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JEREMY S. BREON
PROTHONOTARY
CENTRE COUNTY, PA

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

BARRY J. FENCHAK	:	Docket No.
	:	**2024-CV-1843-CI**
Plaintiff	:	
v.	:	Type of Case:
	:	**Civil Action – Equity**
THE PENNSYLVANIA STATE UNIVERSITY BOARD OF TRUSTEES and MATTHEW SCHUYLER IN HIS OFFICIAL CAPACITY AS CHARIMAN	:	Type of Pleading:
	:	**ANSWER IN OPPOSITION TO DEFENDANTS' MOTION TO QUASH SUBPOENAS TO PATRICK KRAFT, ANTHONY LUBRANO, AND JAY PATERNO**
Defendants	:	Filed on Behalf of:
	:	**PLAINTIFF**

By: */s/ Steven F. Marino*

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Dated: June 15, 2026

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BARRY J. FENCHAK Plaintiff v THE PENNSYLVANIA STATE UNIVERSITY BOARD OF TRUSTEES and MATTHEW SCHUYLER IN HIS OFFICIAL CAPACITY AS CHARIMAN Defendants	IN THE COURT OF COMMON PLEAS – CENTRE COUNTY, PA CIVIL ACTION Docket No. 2024-CV-l 843-Cl

PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION TO QUASH SUBPOENAS TO PATRICK KRAFT, ANTHONY LUBRANO, AND JAY PATERNO

AND NOW comes the plaintiff, by and through counsel, and responds in opposition to Defendants' Motion To Quash Subpoenas To Patrick Kraft, Anthony Lubrano, And Jay Paterno and in support thereof set forth the following:

1. Admitted.

2. Admitted.

3. Denied as stated. It is admitted plaintiff filed an Amended Complaint August 27, 2024. By way of further response, Plaintiff's Complaint is a document

which speaks for itself and any mischaracterization of the same is expressly denied. To the extent the averments contained in this paragraph of the moving paper are factual, they are specifically denied pursuant to Pa. R. Civ. P. 1029(e) with strict proof thereof demanded.

4. Denied as stated. It is admitted the Court entered orders. By way of further response, the Court orders referenced are documents which speak for themselves and any mischaracterization of the same is expressly denied. To the extent the averments contained in this paragraph of the moving paper are factual, they are specifically denied pursuant to Pa. R. Civ. P. 1029(e) with strict proof thereof demanded.

5. Denied as stated. It is admitted the parties entered into a Stipulation. of Confidentiality. It is admitted the Court entered an order. By way of further response, the Stipulation and Court order referenced are documents which speak for themselves and any mischaracterization of the same is expressly denied. To the extent the averments contained in this paragraph of the moving paper are factual, they are specifically denied pursuant to Pa. R. Civ. P. 1029(e) with strict proof thereof demanded. 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).

6. Denied as stated. It is admitted the Court entered orders. By way of further response, the Court orders referenced are documents which speak for themselves and any mischaracterization of the same is expressly denied. To the extent the averments contained in this paragraph of the moving paper are factual, they are specifically denied pursuant to Pa. R. Civ. P. 1029(e) with strict proof thereof demanded. 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).

7. Denied as stated. It is admitted plaintiff filed a Petition for Sanction. Amended Complaint August 27, 2024. It is admitted the Court entered an order. By way of further response, the Court order reference is a document which speaks for itself and any mischaracterization of the same is expressly denied. To the extent the averments contained in this paragraph of the moving paper are factual, they are specifically denied pursuant to Pa. R. Civ. P. 1029(e) with strict proof thereof demanded. 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).

8. Admitted.

9. Denied as stated. It is admitted plaintiff forward correspondence directed to the Office of the Centre County Prothonotary pursuant to Pa.R.Civ.P. No.

234.2 requesting the issuance of two (2) Subpoenas to Attend and Testify and two (2) Subpoenas to Produce Documents in connection with the above referenced matter. It is admitted plaintiff notified counsel of an intent to notice the depositions of material witnesses Matthew Schuler and David Kleppinger. To the extent the averments contained in this paragraph of the moving paper are factual, they are specifically denied pursuant to Pa. R. Civ. P. 1029(e) with strict proof thereof demanded.

10. Admitted.

11. Denied as stated. It is admitted the Court entered orders. By way of further response, the Court orders referenced are documents which speak for themselves and any mischaracterization of the same is expressly denied. To the extent the averments contained in this paragraph of the moving paper are factual, they are specifically denied pursuant to Pa. R. Civ. P. 1029(e) with strict proof thereof demanded.

12. Denied. It is admitted plaintiff issued subpoenas to Patrick Kraft, Anthony Lubrano, and Jay Paterno to appear before this Court June 30, 2026. 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).

13. Denied. To the extent the averments contained in this paragraph of the moving paper are factual, they are specifically denied pursuant to Pa. R. Civ. P. 1029(e) with strict proof thereof demanded. 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).

14. Admitted.

15. Denied. To the extent the averments contained in this paragraph of the moving paper are factual, they are specifically denied pursuant to Pa. R. Civ. P. 1029(e) with strict proof thereof demanded. 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).

16. Denied. To the extent the averments contained in this paragraph of the moving paper are factual, they are specifically denied pursuant to Pa. R. Civ. P. 1029(e) with strict proof thereof demanded. 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. 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. To the extent the averments contained in this paragraph of the moving

paper are factual, they are specifically denied pursuant to Pa. R. Civ. P. 1029(e) with strict proof thereof demanded. 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).

WHEREFORE, the plaintiff prays that this Honorable Court enter its order denying Defendants' Motion To Quash Subpoenas To Patrick Kraft, Anthony Lubrano, And Jay Paterno.

Respectfully submitted,

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Dated: June 15, 2026

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BARRY J. FENCHAK Plaintiff v THE PENNSYLVANIA STATE UNIVERSITY BOARD OF TRUSTEES and MATTHEW SCHUYLER IN HIS OFFICIAL CAPACITY AS CHARIMAN Defendants	IN THE COURT OF COMMON PLEAS – CENTRE COUNTY, PA CIVIL ACTION Docket No. 2024-CV-l 843-Cl

CERTIFICATE OF SERVICE

I certify that on the below listed date a true and correct copy of the foregoing Plaintiff's Answer To Defendants' Motion To Quash Subpoenas To Patrick Kraft, Anthony Lubrano, And Jay Paterno 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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