliott's assumption of one of the seats on the Panel in this matter.

7.) Judge Olson has previously heard cases filed by Coulter. And during one of those occasions, Judge Olson repeatedly failed to report Criminal Actions by her fellow jurists, actions which are in violation of the Code of Conduct for all Judges

a.) In Allegheny County cases heard by Senior Judge O'Reilly (which were consolidated by the Superior Court), Judge Olson learned of the criminal actions by Judge Ignelzi from the Allegheny County Court of Common Pleas. Judge Ignelzi's Order of January 2013 (written in long-hand), personally hand-selected and assigned his replacement, after Judge Ignelzi was forced to recuse, following Judge Ignelzi's actions which resulted in his improper transfer from the Criminal Division to the Civil Division in order to permit him to hear "his own case". Not only did Judge Ignelzi's actions violate criminal statutes related to Official Oppression, Felonious Criminal Mischief and Theft by Deception as well as violation of Federal Criminal Statutes related to Color of Law Violation of Rights and Conspiracy (18 U.S.C. sections 241 and 241), but

Judge Ignelzi also directly and willfully violated the Code of Conduct for Judges by violation of Pennsylvania Rule 701(E)(2) :

ASSIGNMENT AND TRANSFER OF JUDGES

Rule 701. Assignment of judges to courts.

(E) Regional Administrative Units.

(2) In cases where a judge has disqualified him or herself for any of the reasons specified in Canon 3 C of the Code of Judicial Conduct, the assignment of another judge to the case shall be made through the Administrative Office. In other instances of recusal, the assignment may be made through the Regional Unit, but in no case shall a recusing judge select his or her replacement.

b.) In addition to being personally aware of Judge Ignelzi's willful actions, in case 678 WDA 2013 (and the consolidated cases), Judge Olson personally witnessed her fellow Panel Member, Judge Wecht, similarly violate Criminal Statutes, as Judge Wecht repeatedly interrupted Oral Argument in an attempt to convince Coulter that Judge Ignelzi's actions were not only not criminal, but also that the actions do not even violate the Code of Conduct for Judges in Pennsylvania.

8.) As Coulter has never been questioned by either the Judicial Conduct Board, or Law Enforcement, it is readily apparent that Judge Olson willfully chose to similarly violate criminal statutes, as Superior Court judges are required to report the criminal actions of their fellow judges, when they are learned of as part of the official duties of the reporting judge. (Argument of this point is omitted as Coulter has fully described this situation in

Appellant's Brief which was submitted in this matter.)

9.) Further, it is believed that Judge Olson's failure to report the crimes of Judge Ignelzi and Judge Wecht, result in Judge Olson being implicated in the same Crimes as the two judges whom she has chosen to protect from her position on the bench.

10.) It seems readily apparent that a "reasonable man" would draw the conclusion that Judge Olson has acted to protect her fellow jurists despite her obligation to report their crimes. And, therefore, it seems certain that the "reasonable man", would question Judge Olson's ability to act impartially in this matter.

11.) As explained in United States v. Delfonso, 707 F.2d 757, Court of Appeals Third Circuit, 1983 :

"... a judge should recuse himself where a reasonable man knowing all the circumstances would harbor doubts concerning the judge's impartiality. United States v. Poludnick, 657 F. 2d 948 (8th Cir. 1981) ..."

Specifically, Pennsylvania Case Law explains that it is "not how the judge appraises the situation but how a detached observer, the common law's "reasonable man". And, as explained in Municipal Publications, Inc. v. Snyder, 469 A. 2d 1084 - Pa: Supreme Court 1983, the Court is required to Recuse when such a circumstance exists, even if the Moving Party is not able to prove that bias actually is present.

Conclusion

WHEREFORE, it is clear both that Judge Olson must recuse, and further that there must be an investigation of possible criminal activities which

have occurred to result in Judge Olson's decisions at this time, as well as at the time of the prior occurrence where Judge Olson chose to protect Judge Ignelzi and Judge Wecht.

12.) Senior Judge Gene Strassburger was most certainly aware that Judge Kate Ford Elliott improperly arranged to hear the instant matter, despite the fact that Judge Kate Ford Elliott was not assigned to the case through the usual procedures of the Pennsylvania Superior Court.

13.) It seems readily apparent that a “reasonable man” would draw the conclusion that Senior Judge Gene Strassburger is aware of the impropriety of Judge Kate Ford Elliott's actions. And, therefore, it seems certain that the “reasonable man”, would question Senior Judge Gene Strassburger's ability to act impartially in this matter.

14.) As explained in United States v. Delfonso, 707 F.2d 757, Court of Appeals Third Circuit, 1983 :

“... a judge should recuse himself where a reasonable man knowing all the circumstances would harbor doubts concerning the judge's impartiality. *United States v. Poludnick*, 657 F. 2d 948 (8th Cir. 1981) ...”

Specifically, Pennsylvania Case Law explains that it is “not how the judge appraises the situation but how a detached observer, the common law’s “reasonable man”. And, as explained in Municipal Publications, Inc. v. Snyder, 469 A. 2d 1084 - Pa: Supreme Court 1983, the Court is required to Recuse when such a circumstance exists, even if the Moving Party is not able to prove that bias actually is present.

Conclusion

WHEREFORE, it is clear both that Senior Judge Gene Strassburger. must recuse, and further that there must be an investigation of possible criminal activities which have occurred to result in Senior Judge Gene Strassburger.'s knowledge of Judge Kate Ford Elliott's assumption of one of the seats on the Panel in this matter – as this is believed to implicate Senior Judge Gene Strassburger in those crime as well.

Respectfully Submitted,

Jean Coulter, Pro Se
Appellant

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

JEAN COULTER, Plaintiff : CIVIL DIVISION
: A.D. No. 15-10340

v. :

ALEXANDER H. LINDSAY, JR.; LINDSAY, LAW
FIRM; JOSEPH VICTOR CHARLTON; PATRICIA
LINDSAY, Defendants :

Yeager, J. April 1, 2016 .

ORDER OF COURT

AND NOW, this 1st day of April, 2016, at the time
set for argument on the Defendants', Alexander H.

Lindsay, Jr., Lindsay Law Firm, Joseph Victor Charlton, and Patricia Lindsay, Motion for Demurrer and Preliminary Objections to Fifth Amended Complaint, and Plaintiff's, Jean Coulter, Preliminary Objections to Defendants' Preliminary Objections and Motion for Demurrer, David J.

Rosenberg, Esquire, appeared on behalf of the aforementioned Defendants. The Plaintiff, Jean Coulter, appeared as a Self-Represented Litigant.

There have been a number of filings by all parties to these proceedings that have mooted other previously filed documents in this case. As such, the parties agreed that the following documents are to be operative and considered by the Court in its findings: Plaintiff's, Jean Coulter, Fifth Amended Complaint for Civil Action time-stamped February 24, 2016, Defendants', Alexander H. Lindsay, Jr., Lindsay Law Firm, Joseph Victor Charlton, and Patricia Lindsay, Motion for Demurrer and Preliminary Objections to Fifth Amended Complaint time stamped March 31, 2016, and Defendants' Motion for Demurrer and Preliminary Objections to Plaintiff's Second Amended Complaint time stamped November 17, 2016, and Defendants' Brief in Support of Motion for Demurrer and Preliminary Objections to Plaintiff's Second Amended Complaint time stamped November 17, 2016, as referenced therein, Plaintiff's Brief in Opposition to Defendants' Preliminary Objections and Motion for Demurrer time stamped March 24, 2016 Plaintiff's Jean Coulter, Preliminary Objections to defendants Preliminary Objections and Motion for Demurrer time stamped March 28, 2016. and Brief in Support of Pro Se Plaintiff's Preliminary Objections to Defendant's [sic] Preliminary Objections and Motion for Demurrer time stamped March 28, 2016.

Upon consideration of the above-listed documents and oral argument therein the Court finds as follows : I. Defendants'. Alexander H. Lindsay, Jr., Lindsay Law Firm, Joseph Victor Charlton, and Patricia Lindsay, Motion for Demurrer, and any and all Preliminary Objections associated therewith, are GRANTED. In light thereof, the Plaintiff's, Jean Coulter, fifth Amended Complaint For Civil Action is dismissed in its entirety with prejudice. II. All preliminary Objections to Defendants' Preliminary Objections and Motion for Demurrer as raised by Plaintiff, Jean Coulter, are DENIED.

BY THE COURT,

S. MICHAEL YEAGER JUDGE

IN THE COURT OF COMMON PLEAS OF BUTLER
COUNTY, PENNSYLVANIA
CIVIL DIVISION

JEAN COULTER, Pro Se Plaintiff

v.

Case No.: 15-10340.

ALEXANDER LINDSAY JR., LINDSAY LAW FIRM,
JOSEPH CHARLTON, and PATRICIA LINDSAY,
Defendants

BRIEF IN SUPPORT OF PRO SE PLAINTIFF'S
PRELIMINARY OBJECTIONS
TO DEFENDANT'S PRELIMINARY OBJECTIONS
AND MOTION FOR DEMURRER

Argument - Insufficient Specificity

Defendants have repeatedly filed preliminary Objections which merely cite a section of Rule 1028, without further explanation as to the particular manner in which Coulter's Complaint fails to meet their goals for the document. However, if one assumes that Exhibit B is actually attached to Defendants' Motion (as it was filed with the court), it might be possible that this Exhibit specifies which Claims Defendants are arguing that Coulter has failed to sufficiently plead. However, as it appears that Defendants have chosen to intentionally exclude both of their Exhibits in the paperwork served on Coulter, in light of prior falsifications by Defendants and their Counsel, such appearances must be considered mis-leading at best.

CaseLaw requires that filings be sufficiently specific to permit, in this case, Plaintiff, to support a claim. However, when no particular claim is specified by Defendants, Coulter as well as the Court are left to guess at what Defendants are suggesting Coulter has failed to appropriately plead. As explained in *Feigley v. Dept. of Corrections*, 872 A. 2d 189 - Pa. Cmwlth Ct. 2005 :

"A pleading must be sufficiently specific to enable a responding party to prepare a defense. *Philadelphia County Intermediate Unit No. 26 v. Dept. of Educ.*, 60 Pa. Cmwlth 546, 432 A. 2d 1121, 1125 (1981)."

Argument - *Res Judicata*

Defendants have repeatedly argued that Coulter's Complaint is barred by *res judicata*, without providing any justification for applying this principle when the dismissal of the case in the Federal Court - as Sanction for Coulter's challenges

to the "Justice System's" determination that the Laws of the Land do not apply to Judges, Lawyers or members of Law Enforcement.

This act is further exacerbated by the fact that the dismissal was made by a Federal District Court who has, in violation of criminal statutes, conspired with an attorney in private practice, to criminally release Adoption Records. This act by the Federal Court was taken under the premise that the Federal Judge believes that Adoption Records are part of the Public Record, and thus eligible for Judicial Notice, even if their release by the attorney constitutes a crime.

The principle of *res judicata* requires that "there is a final judgment on the merits..." McGill v. Southwark Realty Co., 828 A.2d 430, 435 (Pa. Commw. 2003), a case cited by Defendants. However, Defendants fail to cite any case which might support their claim that the dismissal by the Federal Court (as a sanction for actions in an unrelated matter), results in a "final judgment on the merits" of the case. As described in Bhlonder-Tongue Laboratories v. University of Illinois Foundation, 402 US 313, 91 S.Ct. 1434, 28 L. Ed. 2d 788 - Supreme Court (1971) :

"the availability of estoppel to one charged with infringement of a patent previously held invalid will merely shift the focus of litigation from the merits of the dispute to the question of whether the party to be estopped had a full and fair opportunity to litigate his claim in the first action"

as well as Cooter & Geil v. Hartmarx Corp., 496 U.S. 384, 110 S. Ct. 2447, 110 L. Ed 2d 359 - Supreme Court 1990 :

"Like the imposition of costs, attorney's fees, and contempt sanctions, the imposition of a Rule 11 sanction is not a judgment on the merits of an action."

Argument - Rule 233.1

Defendants have cited the case of Gray v. Buonopan, 53 A.3d 829, 840 (Pa. Super. Ct. 2012), as justification for their request that this matter be dismissed pursuant to Rule 233.1, specifically mentioning that this precedential and often cited decision determines specifically that the claim must have already been resolved, but "does not require a 'final judgment on the merits'". (5th page of Defendants un-numbered Brief as was filed in relation to earlier amended complaints)

However, the Pennsylvania Constitution clearly permits the Supreme Court to "prescribe rules governing practice, procedure and the conduct of the courts", but that ability is limited :

§ 10. Judicial administration.

(c) The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, ... if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant,...

As defined by Webster's Dictionary, a substantive right is a "right that is established by law and can be the basis for a lawsuit, as opposed to a procedural right." Pennsylvania Statutes specifically assure that citizens have the right to access to the courts to resolve disputes. And, it has long been accepted that litigants are not required to retained licensed counsel to represent them in court.

As Defendants have explained the principles of res judicata and collateral estoppel require a previous decision on the merits - and the unconstitutionally vague wording of Rule 233.1 has been repeatedly found to permit a much more expansive description of what will justify a dismissal for a Pro Se Litigant. Thus, this abridgment (or modification) of Pro Se Litigants' "substantive rights" to access to the courts to settle disputes, is clearly barred by Article V, Section 10 of the Pennsylvania Constitution, in addition to the fact that it is unconstitutionally vague..

The Pennsylvania Constitution gives the Judicial Branch the authority to develop and implement Rules of Court – but only those which “neither abridge, enlarge nor modify the substantive rights of any litigant” :

ARTICLE V THE JUDICIARY § 10. Judicial administration. (c) The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, ... and the administration of all courts and supervision of all officers of the Judicial Branch, if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. ... (emphasis added)

Argument - Cause of Action

Defendants have failed to provide any explanation of how Coulter's explanation of the

which Claim(s) lack support. It is obvious that, with respect to the claim of Breach of Contract with respect to the failure to file 1925(b) Statement, that Coulter has provided adequate description. Coulter has clearly described Defendant Lindsay's agreement to timely file the 1925(b) Statement, followed by Lindsay and his firm's failure to do so. And Coulter described the resulting damages suffered in various areas of her life. In addition, Coulter described the Defendants' subsequent actions in the criminal case. It is obvious that the subsequent acts were intended to assure that Coulter would not be seen as a "Sympathetic Plaintiff" in what would most certainly be a meritorious civil action following these actions. It is abundantly clear that Defendants realized that their failure to file the 1925(b) Statement would be raised in the civil case addressing both their errors/omissions in that case, as well as their obviously criminal actions when they decided to "cover-up" for whatever caused them to initially violate such a critical portion of their professional obligations to Coulter. Unfortunately for Coulter, their cover-up included their actions which were intended to (and did) subject Coulter to significantly more punishment than the Commonwealth determined she needed to receive.

Argument - Criminal Acts Committed
by Defendants' Filings

Argument - Failure of a Pleading to
Conform to Law or Rule of Court

The Court has an obligation to assure that Adoption Records remain sealed and thus must Order that Defendants' filings be dismissed without consideration, as even consideration by the Court

would criminally release this information which is Sealed By Law. No exception in the Law exists, which would permit Defendants' Counsel to release this information without an Order which must come exclusively, from the Judge which finalized the Adoption (as none of the Defendants are even eligible to request access to the Records, whose facts they have criminally released) :

§ 2915. Court and agency records.

(a) General rule.--All court and agency records shall be maintained as a permanent record and withheld from inspection except as provided under this chapter.

(b) Who may access court or agency records.--Only the following are authorized to access court or agency records for the purpose of releasing nonidentifying or identifying information under this chapter:

- (1) The court which finalized the adoption.
- (2) The agency that coordinated the adoption.
- (3) A successor agency authorized by the court which finalized the adoption.

Conclusion

Defendants Preliminary Objections must be dismissed without consideration as their submission of Sealed Adoption Records violates Pennsylvania Criminal Statutes. Further, Defendants have failed to provide sufficient specificity in their filings to permit Coulter to have the opportunity to amend the Complaint, to eliminate and remaining Preliminary Objections which Defendants might legitimately have.

Respectfully Submitted,
Jean Coulter, Pro Se Plaintiff

In the Court of Common Pleas
of Butler County, Pennsylvania
Civil Division

JEAN COULTER, Pro Se Plaintiff

v.

Case No. : 15-10340 .

ALEXANDER LINDSAY, JR., et. al.

EMERGENCY MOTION FOR RECUSAL
and CHANGE OF VENUE

NOW COMES, Pro Se Plaintiff, JEAN COULTER and requests This Honorable Court GRANT Emergency Motion for Recusal and Change of Venue. In support of this request, Coulter states :

1.) Coulter was forced to file Motion For Extension Of Time To File Amended Complaint And Motion For Special Relief, in response to Defendants' Counsel's repeated filing of documents containing unsworn falsifications as to the date of filing, which were clearly produced for three nefarious purposes :

a.) To unfairly restrict Pro Se Plaintiff's ability to respond,
b.) To harass and inconvenience Pro Se Plaintiff,
and c.) To "test the waters" – as to the applicability of This Honorable Court's inflexibility as to scheduling. In particular, this was intended to investigate whether This Honorable Court would apply standards to Counsel, which the Court had clearly applied to Pro Se Plaintiff – namely complete and permanent dismissal if Pro Se Plaintiff missed the scheduled date for submission.

2.) Because of This Honorable Court's comments at the time of the hearing on Coulter's Motions, which indicated that the "inflexibility" of dates is "boiler-plate" for This Honorable Court's

Orders as to scheduling – it is believed that Defendants’ Counsel wondered whether this fact is an indication that Defendants actions, in other respects would be similarly over-looked by This Honorable Court. So, when instead of chastising Defendants’ Counsel for this display of inappropriate behaviors and the commission of crimes (albeit minor crimes – misdemeanors) on both occasions – This Honorable Court chose to clearly state that this type of action by Counsel would never result in sanctions against Defendants or their Counsel. And, Defendants’ Counsel apparently chose to again “test” the limits of This Honorable Court’s indulgence of Defendants who are Members of the “class” about which Chief Justice of the United States Supreme Court lamented “judges and bar associations [continue to be] singularly tolerant of misdeeds of their brethren ...” (U. S. Supreme Court Chief Justice Warren Burger, in his Opinion in the case of *In re Griffiths*, 413 US 717, in 1973)

3.) Following filing of Amended Complaint by Coulter, Defendants’ Counsel completely failed to respond in any manner – without either request for additional time or explanation for this potentially fatal “error”. Rather than permitting Coulter to “call” Counsel on this failure, This Honorable Court chose to sua sponte grant an additional and highly-extended period of time for Defendants to respond – with the result that it denied Coulter the ability to obtain a “Default Judgment” against these Defendants for their Counsel’s repeated “shows of force” and harassment.

4.) Defendants’ Counsel has now brought to This Honorable Court a Motion for Sanctions which is forbidden from filing, much less presentation at

this time - even on the assumption that the time schedule claimed by Counsel for Defendants is accurate (despite evidence to the contrary) :

Rule 1023.2. Motion for Sanctions.

...

(b) No such motion shall be filed unless it includes a certification that the applicant served written notice and demand to the attorney or pro se party who signed or filed the challenged pleading, motion or other paper. The certification shall have annexed a copy of that notice and demand, which shall identify with specificity each portion of the document which is believed to violate the provisions of this rule, set forth the basis for that belief with specificity, include a demand that the document or portion of the document, be withdrawn or appropriately corrected. An application for sanctions may be filed if the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected within twenty-eight days after service of the written demand. If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion. (emphasis added)

5.) This Motion for Sanctions which was filed by Defendants' Counsel also results in the commission of a crime merely by the filing of the document. And this fact has been repeatedly brought to the attention of Counsel and Defendants - Pa Code Title 23, Sections 2915 and 2910 :

§ 2915. Court and agency records.

(a) General rule.--All court and agency records shall be maintained as a permanent record and withheld from inspection except as provided under this chapter.

§ 2910. Penalty for unauthorized disclosure.

Any officer or employee of the court, other than a judge thereof, ... who willfully discloses impounded or otherwise confidential information ..., other than as expressly authorized and provided in this chapter, commits a misdemeanor of the third degree.

PA Statute classifies this crime as a Misdemeanor. However, because it is “coat-tailed” to a prior “Color of Law” crime (previously committed by other professionals) Defendants’ Counsel (and likely Defendants as well), it is believed that Defendants are also implicated in Conspiracy against Rights Under the Color of Law and Color of Law Violation of Rights – Federal Felonies!

6.) Newspaper Reports have described This Honorable Court’s entirely proper reporting of crimes brought to light during proceedings in an unrelated case – an action required by Law. In that case, a corrupt attorney was involved in crimes related to improper use of clients’ funds.

Thus it is believed likely that the Defendants and their Counsel should be worried that the crimes now being displayed to This Honorable Court, would similarly be reported as This Honorable Court is required to report the instant crimes as well.

7.) It is believed that “a reasonable man, were he to know all of the circumstances, would

doubt the impartiality of the judge” – the standard which necessitates Recusal.

8.) Counsel has consistently asked court records to forward a copy of his filings to you for your immediate consideration, prior to even receipt of those documents by Pro Se Plaintiff – resulting in Defendants’ requests for ex parte actions by This Honorable Court. And, it is apparent that This Honorable Court has determined that such action is acceptable, as there is nothing in the Record of this matter to indicate otherwise, and Counsel continues to repeat this request in communications when making filings in this matter.

WHEREFORE, Recusal is required before any further actions are taken in this court.

Motion for Change of Venue

9.) Although it is not impossible to find Judges with integrity in the courts of Butler County, the lengthy history of Defendants’ personal and business relationships in the community, make it difficult if not impossible based upon the actions of Defendants and their Counsel, for any local Judge to remove all doubt from the minds of a “reasonable man”.

WHEREFORE, removal of the matter out-of-county, is necessary to assure that there can be no doubt as to the integrity of the court, the same standard as used to determine whether Recusal is required, and for the same reasons.

Respectfully Submitted,

Jean Coulter, Pro Se Plaintiff

...

Date : December 22, 2015