FILED FOR RECORD
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JEREMY S. BREON
PROTHONOTARY
CENTRE COUNTY, PA

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

BARRY J. FENCHAK, Plaintiff,	)	
v.	)	No. 2024-CV-1843-CI
THE PENNSYLVANIA STATE UNIVERSITY BOARD OF TRUSTEES, and MATTHEW SCHUYLER IN HIS OFFICIAL CAPACITY AS CHAIRMAN Defendants.	)	

Attorney for Plaintiff: *Justin J. Boehret, Esq.*
Terry L. Mutchler, Esq.
Erika L. Silverbreit, Esq.

Attorney for Defendants: *Christopher Conrad, Esq.*
Gary H. Dadamo, Esq.
Joe H. Tucker, Jr., Esq.

OPINION AND ORDER

Marshall, J.

Presently before the Court is Defendants' Motion for a Protective Order, filed on January 7, 2025, asking this Court to adopt and enter the Stipulated Confidential Agreement and Order proposed by Defendant in that Motion. Also before the Court were Defendants' Preliminary Objections, filed on September 16, 2024, which the Court understands Defendants intend to withdraw, and so the Court declines to issue a ruling thereon at this time.

With respect to the Motion for Protective Order, Defendant has not made an adequate showing of need for a protective order at this time. The Court does not believe that it is appropriate to coerce one party into accepting a confidential agreement to which they object, and which was drafted by the other party. Specifically, the Court will not require Plaintiff to be bound by the confidentiality agreement proposed by Defendants when Plaintiff identified, at the January 16, 2025 hearing, at least two provisions in the agreement with which he does not agree. The Court

also notes that the parties seemed to be in agreement on a provision for the confidentiality agreement that would prohibit Plaintiff from posting the provided information on his social media platforms, which agreement was made in open court on January 16, 2025 and has not yet been incorporated into the proposed Stipulated Confidential Agreement and Order.

Accordingly, the Court enters the following Order:

ORDER

AND NOW, this 29th day of January, 2025, the Court enters the following Order:

1. The Court declines to rule on Defendant's Preliminary Objections at this time, understanding that they will be withdrawn.
2. Defendant's Motion for a Protective Order is hereby DENIED.
3. This Court's Orders dated October 9, 2024 and October 11, 2024, and the injunction imposed thereby, remain in effect.

BY THE COURT:

Brian K. Marshall, Judge