

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN RYAN MILLER		Civil Action No. 2:22-cv-00329-KSM
Plaintiff <i>Pro Se</i>	/	
v.		
GOGGIN, et al.,		
Defendants.		

The Plaintiff continues to be presented narrative by defense council which is demonstrating that review of evidence is being excluded from analysis and consideration. Most notably is the Councils apparent ignoring of the Plaintiff identifying the Council for school board actors as an interloper. Counsel did point out that court procedure affords the Plaintiff certain actions to be brought to the court through motions. Plaintiff appreciates such advice from counsel regarding how Plaintiff could move the Court to address an interloper. Plaintiff desired to determine how the Court, or Defense Council would respond to Plaintiff's evidence presenting the conflict of interest between the School Board Actors being brought before the court in their private capacity. Council has not responded to the lawful basis that the Solicitor and the Firm representing the Solicitor, had the authority to utilize Taxpayer funds in a private legal matter. Nor respond to the conflict of interest which all appears to have been premeditated to avoid the School Board actors from any financial expenses in a private legal matter. Plaintiff presented evidence to the court which the court never questioned that the actions brought by Plaintiff were a private legal matter.

Defense counsel has repeatedly refused to address this issue, and such avoidance has been misleading the court by not responding to the conflict. Misleading the defendants that counsel had

the ability to ignore the conflict, regardless of the repeated warnings. Mislead the public in representing that the taxpayers have the burden to defend the board actors. It also appears that an insurance provider may have been misled by counsel and the board actors. Misled the court by not responding to the claims by Plaintiff regarding the conflict.

Plaintiff refers to the Counsels statements that Plaintiff can resolve those issues through appropriate motions or other actions. Plaintiff had merely attempted to be reasonable through the complaint process, documenting his experience as an individual with disabilities and sharing the process with the public on the record. Plaintiff cannot assign any objective standard for ethics, morals, nor integrity when receiving communication from defense motions and the manner of presenting arguments or narrative to the court. Plaintiff has attempted restraint and been challenged by Consels framing of narrative and fabrications absent of reviewing the evidence.

Based upon the actions of the defense counsel ignoring the conflict of interest when presented by Plaintiff, Plaintiff will refrain from using the word Counsel moving forward and replace it with the word "interloper". The choice of this word is not intended to be inflammatory, but to provide clarity to the court, and the public, that Counsel has been non-responsive to the claims by Plaintiff regarding the conflict of interest. Plaintiff refers to the definition from Black's Law Dictionary as: Persons who run into business to which they have no right, or who interfere wrongfully.

Plaintiff asserts that specifically defense counsel is an interloper as counsel has no right to represent public servants in their private capacity using taxpayer money for legal expenses.

Interloper made a public presentation regarding a private legal matter, where no evidence has ever been presented to the public, which demonstrates any funds compensating the Defense

Council other than taxpayer funds. The Court never granted qualified immunity to the defendants, and the Plaintiff had never directed claims against school board officials in their official capacity.

Plaintiff wants to point out that Plaintiff disagrees with the necessity to respond to an entity who is an Interloper based upon a pattern of misleading the board, the public and the court through silence and crafty narratives and language. However, out of respect for the Court, Plaintiff will provide points which are supported by evidence and cannot be reframed through Interloper's narrative.

Interloper when providing a response to Plaintiff's amended complaint is making representations and statements that Plaintiff did not mention specific claims against Defendant's Ganow, Hardy, Hurley, Koennecker, Norris, Yelovich, Bowman, Curtis and Zimmermman. The repetitiveness of Plaintiff communicating evidence to the Court may be frustrating to interloper but does not absolve counsel from reviewing evidence. It also appears that Interloper wants the actions alleged and presented to the court as evidence, individually detailed per defendant. Plaintiff will address the civil rights violations perpetrated by the board actors individually. The interloper has not presented any evidence which contradicts the plaintiff's allegations, or disputes the evidence presented by the Plaintiff. Interloper has attempted to use words and narrative which obfuscate attention from the evidence and actions of defendants. To this day, a portion of Plaintiff's evidence remains visible on the social media platform Youtube that substantiates the actions perpetrated by defendants and that record has not been destroyed.

Plaintiff repeats that the Octorara School District's public YouTube channel continues to violate the 1st amendment. The Octorara School District continues to utilize the social media platform YouTube for public presentations of public-school board meetings. The ability of the public to

exercise their 1st amendment right at a public meeting, on a public forum, has been disabled. Similarly, the Octorara School District public facing social media page on Facebook has comments disabled.

It has been factually presented that on March 21, 2022 that Defendant Brian Fox, acting in his personal capacity disrupted the meeting by silencing, and establishing unlawful and unconstitutional conditions upon the plaintiff, forcing the Plaintiff to argue the law and his constitutional rights (after repeated warnings), instead of bringing his concern to the public.

Plaintiff also demonstrated that these unlawful restrictions have been a pattern and practice established by the board in the form of policy and that regardless of the warning presented into evidence of guidance through Pennsylvania School Board Association, the board ignored lawful warnings.

Plaintiff presented evidence that defendant Ganow had received notice of warning to not deprive Plaintiff of his constitutional rights prior to March 21, 2022. Plaintiff presented Defendant Ganow with the opportunity to object to the unlawful acts being perpetrated by Defendant Fox, which escalated to involve Pennsylvania State Police threatening arrest of the Plaintiff. Defense counsel has not presented any evidence that demonstrates that Defendant Ganow objected to the actions of Defendant Fox and Plaintiff presented evidence of Defendant Ganow's silence when directly asked to announce an objection.

Plaintiff presented evidence that defendant Hardy had received notice warning to not deprive Plaintiff of his constitutional rights prior to March 21, 2022. Plaintiff presented Defendant Hardy with the opportunity to object to the unlawful acts being perpetrated by Defendant Fox, which

escalated to involve Pennsylvania State Police threatening arrest of the Plaintiff. Defense counsel has not presented any evidence that demonstrates that Defendant Hardy objected to the actions of Defendant Fox and Plaintiff presented evidence of Defendant Hardy's silence when directly asked to announce an objection.

Plaintiff presented evidence that defendant Hurley had received notice warning to not deprive Plaintiff of his constitutional rights prior to March 21, 2022. Plaintiff presented Defendant Hurley with the opportunity to object to the unlawful acts being perpetrated by Defendant Fox, which escalated to involve Pennsylvania State Police threatening arrest of the Plaintiff. Defense counsel has not presented any evidence that demonstrates that Defendant Hurley objected to the actions of Defendant Fox and Plaintiff presented evidence of Defendant Hurley's silence when directly asked to announce an objection.

Plaintiff presented evidence that defendant Koennecker had received notice warning to not deprive Plaintiff of his constitutional rights prior to March 21, 2022. Plaintiff presented Defendant Koennecker with the opportunity to object to the unlawful acts being perpetrated by Defendant Fox, which escalated to involve Pennsylvania State Police threatening arrest of the Plaintiff. Defense counsel has not presented any evidence that demonstrates that Defendant Koennecker objected to the actions of Defendant Fox and Plaintiff presented evidence of Defendant Koennecker's silence when directly asked to announce an objection.

Plaintiff presented evidence that defendant Norris had received notice warning to not deprive Plaintiff of his constitutional rights prior to March 21, 2022. Plaintiff presented Defendant Norris with the opportunity to object to the unlawful acts being perpetrated by Defendant Fox, which escalated to involve Pennsylvania State Police threatening arrest of the Plaintiff. Defense counsel

has not presented any evidence that demonstrates that Defendant Norris objected to the actions of Defendant Fox and Plaintiff presented evidence of Defendant Norris's silence when directly asked to announce an objection.

Plaintiff presented evidence that defendant Norris had received notice warning to not deprive Plaintiff of his constitutional rights prior to March 21, 2022. Plaintiff presented Defendant Norris with the opportunity to object to the unlawful acts being perpetrated by Defendant Fox, which escalated to involve Pennsylvania State Police threatening arrest of the Plaintiff. Defense counsel has not presented any evidence that demonstrates that Defendant Norris objected to the actions of Defendant Fox and Plaintiff presented evidence of Defendant Norris's silence when directly asked to announce an objection.

Plaintiff presented evidence that defendant Yelovich had received notice warning to not deprive Plaintiff of his constitutional rights prior to March 21, 2022. Plaintiff presented Defendant Yelovich with the opportunity to object to the unlawful acts being perpetrated by Defendant Fox, which escalated to involve Pennsylvania State Police threatening arrest of the Plaintiff. Defense counsel has not presented any evidence that demonstrates that Defendant Yelovich objected to the actions of Defendant Fox and Plaintiff presented evidence of Defendant Yelovich's silence when directly asked to announce an objection.

Plaintiff presented evidence that defendant Zimmerman had received notice warning to not deprive Plaintiff of his constitutional rights prior to March 21, 2022. Plaintiff presented Defendant Zimmerman with the opportunity to object to the unlawful acts being perpetrated by Defendant Fox, which escalated to involve Pennsylvania State Police threatening arrest of the Plaintiff. Defense counsel has not presented any evidence that demonstrates that Defendant Zimmerman

objected to the actions of Defendant Fox and Plaintiff presented evidence of Defendant Zimmerman's silence when directly asked to announce an objection.

Plaintiff presented evidence that defendant Bowman had received notice warning to not deprive Plaintiff of his constitutional rights prior to March 21, 2022. Plaintiff presented Defendant Bowman with the opportunity to object to the unlawful acts being perpetrated by Defendant Fox, which escalated to involve Pennsylvania State Police threatening arrest of the Plaintiff. Defense counsel has not presented any evidence that demonstrates that Defendant Bowman objected to the actions of Defendant Fox and Plaintiff presented evidence of Defendant Bowman's silence when directly asked to announce an objection.

Plaintiff presented evidence that defendant Curtis had received notice warning to not deprive Plaintiff of his constitutional rights prior to March 21, 2022. Plaintiff presented Defendant Curtis with the opportunity to object to the unlawful acts being perpetrated by Defendant Fox, which escalated to involve Pennsylvania State Police threatening arrest of the Plaintiff. Defense counsel has not presented any evidence that demonstrates that Defendant Curtis objected to the actions of Defendant Fox and Plaintiff presented evidence of Defendant Curtis's silence when directly asked to announce an objection.

Plaintiff calls attention to the singular Board Member who was honoring their oath as Board Director, Anthony Falgiatore. Plaintiff presented evidence that Mr. Falgiatore had communicated to the board and the public his objection to the unlawful enforcement of policy 903 where the demand of a citizen to surrender their 4th amendment rights as a condition to speak was unconstitutional. Plaintiff also presented evidence to the Court of communication from Mr.

Falgiatore, to the Board actors, warning them to not deprive a citizen of their constitutional rights. The board member actors were all working in their private capacity when they chose to ignore the multiple warnings, notices and failed to seek a proper legal interpretation in a private legal matter.

Defendants were acting in their own personal capacity and ignored the Color of Law warning presented by Plaintiff. Defendants were acting in their own personal capacity and ignored the Letter of Intent to Sue. Defendants, through their individual or collective decisions, engaged the School Solicitor in a private legal matter. The School Solicitor failed to recuse himself due to the obvious conflict of using taxpayer resources in a private legal matter.

Interlopers' narrative regarding the events of the activities which transpired on 3/14 are a creative attempt to obfuscate the events as the evidence creates a completely different sequence. The involvement of multiple parties have been left out of the interloper's presentation which clearly connect interloper's defendants and other named defendants.

If not for the actions of Deb Ryan attempting to criminalize the words of the Plaintiff, the Chester County Detectives would not have opened a criminal investigation on Defendant.

If not for the actions of Chester County Detectives, Defendant O'Donnell contacting Octorara School Board defendants, and other Octorara School employees, the 3/14 meeting would not have been canceled.

If not for the actions of Defendant Proper, Defendant Orner and Defendant Bowman, Trooper Kochka would have merely observed the suspicious vehicle and had photographed (having obtained suspicious vehicle driver/owners' potential identity). Note: Trooper Kochka had

represented to the driver on the 3/14 traffic stop a name and identity which he was attempting to confirm during an unlawful traffic stop.

If not for the reporting by defendants to Trooper Kochka, plaintiff should not have had been unlawfully detained, interrogated, removed from his vehicle, put in duress when no probable cause existed of Plaintiff involved in any criminal activity.

If not for Trooper Kochka using his authority falsely under the color of law, to threaten, intimidate and coerce plaintiff, defendants could not confirm the identity of the alleged suspicious vehicle operator.

If not for Trooper Kochka providing plaintiff's personally identifiable information to Octorara School Officials, (in violation of Pennsylvania State Police Policy), Defendant Orner had no lawful ability to obtain the home address of Plaintiff.

The interloper is creating a narrative regarding the Plaintiff alleging the State Police "dissuading" Plaintiff from attending a board meeting. Plaintiff is again frustrated by the fabrications by the interloper in crafting narrative.

The only authority the Police must remove a private citizen from public facilities is when law enforcement has evidence of a crime, a crime in progress, or a crime about to occur. The interloper's lack of understanding of the law that an "investigative detention" is not lawful is disturbing at least, incomprehensible at worse. The insanity of even having an individual

representing legal authority to not know that a “suspicious vehicle” is not either a misdemeanor or a felony, further exacerbates the exhaustive correcting a citizen must endure.

The interloper again attempts to exploit a minor error by the Judge in mis-stating a date from March 14th and February 14th cannot appear accidentally as this was repeatedly addressed, clarified and corrected.

Any reasonable person can follow them if not for statements to clearly see that the defendants used their authority to convert the expression of a lawful right into a crime. The district attorney worked with the Chester County Detectives. The Chester County Detectives informed the school. The school involved the state police in threatening, intimidating, coercing, and filing fraudulent threats via the post office. Violate due process in a fraudulent trespass document. Have the state police unlawfully enforce policy and refuse to provide lawful affidavits, or conduct a lawful investigation.

The Plaintiff now must address the interlopers claim regarding “temporal proximity” related to the dates of January 24th and March 14th? Specifically, when the Plaintiff has provided evidence to Plaintiff’s attempts to reason with the school board actors and Pennsylvania State Police? Presenting that evidence of communication and Plaintiff’s reasonableness to inform public servants was ignored by all defendants. Not only was plaintiff’s communication ignored, Plaintiff predicted the continuing unlawful acts by public servants which is in evidence. Plaintiff accepts that interloper chooses to not investigate the evidence as it shows the unreasonableness of defendants when being notified.

Plaintiff will respectfully request the court to deny the request for dismissals of Defendants Mr. Proper, Dr. Orner, and Mr. Fox on Count I with clarification to the three reasons proposed by the Interloper.

Mr. Propper, Dr. Orner were directly involved in the sequence of communication which involved the response by the Pennsylvania State Police. Defendant Bowman is also involved as an additional communicator along with Mr. Fox. Evidence presented to the Court shows that regardless of the timing of Pennsylvania State Police being on campus 3/14, that defendants reported a “suspicious vehicle” to Pennsylvania State Police. No affidavit was provided by any reporting party to Pennsylvania State Police the nature of a “crime” to have the State Police affect an unlawful traffic stop on 3/14.

The interloper’s representation of unusually suggestive temporal proximity is refuted by the evidence and communication between Plaintiff and defendants between 1/24/2022 and March 21, 2022.

The interloper is falsely asserting that Plaintiff caused a “disruption” in that the mere lawful expression of a constitutionally protected right at the appropriate time, place, manner is not a crime called “disruption”. The actions of Defendant Fox were “disruptive”. The criminalization or silencing of the Plaintiff’s speech is clearly retaliatory and using law enforcement to enforce “policy” not law. Plaintiff broke no law, and no evidence exists anywhere of a criminal violation of “disruption”. The continued attempts of the interloper to make statements out of context which contradict evidence should not be repetitive burdens of the Plaintiff to dispel, correct or argue.

COUNT II Response

The court recognized the Plaintiff sufficiently pleads a “class of one theory”. The interloper's failure to have clarity in the court's interpretation does not invalidate the appropriateness of their initial interpretation. Defendants Propper, Orner, and Fox were “personally involved”. Each of the defendants were provided notice on 1/24/2022 regarding their contribution and participation to the deprivation of rights under color of law. The Interloper has not presented any evidence to the court, of Defendants Propper, Orner, and Fox providing a response on the record or to the Plaintiff of their objecting to the continued violation of Plaintiff's rights. Only one Board Director, Anthony Falgiatore created a record objecting to the unlawful “enforcement” of Policy 903 by demanding citizens surrender their 4th amendment as a condition to exercise their 1st.

Absent of the interloper presenting evidence to defendants' objection, when being presented with the option to object on 3//21/2022, which was ignored, was an affirmation to support the unlawful removal of Plaintiff from the public meeting.

The interloper's additional plea that defendants Propper, Fox and Orner “should enjoy qualified immunity” is an acknowledgment that Qualified Immunity was fraudulently represented to the public and denied by the Court. The court did claim the issue could be brought up at a later time, which it appears the interloper chose now. The continued repetitious behavior of the interloper to assert the Plaintiff “admittedly” disrupted a board meeting is beyond frustrating a Plaintiff which has admitted to having disabilities. The conduct of the interloper fails to moderate his language and fabricates arguments completely out of context, devoid of evidence which is completely contradicted by documented evidence inclusive of audio and video recording.

The Interloper also referred to the ruling of Barna v. Bd. of Sch. Directors of Panther Valley S.D., as being instructive. How can it be instructive when the Barna case was dealing with individuals making threats, and Plaintiff was choosing to be secure in a 4th amendment protected right? The ridiculousness of this association is unfathomable. What is instructive to the Court is that the interloper is attempting to grasp at Case Law, and throw it up against the wall of fabricated, out of context, narrative which contradicts evidence to purposefully burden, frustrate, aggravate and delay the Plaintiff from justice.

The interloper continued to fabricate a conclusion based upon “subjective disruption” and not a “criminal disruption”. Albeit it is unreasonable for public servants to be expected to know the constitution or the rights of the people. However, Boards have a pattern and practice of removing or threatening the removal of private citizens for non-criminal reasons. The Plaintiff claims that Board Actors make unlawful threats to silence views, opinions or comments which are not criminal. Board actors rely upon law enforcement, to use threats, intimidation, coercion to force citizens to comply with unlawful board actions. It is unfortunate that law enforcement are put in a position of potentially being called to enforce board feelings, policy at their own personal risk of violating citizens' rights. This is a pattern and practice in which public boards choose as a tactic to tamper dissent, and Plaintiff made these representations well in advance of attempting to advocate for parents and children before even stepping foot on public property.

The interloper has demonstrated that the interloper will not accept this proposition as clearly presented in Plaintiff's evidence and will claim a posture that a citizen has no right to speak in public and can be permanently banned from public property. Plaintiff suggests that the interloper has no respect for constitutionally minded, respectful, law-abiding citizens and will ignore evidence and proffer narrative.

The interloper's assertion that Plaintiff has no right, was followed by a false claim of a disruption, to speak at a public meeting, demonstrates that interloper is of the opinion that citizens have no rights, only permissions which must be granted by the Board Actors. Respectfully, the interloper fails to accept that "rights" are provided by the divine, whom I gladly submit. A right to speak at the right place, time and manner have non-divine restrictions which the plaintiff did not violate. Defendants and the interloper claim that they are the arbiters of what "rights" I may exercise, to which I submit the court will determine if they have that lawful authority.

Response to Claims III, IV, VII

The Plaintiff has no response from the interloper which invalidates the claim by Plaintiff that the collusion between Proper, Orner, Fox and other Board Directors to chill the speech of the Plaintiff was directly through the unlawful enforcement of Policy 903. It is not a valid representation that the Court has ruled that a citizen is obligated to surrender their 4th amendment right as a condition to speak warrants the use of threats, intimidation, coercion, duress, being silenced and removed is Constitutionally valid. The claim by the Court is that a policy could contain all forms of language, such as "colored water fountains only". The Constitutional violation would be the action to enforce such a "policy" on Constitutional grounds, thus empowering the court to direct the removal or redrafting of such a discriminatory policy and subsequent unlawful enforcement.

The interloper continues to make representations regarding a misrepresentation or misinterpretation of the Court's statements regarding policy language. The attempt to obtain distance from the unlawful enforcement under color of law, tied to the hands who drafted the policy is irrelevant. The point Plaintiff raises is that regardless of who wrote the policy, they were presented with the issue that enforcing the policy runs the risk of depriving citizens of their

constitutional rights. After notice, a reasonable person would seek personal counsel (when it was expressed as being a private legal matter), to verify the limits of authority as a board member. The Board members either with malice, or directed by the solicitor, introduced an interloper who had no standing which did not provide proper legal advice on a private legal matter or a proper civil rights law interpretation.

Conclusion:

Plaintiff respects and appreciates the Court procedure, the process affording defendants and Plaintiff the ability to respond. The way this has transpired, inclusive with latitude afforded to the Plaintiff, continues to be one of confusion where I, as the Plaintiff, have done everything in my abilities to be honorable and respectable to the Court, defense counsel and what I have identified as an interloper.

The Court had previously put forth an order to move towards pre-trial discovery. This order was subsequently vacated based upon the Plaintiff requesting to file an amended complaint and the supplemental complaint. It was the Plaintiff's perception that the claims raised were supported by the court which was demonstrated by moving towards a pretrial conference. Upon the submission of the amended complaint and supplemental complaints, the defense took the liberties to provide a subsequent motion to respond based upon narrative, far reaching case law, and fabrications which are contradicted by evidence.

Plaintiff respectfully requests the court to deny the Interlopers motion and we move forward with Pre-Trial Conference. Plaintiff wants to affirm to the court that at no time has Plaintiff been provided advice or direction from anyone in the legal profession. Plaintiff also has not had any direct communication with defense counsel or interloper of any type other than through communication through the Court.

