



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

**MICHEL J. MCQUEARY**  
Plaintiff

vs.

**THE PENNSYLVANIA STATE  
UNIVERSITY,**  
Defendant

: Docket No. 2012-1804  
:  
: Type of Case: Whistleblower  
:  
:  
: Type of Pleading: Response to  
: Second Motion to Stay Proceedings  
:  
: Filed on Behalf of: Plaintiff  
:  
:  
: Counsel of Record for this Party:  
: Elliot A. Strokoff  
: Strokoff & Cowden, PC  
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: Harrisburg, PA 17101  
: PA I.D. Number: 16677  
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DEBRA C. HUNT  
PROTHONOTARY  
CENTRE COUNTY, PA

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2016 JUN 23 PM 3:43

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**MICHAEL J. MCQUEARY**  
Plaintiff

vs.

**THE PENNSYLVANIA STATE  
UNIVERSITY,**  
Defendant

: IN THE COURT OF COMMON PLEAS  
: CENTRE COUNTY, PENNSYLVANIA  
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: NO. 2012-1804  
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: CIVIL ACTION  
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: JURY TRIAL DEMANDED

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**PLAINTIFF'S RESPONSE to the  
PENNSYLVANIA STATE UNIVERSITY'S  
SECOND MOTION to STAY PROCEEDINGS**

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The Plaintiff, Michael J. McQueary, by his attorneys Strokoff & Cowden, PC, requests that this Honorable Court deny the Defendant's Second Motion to Stay Proceedings.

Initially, the Plaintiff takes issue with the averment in paragraph 18 of the Defendant's Second Motion to Stay which states:

"While the University has diligently pursued discovery, it has been unable to access or otherwise ascertain critical information related to Messrs. Curley or Schultz that is necessary to formulate its defenses."

Exhibit 5A to the Freeh Report, timesheet entries by then Penn State General Counsel, Wendell Courtney, contains the following record for February 11, 2001:

2-11-01  
4000-450061 PSU -General- Finance/Business- Central 2.90  
**Conference with G Schultz re reporting of suspected child abuse;** Legal research re same;  
Conference with G Schultz

(emphasis added).

Sunday, February 11, 2001, was the date Head Coach Paterno reported to Gary Schultz the information which he had received from the Plaintiff about what the Plaintiff had witnessed in the Lasch Football Building the night of February 9, 2001. The Freeh Report was issued on July 12, 2012. One would expect, therefore, that immediately after being advised of the timesheet entry for February 11, 2001, the Defendant would have contacted its attorney, Mr. Courtney, to obtain detailed information about the events referred to in this record.

However, at his deposition of May 31, 2016, Attorney Courtney testified that nobody from the University had ever asked him for any explanation concerning his billing entry or what he remembered about his communications with Mr. Schultz on February 11, 2001.

“Q . . . Could you tell me whether or not anybody from the university has asked you for any explanation as to what this entry for February 11, 2001 meant?

A No.

Q Has anybody from the university asked you to explain what you remembered about this exchange?

A No.”

(Courtney Dep., p. 18, line 25- p. 19, line 7), attached hereto. The fact that the Defendant, from the date of the release of the Freeh Report on July 12, 2012 until May 31, 2016 never approached Attorney Courtney to find out details about the entry and the nature of his conversations with Mr. Schultz belies the allegation that it “has diligently pursued discovery”.

Perhaps the reason why the Defendant avoided making the inquiry was because it knew the answer to the question. As Attorney Courtney testified at his deposition on May 31, 2016, after his initial conversation with Mr. Schultz and conducting his legal research “that the advice I gave was to report to DPW.” (Courtney Dep., 5/31/16, p. 16, line 16).

Similarly, the Defendant has not made any effort to communicate to, or otherwise obtain information from, Messrs. Schultz and Curley, or any of their agents or attorneys, concerning or relating to the allegations made by the Plaintiff in ¶¶13, 15, 16, 18, 19, 60 and 61 of the Plaintiff’s Complaint. (Defendant’s Supplement to its Answers and Objections to Plaintiff’s Second Set of Interrogatories), dated May 27, 2016, also attached hereto.

Thus, without even asking, the Defendant decided not to do so because it apparently concluded Messrs. Curley and Schultz would not provide any information for fear of providing evidence that might tend to incriminate them in criminal proceedings.

Moreover, according to Defendant’s Supplement to its Answers and Objections to Plaintiff’s Second Set of Interrogatories, the Defendant hasn’t

even attempted to communicate with the attorneys for Messrs. Curley and Schultz for information pertaining to the allegations in the Plaintiff's Complaint, attorneys whose legal fees the Defendant is paying. Presumably, the Defendant hasn't contacted the attorneys for Curley and Schultz, again concluding that they couldn't provide any information to the Defendant University without tending to incriminate their clients.

In any event, the refusal by the Defendant to attempt to contact Messrs. Curley and Schultz, or their attorneys, in addition to its refusal to contact Attorney Courtney, belies the allegation in ¶18 of the Defendant's Second Motion for Stay that it "has diligently pursued discovery". On the contrary, it would appear from the foregoing that the University has avoided seeking to discover evidence that might further confirm the Plaintiff's allegations.

As Judge Pollock explained in Golden Quality Ice Cream Co., v. Deerfield Specialty Papers, Inc., 87 FRD 53 (E.D. Pa. 1980), the jurisprudence that has developed concerning the circumstances in which a stay of civil proceedings is appropriate stems from a court's inherent authority:

"the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for exercise of judgment which must weigh competing interests and maintain an even balance." 87 F.R.D. at 55, quoting Justice Cardozo in Landis v. North American Co., 299 U.S. 248, 254-255 (1936).

Grounded in this principle, Judge Pollock posited 6 factors to be considered with respect to Golden Quality Ice Cream, a case in which 5

corporate defendants were also defendants in a criminal case. In Adelphia Communications Securities Litigation, 2003 WL22348819, the court posited 6 factors (similar to the 5 factors in Golden Quality Ice Cream), but again among the defendants in the civil cases were 3 members of the Rigas family who were also indicted on criminal charges related to their conduct at Adelphia.

Thus, the context for the factors posited in Golden Quality Ice Cream and Adelphia Communications involved defendants in the civil action simultaneously defendants in federal criminal cases. Further, both motions for stay in those cases were made at the beginning of the civil litigation, and both courts anticipated a relatively prompt criminal trial because of the federal Speedy Trial Act. 87 FRD at 56; 2003 WL22358819 \*3. In fact, in Golden Quality Ice Cream a criminal trial date was set to begin 5 months after the court decided the motion (Opinion issued 4/3/80, criminal trial date set for 11/3/80, 87 FRD at 56).

Therefore, Plaintiff submits some of the Golden Quality Ice Cream and Adelphia Communications factors are really not equally appropriate for the case at bar. Nevertheless, the brief will address the factors utilized by this Court in its decision of December 20, 2012 denying the Defendant's initial Motion to Stay.

#### **1. Issue Overlap between Civil and Criminal Cases.**

In the case at bar, Penn State is the only defendant in the civil action. Messrs. Curley and Schultz are not defendants in this litigation. In addition, there is little or no overlap or similarity of issues between the criminal

cases against Messrs. Curley and Schultz and Count 1 of the instant action, the Whistleblower Act count.

With respect to Counts 2 and 3 of the civil action, there is no similarity of legal issues, although there is a similarity of factual issue pertaining to what the Plaintiff reported to Messrs. Curley and Schultz in February of 2001. However, again, the focus of Adelphia Communications' consideration of this factor was the similarity of legal issues in the civil and criminal cases, not whether non-party potential witnesses in the civil case were under indictment in a criminal case.

## **2. Status of Criminal Proceedings.**

The second Adelphia Communications factor was the status of related criminal proceedings. Again, in Adelphia, "the burden of delay on the civil litigants is minimal because the Speedy Trial Act requires a prompt resolution of the related criminal proceedings." 2003 WL22358819 \*3.

In the instant case, criminal charges were filed against Messrs. Curley and Schultz on or shortly after November 5, 2011. As of the writing of this Response, on June 23, 2016, the Dauphin County Court of Common Pleas has issued an order establishing a June 30, 2016 deadline for filing pretrial motions, but none have yet been filed. Further, it has been reported that the Dauphin County Court has requested the Supreme Court to appoint an out-of-county judge to try the criminal cases, but as of this date no such appointment has been reported and no trial date has been established.

Therefore, as of the writing of this Response, it is uncertain when the criminal cases will be tried. If no pretrial motions, or if no complex pre-trial motions, are filed, it's possible the criminal trials will be held before the October 17, 2016 scheduled civil trial date in the case at bar. Perhaps, there will be some further clarity on criminal trial dates by the time this Court issues its decision on Defendant's motion.

Additionally of concern is the lack of finality with respect to criminal convictions.

Convictions in criminal cases frequently, if not almost inevitably where there are unlimited financial resources, are appealed. And once appeals have been exhausted, there can be petitions based on the Post-Conviction Hearing Act, often depending on financial resources. Again, in the instant case, the Defendant is paying all the legal fees incurred by Messrs. Curley and Schultz. Accordingly, a period of time during which the Fifth Amendment might be invoked could be several more years, on top of the 4½ years since the initial charges were filed.

Thus, unlike in Golden Quality Ice Cream and Adelphia Communications which the prospect was for a stay of a few months, in the case at bar there is no rational basis to conclude that a stay of the civil trial date would only be for a few months.

### **3. Burden on Defendant.**

The alleged burden on Defendant caused by Messrs. Curley and Schultz invoking the Fifth Amendment is mitigated by the very substantial



body of evidence available to the Defendant pertaining to the Plaintiff's allegations in its Complaint.

Notwithstanding the University's refusal to inquire of Messrs. Curley and Schultz, or their attorneys, about information or evidence pertaining to the Plaintiff's allegations in his Complaint, the University has available to it the transcribed testimony of Messrs. Curley and Schultz which they gave to the Statewide Investigating Grand Jury on January 12, 2011, which was made public at their preliminary hearing on December 16, 2011. In addition, the University has had available to it, since at least at least July 12, 2012, a substantial body of evidence released in the Freeh Report pertaining to allegations made by the Plaintiff in this case, including but not limited to (1) Attorney Courtney's timesheet entry of February 11, 2001 – "conference with G. Schultz re: reporting of suspected child abuse; legal research re same; conference with G. Schultz", Exhibit 5A to the Freeh Report, (2) then Penn State police chief Harmon's email to Mr. Schultz of February 12, 2001 – "regarding the incident in 1998 involving the former coach, I checked and the incident is documented in our image archives" (Freeh Report Exhibit 5D), and (3) in the various emails and handwritten notes between and among Messrs. Curley, Schultz and Spanier, attached as exhibits to the Freeh Report.

Furthermore, the Defendant exaggerates the "its substantial prejudice" argument. While the Defendant has a wealth of evidence available to it, albeit almost all supportive of the Plaintiff's claims, for some as-of-yet unarticulated reason, the Defendant implies that if Messrs. Curley and Schultz

would not take the Fifth Amendment, then the University would be able to better defend against the Plaintiff's allegations.

The University has no basis to imply that if Messrs. Curley and Schultz would not take the Fifth Amendment that its case would be in an appreciably better position than it is now. Substantial documentary evidence, and testimonial evidence, including Attorney Courtney's testimony, substantially undermine the credibility of their Grand Jury testimony. Or is the University implying that Messrs. Curley and Schultz would now testify differently than their previous Grand Jury testimony, in a manner that would improve the University's defense? And if so, why? And again, the University's refusal to query Attorney Courtney about his timesheet entry of February 11, 2001 and refusal to make any inquiry of Messrs. Curley and Schultz, or their attorneys, undercuts the allegation of the importance of its access to them.

#### **4. Interests of the court.**

The Plaintiff believes that the Court's assessment of this factor in its December 19, 2012 Opinion denying the Defendant's initial Motion to Stay remains operative.

#### **5. Public Interest.**

In its decision denying the stay on December 19, 2012, with respect to the Public Interest Factor, this court wrote: "I believe that if the court insures the parties receive a fair and **prompt** hearing, the public interest is satisfied." (Slip Opinion, p. 11). Three and a half years have passed since the

court wrote those words. The Defendant's request for an indefinite stay certainly contradicts that notion of a "prompt" hearing.

But at this point, perhaps more important is the public interest in an effective Whistleblower Law. The Whistleblower Law was enacted to protect the public's benefit, designed to be

"chiefly a remedial measure intended to 'enhance openness in government and compel the government's compliance with the law by protecting those who inform authorities of wrong doing' [citation omitted] . . . In enacting the statute, the General Assembly aimed to effectuate such design by ensuring that employees are not discouraged from reporting violations of legal or ethical codes."

(O'Rourke v. Commonwealth, 778 A.2d 1194, 1202 (Pa. 2001)).

Granting an indefinite stay, four and a half years after the initial punishment in the form of the imposition of administrative leave and four years after the termination of employment, is hardly consistent with the General Assembly's design to ensure that employees are not discouraged from reporting violations of legal or ethical codes. On the contrary, granting a stay at this time would send a message to present and future whistleblowers that they run the substantial risk of being tied up in litigation for endless years, without employment, if they do what the Whistleblower Law wants them to do – blow the whistle on wrong doing. Id.

Therefore, the public interest, at this stage, very strongly favors denial of a stay.

## **6. Interests of the Non-Parties.**

Messrs. Curley and Schultz did not directly participate in the discriminatory actions against the Plaintiff, complained of in the Whistleblower count. If this case at bar proceeds to trial at a time when they are still facing criminal prosecution, they are free to invoke the Fifth Amendment, protecting their constitutional right against self-incrimination.

Therefore, this factor does not favor the grant of a stay.

## **7. Plaintiff's Interest.**

As this Court correct forecasted on page 13 of its December 19, 2012 Opinion denying the initial Stay, the Plaintiff's severance payments ended December 2013. Since then, as has been documented to the Defendant through discovery, despite unremitting efforts to obtain employment in football coaching and in non-football coaching positions, he has earned less than ten thousand dollars since December 2013, and he has no good employment prospects in sight. The Defendant's allegation that Plaintiff will "not suffer any economic harm from the stay, as if he is successful on any of his claims, he will be able to recover interest," (Motion ¶64) is ludicrous abstract nonsense for somebody who cannot find work because of the cloud which the Defendant has placed on his name which endures to this day.

Not to diminish the economic dire straits that a stay would cause the Plaintiff, is the Plaintiff's right to a prompt trial guaranteed by Article I, Section 11 of the Pennsylvania Constitution:

" . . . every man for an injury done him in his lands, goods, person or reputation shall have **remedy** by due course of

law, and right and **justice administered without sale,**  
denial or **delay . . . .**" (emphasis added).

The combination of ongoing economic harm and deprivation of  
Constitutional right strongly favor the denial of a stay.

### CONCLUSION

Tellingly, the Adelphia Communications Court summed up its  
analysis of the factors in a section entitled "Balancing the Equities." 2003  
WL22358819 \*6. A motion to stay, in the last analysis, requires balancing of  
the equities. It is respectfully submitted that a proper balancing of the equities  
strongly favors the denial of a stay.

Respectfully submitted,

STROKOFF & COWDEN, P.C.

By: 

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DATE: 6/23/16

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814-278-5280

IN THE COURT OF COMMON PLEAS  
CENTRE COUNTY, PENNSYLVANIA

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MICHAEL J. McQUEARY,  
Plaintiff

Docket No. 2102-1804

vs.

THE PENNSYLVANIA STATE  
UNIVERSITY,  
Defendant

CIVIL ACTION - LAW

----- /

Deposition of: WENDELL COURTNEY  
Taken by: Plaintiff  
Date: May 31, 2016, 10:00 a.m.  
Place: 132 State Street  
Harrisburg, Pennsylvania

Reporter: Vicki L. Fox  
Registered Merit Reporter  
Notary Public

APPEARANCES:

STROKOFF & COWDEN, P.C.  
By: ELLIOT A. STROKOFF, ESQUIRE  
Appearing on behalf of the Plaintiff

WHITE AND WILLIAMS, LLP  
By: NANCY CONRAD, ESQUIRE  
Appearing on behalf of the Defendant

SWARTZ CAMPBELL, LLC  
By: JEFFREY B. McCARRON, ESQUIRE  
Appearing on behalf of Wendell Courtney

1 the fact that they received a report of a grad  
2 student feeling uncomfortable based on having seen  
3 Jerry and a young boy engaged in horseplay in the  
4 shower area of Lasch Building.

5 Q Okay.

6 A And then I did some research. And I  
7 researched -- I think the title of the statute was  
8 still the same then the Child Protective Services  
9 Law. I was not familiar with that particular  
10 statute, process reporting features and so forth. So  
11 I did some research to ascertain the lay of the land  
12 in terms of the statute and formulated my thoughts.

13 And then I called Gary back.

14 Q And do you remember that conference?

15 A I don't remember it specifically. I do  
16 remember that the advice I gave was to report to DPW.

17 Q Sir, do you recall that -- let me ask you  
18 this: Do you recall what time of day it was that  
19 Mr. Schultz called you initially?

20 A I do not.

21 Q Do you recall that it was a Sunday?

22 A I recall based on having looked at the date  
23 since then, but it's not like I am sitting here  
24 remembering that it was a Sunday.

25 Q Did the fact that he called you on a Sunday

1 Mr. Schultz concerning this report of what a grad  
2 assistant had seen?

3 A To my knowledge, I did not do anything other  
4 than this.

5 Q And he didn't identify the name of the grad  
6 assistant; is that correct?

7 A To the best of my knowledge at the time, no.  
8 I have since come to know who that was, but I did not  
9 know it at the time.

10 Q And in February of 2001, were you personally  
11 acquainted with Mike McQueary?

12 A No.

13 Q Sir, could you tell me if prior to today,  
14 you had received any inquiries from anybody  
15 representing Penn State University as to what this  
16 entry for February 11, 2001 meant?

17 MS. CONRAD: I would object at this point in  
18 time. Mr. Courtney has been represented by counsel.  
19 And as a result, are you asking whether his counsel  
20 was contacted or him directly?

21 MR. STROKOFF: Him directly.

22 A Would you repeat the question, please?

23 BY MR. STROKOFF:

24 Q I am pretty sure I can't repeat it exactly.  
25 But the question is: Could you tell me whether or



1 not anybody from the University has asked you for any  
2 explanation as to what this entry for February 11,  
3 2001 meant?

4 A No.

5 Q Has anybody from the University asked you to  
6 explain what you remembered about this exchange?

7 A No.

8 Q To your knowledge, has anybody from the  
9 University asked your counsel for information  
10 concerning this billing entry?

11 A I don't know.

12 Q To the best of your knowledge, was McQuaide  
13 Blasko paid for all the services which you rendered  
14 to the University in February of 2001?

15 MS. CONRAD: I object to the form of the  
16 question. You may answer.

17 A To the best of my knowledge, yes.

18 BY MR. STROKOFF:

19 Q Sir, do you recall that Mr. Schultz  
20 initially retired from Penn State around June of  
21 2009?

22 A I do.

23 Q Do you recall that he returned on an interim  
24 basis in September of 2011?

25 A I do.

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Attorney for Defendant,  
The Pennsylvania State University

MICHAEL J. MCQUEARY,  
  
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**DEFENDANT'S SUPPLEMENT TO ITS ANSWERS AND OBJECTIONS  
TO PLAINTIFF'S SECOND SET OF INTERROGATORIES**

Defendant, The Pennsylvania State University (hereinafter "Answering Defendant"), by and through its attorneys, White and Williams LLP, hereby responds to Plaintiff's Second Set of Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure as follows:

**GENERAL OBJECTIONS**

1. Answering Defendant objects to Plaintiff's written discovery requests to the extent that they seek information protected from disclosure by the attorney/client privilege and the attorney work product doctrine/protection for trial preparation materials.

2. Answering Defendant objects to Plaintiff's written discovery requests to the extent that they seek to impose a burden in excess of or in derogation of the requirements of the Pennsylvania Rules of Civil Procedure.

3. Answering Defendant objects to Plaintiff's written discovery requests to the extent that they are overbroad, unduly vague and not reasonably calculated to lead to the discovery of admissible evidence.

4. Answering Defendant objects to Plaintiff's written discovery requests to the extent that they seek business proprietary and confidential documents.

5. Answering Defendant objects to Plaintiff's written discovery requests to the extent that they are burdensome, oppressive, and intended to harass the Answering Defendant.

6. Answering Defendant's investigation is continuing and therefore, the Answering Defendant reserves the right to supplement its Answers to Plaintiff's discovery requests as necessary and required by the Court.

Each of Answering Defendant's general objections are hereby incorporated into each of the Answering Defendant's responses to Plaintiff's Interrogatories. Without waiving and subject to the foregoing general objections, Answering Defendant supplies specific answers and objections as set forth below:

## **ANSWERS AND OBJECTIONS TO INTERROGATORIES**

### **INTERROGATORY NO. 1:**

“Describe in detail,” (N.B. definition on page 2 of these interrogatories), each and every effort made by the Defendant, or any of its employees, attorneys or agents, to communicate to, or otherwise obtain information from, Gary C. Schultz, or any of his agents or attorneys, concerning or relating to the allegations made by the Plaintiff in paragraphs 13, 15, 16, 18, 19, 60, and 61 of Plaintiff’s Complaint in this case, and identify any and all documents relevant to such effort(s).

**RESPONSE:** Objection. See General Objections. This Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. To the extent Plaintiff seeks information protected by the attorney-client privilege or work product doctrine, those materials are protected by the respective privilege and/or doctrine. By way of further response, and without waiving and subject to the foregoing Objections, the University responds as follows:

Gary C. Schultz has been continuously represented by individual counsel from at least November 4, 2011 through the present. Plaintiff’s lawsuit was filed on October 2, 2012. The University determined that Mr. Schultz and his counsel on his behalf continuously exercised his Fifth Amendment Rights and he has not made any statements or answered any questions concerning any matters relating to the claims and defenses in this case. The University learned, for example, that Mr. Schultz, on advice of his counsel, declined to be interviewed during the Freeh Investigation and refused to answer any questions in other civil actions. The University concluded that because criminal charges have remained pending against Mr. Schultz throughout this lawsuit, Mr. Schultz would continue to assert his Fifth Amendment Rights. Mr. Schultz asserted his Fifth Amendment Rights during Plaintiff’s deposition of Mr. Schultz in this case and refused to answer any questions from counsel relating to the claims and defenses in this action. See deposition transcript of Mr. Gary C. Schultz regarding his representation and assertion of his Fifth Amendment Rights.

## **INTERROGATORY NO. 2:**

"Describe in detail," (N.B. definition on page 2 of these interrogatories), each and every effort made by the Defendant, or any of its employees, attorneys or agents, to communicate to, or otherwise obtain information from, Timothy Curley, or any of his agents or attorneys, concerning or relating to the allegations made by the Plaintiff in paragraphs 13, 15, 16, 18, 19, 60 and 61 of Plaintiff's Complaint in this case, and identify any and all documents relevant to such effort(s).

**RESPONSE:** Objection. See General Objections. This Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. To the extent Plaintiff seeks information protected by the attorney-client privilege or work product doctrine, those materials are protected by the respective privilege and/or doctrine. By way of further response, and without waiving and subject to the foregoing Objections, the University responds as follows:

Timothy Curley has been continuously represented by individual counsel from at least November 4, 2011 through the present. Plaintiff's lawsuit was filed on October 2, 2012. The University determined that Mr. Curley and his counsel on his behalf continuously exercised his Fifth Amendment Rights and he has not made any statements or answered any questions concerning any matters relating to the claims and defenses in this case. The University learned, for example, that Mr. Curley, on advice of his counsel, declined to be interviewed during the Freeh Investigation and refused to answer any questions in other civil actions. The University concluded that because criminal charges have remained pending against Mr. Curley throughout this lawsuit, Mr. Curley would continue to assert his Fifth Amendment Rights. Mr. Curley asserted his Fifth Amendment Rights during Plaintiff's deposition of Mr. Curley in this case and refused to answer any questions from counsel relating to the claims and defenses in this action. See deposition transcript of Mr. Timothy Curley regarding his representation and assertion of his Fifth Amendment Rights.

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Dated: May 27, 2016

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Attorney for Defendant,  
The Pennsylvania State University

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### CERTIFICATE OF SERVICE

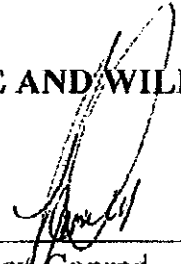
I, Nancy Conrad, hereby certify that on this 27th day of May, 2016, a true and correct copy of the foregoing DEFENDANT'S ANSWERS AND OBJECTIONS TO PLAINTIFF'S SECOND SET OF INTERROGATORIES was served upon the following persons via Email and Overnight Mail, postage prepaid:

Elliot A. Strokoff, Esquire  
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*Attorney for Plaintiff*

and

William T. Fleming, Esquire  
Fleming Law Offices  
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State College, PA 16801  
*Local Counsel for Plaintiff*

**WHITE AND WILLIAMS LLP**

By:   
Nancy Conrad  
Attorney for Defendant,  
The Pennsylvania State University



**MICHAEL J. MCQUEARY**  
Plaintiff

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: JURY TRIAL DEMANDED

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**CERTIFICATE OF SERVICE**

---

I, the undersigned, certify that I have this day served a true and correct copy of the foregoing Plaintiff's Response to the Pennsylvania State University's Second Motion to Stay Proceedings by email 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  
[conradn@whiteandwilliams.com](mailto:conradn@whiteandwilliams.com)

Dated: 6/23/16

By: 

Elliot A. Strokoff