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FILED
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JUL 11 2012
CLERK OF COURT
CENTRE COUNTY, PA

MICHAEL J. MCQUEARY : IN THE COURT OF COMMON PLEAS
Plaintiff : CENTRE COUNTY, PENNSYLVANIA
: vs. : NO. 2012-1804
: **THE PENNSYLVANIA STATE** : CIVIL ACTION
UNIVERSITY, :
Defendant : JURY TRIAL DEMANDED

PLAINTIFF'S ANSWER TO DEFENDANT'S PRELIMINARY OBJECTIONS

The Plaintiff, Michael J. McQueary, by his attorneys Strokoff & Cowden, P.C., hereby answers the Preliminary Objections of Defendant, The Pennsylvania State University, as follows:

1. Notwithstanding the Notice to Plead set forth on the first page of the Defendant's Preliminary Objections,
 - a. The Plaintiff discerns that the Preliminary Objections do not aver facts but only Defendant's interpretations or summaries of the facts as set forth in the Complaint.

b. There is no verification attached to the Preliminary Objections to support any averments of fact, assuming arguendo any were made.

c. Defendant's Preliminary Objections are raised under the color of Pa.R.C.P. 1019(a), 1028(a)(2), (3) and (4), and such are to be decided according to the facts as set forth in the Complaint and reasonable inferences therefrom.

Accordingly, under Pa.R.C.P. 1029, the Plaintiff is not required file a response to the Preliminary Objections as alleged in the Notice to Plead.

2. To the extent that there may be an averment of fact in the Preliminary Objections which is not discerned by the Plaintiff, Plaintiff denies such averment.

3. Plaintiff respectfully submits that the Defendant's Preliminary Objections are without legal merit and that the Complaint substantially complies with the Pennsylvania Rules of Civil Procedure.

WHEREFORE, the Plaintiff respectfully requests a briefing schedule and the expeditious overruling of the Defendant's Preliminary Objections.

Respectfully submitted,

STROKOFF & COWDEN, P.C.

By: 

Elliot A. Strokoff

I.D. No. 16677

132 State Street, PO Box 11903
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DATE: 1/31/13

MICHAEL J. MCQUEARY
Plaintiff

vs.

**THE PENNSYLVANIA STATE
UNIVERSITY,**
Defendant

: IN THE COURT OF COMMON PLEAS
: CENTRE COUNTY, PENNSYLVANIA
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CERTIFICATE OF SERVICE

RECEIVED
FEB 1 2013
CENTRE COUNTY CLERK

I, the undersigned, certify that I have this day served a true and correct copy of the foregoing by fax and first-class mail, postage prepaid, on the following person(s):

Nancy Conrad, Esq.
White and Williams LLP
3701 Corporate Parkway, Suite 300
Center Valley, PA 18034

Via Fax: 610-782-4935

Dated: 1/31/13

By: 
Elliot A. Strokoff