

Piercing Immunity

Accountability of public servants only exists when they are privately named as defendants with Qualified Immunity pierced.



END
QUALIFIED
IMMUNITY



PEACE

Introduction

Cultural Contrarian provides educational lessons, eBooks and more through a Private Membership Association. Cultural Contrarian does not imply nor infer any legal advice.

This eBook is a quick reference for those who have political interest specifically to the local government within Chester County.

Cultural Contrarian in a professional role was asked to support and engage in political discourse with public servants within the public school system. The mere attempt to stand on his constitutional rights has resulted in a criminal case against him (Defiant Trespass After Warning), in addition to a Federal Lawsuit against a volume of public officials, in their private person capacity. These public officials have been DENIED QUALIFIED IMMUNITY.

Surprising that the media will not report on this and the public even when informed will not engage, nor support this fight. Watching the case is not supporting the cause.

About Cultural Contrarian

Cultural Contrarian merely desires to be a FREE MAN with his constitutional rights alive. He desires to help others (through education and modeling) how others can make their own choice.

Comply/Consent/Submit
or Learn to Stand Free



CC embraces the Free Will of all humans and will not restrain nor pull, but has a conviction to inform.

The following information is NOT complete and is supported through thousands of pages of evidence in the Federal Court and more still in my possession. In addition to hundreds of hours of audio/video evidence.

Brief Sequence of events (Context)

The COVID pandemic and the governments response was a significant life disruption for everyone. Parent's with children who had contracted with the State for Public Education were (and continue to be) a very vocal resistance that were being silenced. Their children were not being treated by the Government, in a manner that any parent would desire.

Parents were eloquent and vocal for 3 minutes at school board meetings. Attempted to engage lawyers to fight what were alleged as unlawful mandates and constitutional violations. The parents were not achieving the results they desired and frustrations were mounting, all while the majority of parents consented with their actions to continue to put their children in the public school.

I was asked by a small group on Facebook if I would come and advocate for their children at a rural public school in Chester County.

I informed the group that the nature of this type of advocacy requires time, effort, planning and most of all the knowledge that public servants have countless shields to avoid accountability and countless resources for retaliation and punishment.

I established an agreement of understanding with these parents which I required them to NOT DO what I was going to do and I was willing to inform them of the process in PRIVATE. Only those in the Cultural Contrarian Private Membership Association have the entire story.

Don't believe a word I say and verify my preparation, intentions, and actions from those who witnessed it from the beginning around June of 2021.

Failure to plan is a plan of certain failure.

A portion of the evidence of my plan is a matter of public record.

- Provided advanced notification to numerous public officials of my intentions, desire and manner in which I was going to speak in public and wanted to ensure my attempts were not converted into a crime. (June - October 2021)
- Confirmed receipts of all forms of communication through RTKL.
- Chester County DA guided Chester County Detectives to open an investigation (the implication was to investigate Deprivation of Citizens Rights at School Board meetings)
- Chester County DA (Deb Ryan) converted my attempt to speak into a potential threat and the investigation was directed against me.
- January of 2022, I attempted to speak at a public meeting to remain secure in my 4th amendment. I warned the school board of their unlawful enforcement of a policy which violated my rights. I stated "under duress" I will consent and surrendered my name. I spoke for 3 minutes returned to my seat and filled out a form I had with me. During public comment, I returned to speak and hand delivered a Color of Law Violation Warning. (*video evidence*)
- I confirmed that my violation notice was received by the Board, forwarded to Solicitor for legal review. Solicitor and Board claimed that Civil Rights violations were a "big nothing burger" and ignored the warning.
- Upon receiving confirmation of the schools position (RTKL documents), I returned to speak on 3/14/2022. Upon arriving at the school to attend the meeting I was informed the meeting had been canceled. Much later I obtained the evidence for the reasoning and narrative for the meeting being canceled. (*video evidence*) The reason was based upon direct communication from the DA's office and Chester County detectives that I was a threat. But all of my communication up to that point had been through a 3rd entity and my actual identity was not known.
- Upon my arrival and being informed of the canceled board meeting I left the school. The school contacted various authorities regarding this encounter which resulted in me being unlawfully pulled over by Pennsylvania State Police, Trooper Kochka, Sgt Murtaugh of Parkesburg police. (*video evidence*).
- Evidence suggests that Trooper Kochka was directed by Chester County Detectives to physically confirm my identity. Evidence also suggests that Trooper Kochka unlawfully provided my personally identifiable information to a number of known and unknowable public servants.

A portion of the evidence of my plan is a matter of public record.

- After that traffic stop I received no communication from the School or State Police
- I returned to the school on 4/21/2022 to speak at the appropriate time, place and manner and had anticipated that the School Board would ignore the Color of Law Warning. I anticipated that the School would use police as an authority to enforce policy. The School board did ignore the lawful notice, acted under color of law, deprived me of my rights and silenced my speech based upon unlawful conditions and their permission. I informed the board that I would no longer argue the law, would leave to notify law enforcement to arrest for constitutional violations under color of law (Much more detail is required for full context).
- Upon leaving to call police Trooper Kochka entered and that encounter is very important and video evidence is available.
- Trooper Kochka had stated that I had not committed a crime and made false representations regarding trespass law and threatened me with arrest if I didn't leave the property. I had repeatedly and subsequently requested to be presented with a Criminal Trespass Warning, probable cause affidavit and affidavit from a reporting party.
- 3/23/2022 via certified mail I received communication from the school superintendent that was a fraudulent threat to my civil liberties with no elements of a crime, an indefinite suspension from public property, no direction to appeal the document. No Due Process.
- March of 2022 I sent a letter of intent to sue to the School Board, School Superintendent in their private person capacity along with a conditional settlement offer. This letter was acknowledged being received by board actors, reviewed by solicitor and publicly referenced as a "big nothing burger".
- Also in March I received a letter from the firm representing the School Solicitor. The letter of intent to sue was addressing private individuals "acting" as public officials. The Solicitor could not act in the capacity of legal counsel of public servants in a private legal matter (conflict of interest, co-mingling of tax payer funds). I ignored the interlopers communication..
- Through RTKL requests and subsequent appeals I confirmed that no Criminal Trespass document exists against me from the organization who would provide a criminal charge warning. That was the State Police which under oath, affirmed that no document exists.
- From March - August, I drafted my Federal Complaint against all individuals acting in their private capacity to conspire to convert my lawful expression of constitutionally protected rights into a crime.
- Due to the actions of Chester County Detectives doing a countywide BOLO against me, the defendant list exceeded 80 individuals.

A portion of the evidence of my plan is a matter of public record.

- I submitted my Federal Complaint in the 3rd District Court (Philadelphia, PA) Case #22-3329 on August 18 2022. I received the summons from the court and was to carry out official service to named defendants.
- It was my desire to provide official service, exactly according to court procedure and wanted to do that personally to the school board actors during a public meeting. I had anticipated that doing so would prompt further unlawful actions by law enforcement.
- I had sent communication to State Police with the evidence that no Criminal Trespass warning exists against me, and warned them to not act unlawfully if attempting to enforce policy.
- On September 19, I returned to the school with a plan on how to safely and lawfully ensure that I provided lawful service.. *(this is a sensitive issue for defendants and the State has no knowledge or evidence to the depth of my preparedness.)*
- Upon sitting in the public meeting area, the meeting was called to order, a moment of silence, followed by the pledge of allegiance. Immediately after that, the board went into recess and I was met by Trooper Crnkovic and Trooper Long. This encounter is important from beginning to end and was all captured on video.
- I submitted to an "unlawful arrest". I was handcuffed, kidnapped, violated, booked, never mirandized and held overnight for preliminary hearing. This is also an important sequence of events which defendants nor the state have all of my evidence nor preparedness, but portions are detailed in the Federal Complaint.
- The details surrounding the shenanigans of the arraignment, preliminary hearing are complex as well and are a matter of public record.

So much context cannot be disclosed and most will not invest the time reading this summary.

What does the journey look like?

Cradle to Grave

We can't know what we don't know.

Will we go on a path to know more?

Will we support those that do know?

Reasonable? ▾

The Funnel ▾

Other involved parties evidence ▾

If arrested and brought before a judge

Dog Whistle

State Police Retaliation

Conspiracy to criminalize free speech

ACLU

PSP RTKL 4/5

Trooper Kochika Questions

Ormer Questions

Reasonable?
This is a 4 letter word to public servants if you have evidence of the word, with the letters UN before the word.

The Funnel
Reasonableness requires capturing and communicating as wide as possible, hoping for the most positive outcome as possible.

Other involved parties evidence
Preparation is not just with one entity. We must navigate the chain of enforcers.

If arrested and brought before a judge

Dog Whistle
Being prepared to blow the whistle.

State Police Retaliation

Conspiracy to criminalize free speech

ACLU

Documents provided in jail when placed in holding ▾

Milestone events ▾

Federal Complaint (Exhibits)

Post arrest issues

Videos which are getting public visibility

Preliminary Hearing

Arraignment

Request for States Evidence

Defense argument

Dr. Ormer Questions ▾

Kochika Questions

Documents provided in jail when placed in holding
This is all of the documents I had on my person, and received when arrested and placed in holding. I was not presented any of these documen...

Milestone events
Here is an encapsulation of steps.

Federal Complaint (Exhibits)

Post arrest issues

Videos which are getting public visibility

Preliminary Hearing

Arraignment
12/1 I attended the arraignment proceeding. I was concerned that if I didn't actually make a physical appearance that I would be issued a wa...

Request for States Evidence
Action items to assist attorney in requesting states evidence and witness list (deposition) or questions for witnesses.

Is this what you expect to happen to hood public servants accountable?

Even though an attorney is the wrong path, who would pay for this effort?

Who would devote this kind of effort just to be FREE?

Why is Chester County silent?

This is not being reported, investigated, advised.
This is me alone with the Parents who engaged me watching and praying, learning WE ARE NOT FREE.

2:22-cv-03329-KSM MILLER v. GOGGIN et al

KAREN S. MARSTON, presiding

Date filed: 08/18/2022

Date of last filing: 08/07/2023

No.	Date	Description
1	08/12/2022	Complaint
2	08/22/2022	Notice to P or Se Creditors
3	09/01/2022	Order
4	09/05/2022	Willing To Receive
5	09/05/2022	Summons Issued
6	09/22/2022	Notice for Extension of Time to File
7	10/05/2022	Notice of Appearance
8	10/12/2022	Notice of Appearance
9	10/19/2022	Notice of Appearance
10	10/26/2022	Notice of Appearance
11	11/02/2022	Notice of Appearance
12	11/09/2022	Notice of Appearance
13	11/16/2022	Notice of Appearance
14	11/23/2022	Notice of Appearance
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YES, Qualified Immunity is pierced

Has not only been denied (not granted) but the Judge rebuked the DA's claim to assert "absolute immunity".

Here is what people want...

- A TikTok 30 second summary, elevator pitch on the how, what, why, when, where and just get the bullet points.
- How did you pierce qualified immunity.
- What did the judge say?
- What about the School Board Actors, what about qualified immunity for them?
- And so much more.

People want
what they want
just get to the
point.

I appreciate that
impulse but
I don't have the
time to meet
the wants
needs or desires
of strangers.

This is buried
inside of
thousands of
documents.

This kind of
information I
discuss inside
my PMA.

2. Absolute Immunity

Defendant Ryan also asserts an immunity defense, but believes she is entitled to absolute immunity, rather than qualified immunity, because she was acting in the scope of her role as a prosecutor in the events underlying Plaintiff's lawsuit. (See Doc. No. 177 at 14 ("Prosecutors are entitled to absolute immunity in civil suits that challenge their decisions concerning criminal matters. This immunity covers quasi-judicial functions, such as actions taken in the courtroom, as well as decisions regarding obtaining, reviewing and evaluating evidence."))

The invocation of absolute immunity in the prosecutorial context is a "fact-specific analysis," which requires a functional examination of the prosecutor's conduct. See *Fogle v. Sokol*, 957 F.3d 148, 159–60 (3d Cir. 2020) ("While the Supreme Court has extended the defense of absolute immunity to certain prosecutorial functions, it has not blanketed the actions of a prosecutor merely because they are performed by a prosecutor. Instead, courts must focus upon the functional nature of the activities rather than the prosecutor's status to determine whether absolute immunity is warranted." (cleaned up).) This functional test entitles a prosecutor to absolute immunity "only for work intimately associated with the judicial phase of the criminal process." *Id.* (quoting *Burns v. Reed*, 500 U.S. 478, 486–87 (1991)) (emphasis added). "By contrast, a prosecutor's investigatory functions that do not relate to an advocate's preparation for the initiation of a prosecution or for judicial proceedings are not entitled to absolute immunity."

Id. at 160 (citing *Buckley v. Fitzsimmons*, 509 U.S. 259, 273 (1993)). "Once asserted, the onus is on the prosecutor to demonstrate that absolute immunity should attach to *each act* he allegedly committed that gave rise to a cause of action," a burden that is "uniquely heavy." *Id.* (emphasis added). The Third Circuit has explained that asserting an absolute immunity defense "via a Rule 12(b)(6) motion subjects the defendant to a more challenging standard of review" because "a defendant must show that the conduct triggering absolute immunity 'clearly appears on the face of the complaint.'" *Id.* at 160–61 (quoting *Wilson v. Rackmill*, 878 F.2d 772, 776 (3d Cir. 1989)).

We cannot accept that Defendant Ryan has met her burden at this stage in the litigation. Defendant Ryan does not identify the particular conduct alleged against her,³⁹ let alone explain how that conduct falls within the ambit of her role as an advocate, such that it would entitle her to a complete shield from Plaintiff's First Amendment retaliation conspiracy claim. See *Fogle*, 957 F.3d at 161 ("Thus, while we tend to discuss prosecutorial immunity based on alleged acts, our ultimate analysis is whether a defendant has established absolute prosecutorial immunity from a given claim." (emphasis added)). Moreover, Plaintiff has alleged facts that suggest Defendant Ryan was acting in no more than an investigatory role when she communicated with the Detective Defendants and the Octorara Defendants following Plaintiff's attendance of the January 24 board meeting and future meetings. She has not explained how this conduct was more than investigatory in nature. See *Buckley*, 509 U.S. at 274 ("A prosecutor neither is, nor should consider himself to be, an advocate before he has probable cause to have anyone

I have done my part.

I have attempted to interact with several groups who are advocating on a variety of issues:

Election Integrity

Horrible books, mandates, policy, school issues.

Abolitionists

and many more.

It is apparent to me that my language, experience, thoughts are not desired and are construed as divisive to every groups mission or vision.

So, I humbly admit those to be viable deficiencies and would benefit from an interpreter/translator. Since those are not available to me, I have chosen to retreat into my PMA and allow people to either tap into my messaging that is in public or not.

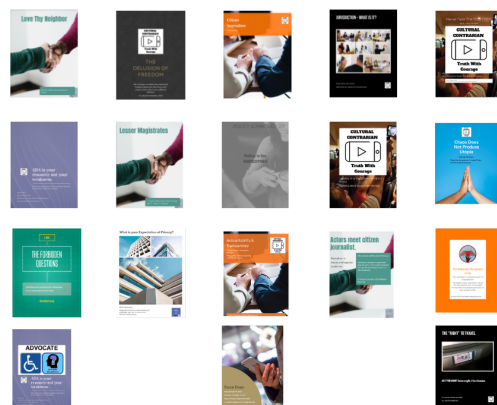
My Federal Case is a matter of public record #22-3329 read it for yourself.

I have a Free eBook to help layout more clearly about Cultural Contrarian.



[Start here](#) and you will have access to much of my messaging without being in my PMA.. Just signup for my newsletter and it will come to you via email (check spam though)

eBook Collection to PMA Members



My time and energy is directed to supporting my PMA members. They can tell you from their perspective of my commitment and value.

Here is a little more assistance.

If you have a child in public education or are concerned about how your tax dollars are being spent within your school district, take this simple little quiz.

How well do you know the role of your local school board?

Use this as a benchmark to determine the effectiveness of your efforts when your goal is change.

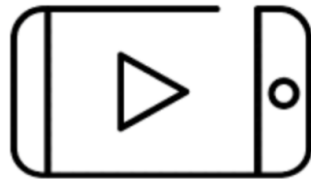
[Take Quiz](#)

The More You Know

Here are some Frequently Asked Questions about what has happened at Octorara School District, which resulted in the School Board members being involved in a Federal Lawsuit.

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**Thank you and I wish you
the best.**

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