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

BARRY J. FENCHAK

Plaintiff

v

THE PENNSYLVANIA STATE UNIVERSITY BOARD OF TRUSTEES AND MATTHEW SCHUYLER IN HIS OFFICIAL CAPACITY AS CHARIMAN

Defendants

Docket No.
**2024-CV-l 843-Cl**

Type of Case:
**CIVIL ACTION – EQUITY**

Type of Pleading
**PLAINTIFF'S ANSWER IN OPPOSITION TO THE DEFENDANTS' EMERGENCY MOTION FOR A PROTECTIVE ORDER**

Filed on Behalf Of:
**PLAINTIFF**

By: */s/ Steven F. Marino*

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Dated: March 30, 2026

FILED FOR RECORD BY EMAIL
2026 MAR 31 AM08 25
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| BARRY J. FENCHAK,<br><br>Plaintiff<br>v<br><br>THE PENNSYLVANIA STATE UNIVERSITY BOARD OF TRUSTEES and MATTHEW SCHUYLER IN HIS OFFICIAL CAPACITY AS CHARIMAN<br><br>Defendants | IN THE COURT OF COMMON PLEAS CENTRE COUNTY - CIVIL ACTION AT LAW<br><br>No. 2024-CV-1843-Cl |

**PLAINTIFF'S ANSWER IN OPPOSITION TO THE DEFENDANTS' EMERGENCY MOTION FOR A PROTECTIVE ORDER**

AND NOW, comes plaintiff Barry J. Fenchak, by and through counsel, and provides Plaintiff's Answer in Opposition to the Defendants' Emergency Motion for a Protective Order set forth as follows.

1. Admitted.

2. Denied as stated. The litigation practice referenced in the instant paragraph is captured by way of stenographic or otherwise recording of the proceeding and papers committed to writing submitted to the Court, which recordings and papers

speak for themselves, any mischaracterization of the same is specifically denied.

3. Denied as stated. The litigation practice referenced in the instant paragraph is captured by way of stenographic or otherwise recording of the proceeding and papers committed to writing submitted to the Court, which recordings and papers speak for themselves, any mischaracterization of the same is specifically denied.

4. Denied as stated. The litigation practice referenced in the instant paragraph is captured by way of stenographic or otherwise recording of the proceeding and papers committed to writing submitted to the Court, which recordings and papers speak for themselves, any mischaracterization of the same is specifically denied.

5. Denied as stated. The court order referenced in the instant paragraph is captured by way of stenographic or otherwise recording of the proceeding and papers committed to writing submitted to the Court, which recordings and papers speak for themselves, any mischaracterization of the same is specifically denied.

6. Denied as stated. The litigation practice referenced in the instant paragraph is captured by way of stenographic or otherwise recording of the proceeding and papers committed to writing submitted to the Court, which recordings and papers speak for themselves, any mischaracterization of the same is specifically denied.

7. Admitted.

8. Admitted.

9. Denied as stated. It is denied plaintiff declined to confer regarding the

matter. It is admitted plaintiff noticed the deposition of Matthew Schuyler to convene April 1, 2026.

10. Denied as stated. The litigation practice referenced in the instant paragraph is captured by way of stenographic or otherwise recording of the proceeding and papers committed to writing submitted to the Court, which recordings and papers speak for themselves, any mischaracterization of the same is specifically denied. After reasonable investigation, answering plaintiff is without information and/or belief sufficient to either affirm or deny the balance of averments contained herein, and the averments are specifically denied with strict proof thereof demanded.

11. Admitted.

12. Denied as stated. After reasonable investigation, answering plaintiff is without information and/or belief sufficient to either affirm or deny the averments contained herein, and the averments are specifically denied with strict proof thereof demanded.

13. Admitted.

14. Denied as stated. It is admitted plaintiff did not confer with defendants relating to subpoena issued to command a non-party to appear at deposition. After reasonable investigation, answering plaintiff is without information and/or belief sufficient to either affirm or deny the balance of averments contained herein, and the averments are specifically denied with strict proof thereof demanded. By way of

further response, the subpoena issued by the plaintiff did not request a non-party to produce documents within the meaning of Pa.R.Civ.P. 4009.21 – 4009.27. By way of further response, the plaintiff owed no duty to confer with the opposing party in connection with the issuance of subpoena commanding a non-party to appear at deposition.

15. Denied as stated. The document or paper referenced in the instant paragraph is committed to writing and speaks for itself, any mischaracterization of the same is specifically denied.

16. Denied as stated. To the extent the averments contained in this paragraph of the moving paper are conclusions of law, no response is necessary, and they are therefore denied pursuant to Pa. R. Civ. P. 1029(d).

17. Denied as stated. To the extent the averments contained in this paragraph of the moving paper are conclusions of law, no response is necessary, and they are therefore denied pursuant to Pa. R. Civ. P. 1029(d).

18. Denied as stated. To the extent the averments contained in this paragraph of the moving paper are conclusions of law, no response is necessary, and they are therefore denied pursuant to Pa. R. Civ. P. 1029(d).

19. Denied as stated. To the extent the averments contained in this paragraph of the moving paper are conclusions of law, no response is necessary, and they are therefore denied pursuant to Pa. R. Civ. P. 1029(d).

20. Denied as stated. The litigation practice referenced in the instant paragraph is captured by way papers committed to writing submitted to the United States District Court for Eastern District of Pennsylvania, which papers speak for themselves, any mischaracterization of the same is specifically denied.

21. Denied as stated. The litigation practice referenced in the instant paragraph is captured by way papers committed to writing submitted to the United States District Court for Eastern District of Pennsylvania, which papers speak for themselves, any mischaracterization of the same is specifically denied.

22. Denied.

WHEREFORE, upon consideration of the facts set forth and any others which may arise during a course of a hearing of this matter the plaintiff prays this Court enter an ordering denying Defendants' Emergency Motion for a Protective Order

Respectfully submitted,

By: */s/ Steven F. Marino*

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## CERTIFICATE OF SERVICE

I certify that on the below listed date a true and correct copy of the foregoing Plaintiff's Answer in Opposition to the Defendants' Emergency Motion for a Protective Order and supporting papers was electronically filed with the Court using the Prothonotary/Clerk of Court's Electronic Filing System (prothonotary/clerkofcourts-orders@centrecountypa.gov), and served upon the persons and in the manner indicated below, which service satisfies the requirements of Pa.R.Civ.P. Nos. 205.4(g) and 440 and Centre County Local Civil Rule 205.4.

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Dated: March 30, 2026