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

BARRY J. FENCHAK, Plaintiffs, *v.* **PENNSYLVANIA STATE UNIVERSITY**, et al., Defendants.	**CIVIL ACTION** **NO. 25-6313-KSM**

ORDER

AND NOW this 17th day of April, 2026, upon consideration of Defendants' Motion to Dismiss (Doc. No. 6), Plaintiff's opposition brief (Doc. No. 9), and Defendants' reply brief (Doc. No. 10), it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The motion is **GRANTED** as to Counts I–III and VII–IX, which are **DISMISSED WITH PREJUDICE.**

2. The motion is **DENIED** as to Counts IV–VI.

3. Defendants shall submit their **ANSWER** to the remaining portions of the Complaint by **May 1, 2026.**

4. The parties shall jointly propose case management deadlines to govern discovery and dispositive motion practice in this action by **April 24, 2026.**

IT IS SO ORDERED.

/s/*Karen Spencer Marston*

KAREN SPENCER MARSTON, J.