

From: John R Miller  
P.O. Box 256  
Kimberton, PA 19442

To: Michele M. Orner  
228 Highland Road  
Atglen, PA 19310

Subject: Fraudulent Notice of Trespass (received)

Date: March 30, 2022

Re: Notice of Intent to File Lawsuit

To Whom it May Concern,

This letter serves as a formal notice that (John R Miller) intends to commence a lawsuit against the following named individuals:

Michele M. Orner  
Lisa Yelovich  
Brian Norris  
Lisa Bowman  
Samuel Ganow  
Jere Zimmerman  
Brian Fox  
R. Matthew Hurley  
Charlie Koennecker  
Jill Hardy  
Jeff Curtis

On 3/28/2022 John Miller received a fraudulent claim from Octorara Administration Office (Michele Orner), acting in her private person capacity under Color of Law, stating that Mr. Miller caused a "disruption" at Octorara School Board meeting on 3/21/2022.

On 1/24/2022, Mr. Miller notified the entire school board, that the named individuals, were violating their sworn oath to the Constitution, through the enforcement of the School Board's policy 903. This policy as written requires individuals to surrender their 4th amendment in order to exercise their 1st amendment to speak to the board, violating Supreme Court precedent established in Marbury v Madison. This notice was a warning to cease the unconstitutional violations of Citizens and specifically Mr. Miller. The actions taken by named individuals constitute, a deprivation of citizens' rights as defined in 18 USC 241, 18 USC 242 and 42 USC 1983.

As a-sworn member agents of the citizens on behalf of the State, (specifically, School District), named individuals, participated in a conspiracy to criminalize the 4th amendment right and the 1st amendment of Mr. Miller and many other citizens, even after receiving a notice of warning.

Only one board member (Anthony Falgiatore) is on the record to objecting to the enforcement of Policy 903 as written and enforced by the board. Named individuals, further engaged, or didn't object to engaging, Pennsylvania State Police (PSP). Named individuals allegedly notified PSP that Mr. Miller caused a "disruption". Mr. Miller merely attempted to advocate for his clients, who are parents of students within the Octorara School District. His speech was silenced,

terminated, and criminalized as a “disruption” in violation of a sworn oath to the Pennsylvania and United States Constitution.

1. **The Plaintiff.** John R Miller (hereinafter referred to as the “Plaintiff”).
2. **The Defendant.** Named individuals (hereinafter referred to as the “Defendants”).
3. **Settlement Demand.** As a result of the defendant’s actions, the plaintiff seeks relief in the form of: (Reasonable Conditional Settlement)

**Terms of Settlement:** The named defendants, will need to rescind the fraudulent claim of a “disruption” as it is a violation of *Murdock v Pennsylvania* (Criminalizing a constitutionally protected right). The named Defendants have no evidence of criminal conduct as defined in Pennsylvania Criminal Code Title 18. Specifically, § 5503 which is being falsely presented as a “disruption” when *Murdock v Pennsylvania* states:

“A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution. “ 319 U.S. 105 P. 319 U.S. 113

The fraudulent document, presented via certified mail, received on 3/28/2022 will need to be retracted. Plaintiff will have all privileges restored to gain access to Octorara School Board meetings or other activities at the school open to the public.

The named defendants will need to provide a written apology to the Plaintiff, which would be read into the record of the next upcoming board meeting.

The named defendants will terminate the unconstitutional Policy 903 and reconstruct a lawful Policy 903.

The named individuals will receive training on Constitutional Rights and honoring their oath as agents of the people.

The above statements provided are not complete, but merely a summary to provide an example of the pattern and practices by the defendants of unlawful acts. This summary is a reasonable attempt for the named defendants to resolve the violations in an effort to restore honor, integrity and faith in their service of the citizens of Octorara School District.

It is not reasonable to expect the named defendants to honor their oath, and remedy the issue and will likely, falsely, depend upon the protection of qualified immunity. The courts require private citizens, to make every reasonable attempt, to inform public servants if they unlawfully use their authority and give them reasonable time to correct and remedy their actions. In this case, Qualified Immunity is not intact, as the actions of the named actors were being done in their private person capacity, not under the Qualified Immunity protection when they were specifically notified of violating their oath on 1/24 and ignored the notice.

The abject defiance of the board, and potentially their counsel, they most likely believe that this issue will disappear if ignored. In spite of this hubris, the plaintiff still attempts to be reasonable.

The settlement financial terms:

It is reasonable that the plaintiff's constitutional violations be remedied through reasonable compensation by each named defendant as follows:

- A. \$200.00 per day since the notice was served, to the time the plaintiff was unlawfully removed from public property.  
(1/24/2022 - 3/28/2022 = 63 days x 200, \$12,600).
- B. \$25.00/day for the clients harmed since the Plaintiff was unlawfully silenced from advocating. (1/24 - 3/28) 12 Clients @ \$25/ea = \$300/day. 63 days x \$300, (\$18,900)
- C. Conspiracy to criminalize constitutionally protected rights (Murdock v Pennsylvania).  
Deprivation of rights under color of law. (\$25,000)

Settlement by 4/30/2022 would be:

A	\$ 12,600.00 (1/24/2022 - 3/28/2022)= 66 days	\$12,600.00
B	\$18,900.00 (1/24/2022 - 3/28/2022 = 66 days	\$18,900.00
C	Unlawful Criminal Trespass (\$25,000)	<u>\$25,000.00</u>
	Total A + B + C (1/24 - 3/28)	<b>\$56,500.00</b>
D	Daily accrual to settlement up until 4/30/2022 \$500/day times # of days. (x days)_____ x \$500	+ _____
E	<b>Grand Total (\$56,500.00 + item D up to 4/30/2022)</b>	_____

If no settlement is reached by 4/30/22 the daily rate will increase to \$1,000/day which will be added to Item E (Grand Total).

Settlement must include the financial remedies provided above in both actions and compensation. The \$200.00 per day compensation will expire 4/30/2022 and transition to \$1,000 per day for each day the policy remains in any format which deprives citizens of their 1st amendment right to speak, and their 4th amendment to be secure in their person, papers, property and affects. It is not reasonable to expect the Defendants, to be responsive in honoring their oath, and the only means to ensure compliance to their oath is stand on the lawful remedies, to force them to cease their personal actions in violation of their oath with a significant penalty. The impetus to take action is not vindictive but obligatory, in an attempt to restore faith with the countless citizens they have harmed without regard to repeated warnings.

The Plaintiff has tenaciously documented attempts to be reasonable, and to afford the school board, every opportunity, to honor their oath. The plaintiff believes that the protection of Qualified Immunity, emboldened the board to ignore the law, the constitution and to actively conspire against Mr. Miller and other citizens. The only reasonable manner to address this premeditated, calculated, and punitive action by the board is to ensure the violations cease, and a message is delivered that the citizens will not tolerate unlawful actions by their elected officials.

Defendants will be required to retract her fraudulent document of unlawful revocation of a license to be on public property. This must be delivered to Plaintiff via certified mail, signed receipt. In addition, Defendants will be required to read a statement, of their unconstitutional violations supported in policy 903. Defendants will also need to apologize for their making a false report to Pennsylvania State Police (PSP) of a "disturbance". Specifically identifying that Free Speech and standing on a constitutional right was erroneously converted into an allegation of a criminal act. And that by notifying PSP, it used the PSP to further a conspiracy to include law enforcement into committing unlawful deprivation of a citizen's rights. Apologize to all citizens for the Defendants ignorance of the law, as no crime had been committed except by the Defendants.

Acknowledgment that the Policy 903 was unconstitutional and that it is being removed and rewritten. When rewritten, it will be "read out loud" in its entirety for the citizen's verification that it does not include constitutional violations.

**Proof of attempts at being reasonable:**

The entire process has been documented, with the Plaintiff attempting to be reasonable, and was met with continual, unreasonable and unlawful actions. It is important that one last attempt is demonstrated, to the named defendants, and the citizens of Octorara School District. In the event the defendant's elect to avoid being reasonable, this action will be moved by the plaintiff into United States District Court, Eastern District of Pennsylvania 601 Market Street, Philadelphia, PA 19106

The proposed settlement of \$56,500 can be modified as stated below, and removal of the additional accruing fees can be suspended, If, Plaintiff receives a signed letter of intent, via certified mail, agreeing to the following terms:

- Removal of fraudulent trespass notice via signed receipt certified mail to Plaintiff.
- Confirmation from PSP that trespass warning has been revoked via certified mail.
- Removal and agreement to rewrite policy 903 without constitutional rights discrimination (announced at public meeting)
- Public reading by Defendant's at school board meeting of violating citizen's rights after receipt of notice and participating in criminalizing a constitutionally protected right.
- Settlement payment immediately of \$10,000.00 and \$1,000.00/month for 24 months, per named defendant.

Settlement request	\$56,500.00
Reasonable attempt to settle:	\$34,000.00

This offer is to cure or settle this matter outside of court and avoid a lawsuit in the Federal District Court of Philadelphia, is valid for 30 days from 3/30/2022.

Respectfully,

John R. Miller

P.S. The school has a pattern and practice of retaining custody of materials which are supposed to be in public view (not requiring permission to inspect) which constitutes violations of the Pennsylvania Sunshine Act. This proposal will be made available to Octorara Parents for their review and the financial numbers will be temporarily redacted, pending response. Absent of response within 30 days, the document will be published without redaction.