



Elliot A. Strokoff, Esq.  
 Strokoff & Cowden, P.C.  
 132 State Street  
 PO Box 11903  
 Harrisburg, PA 17108-1903  
 (717) 233-5353  
 eas@strokoffandcowden.com

DEBRA C. LYVEL  
 PROthonotary  
 CENTRE COUNTY, PA  
 2013 MAY 24 AM 10:22  
 FILED FOR RECORD

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

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**REPLY TO NEW MATTER**

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The Plaintiff, Michael J. McQueary, by his attorneys Strokoff & Cowden, P.C., hereby replies to the Defendant's New Matter, as follows:

65. Paragraphs 1-64 of the Complaint are incorporated by reference herein as if fully set forth.

66. Denied. The Defendant University employed the Plaintiff effective March 1, 2004, as a fixed term 1 appointment through December 31,

2004. Thereafter, including in 2011, the Plaintiff continued to be employed by the Defendant University with no specified ending date.

67. Admitted in part, denied in part. It is admitted that the University unilaterally placed the Plaintiff on administrative leave with pay effective Friday, November 11, 2011. After reasonable investigation, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the averment of “receipt of a threat(s) against Plaintiff’s life” and therefore this averment is denied. Strict proof thereof is demanded at trial. Further, it is denied that Plaintiff was placed on administrative leave with pay because of “a threat(s) against Plaintiff’s life,” as is implied by this averment.

68. This is a conclusion of law to which no response is required. After reasonable investigation, Plaintiff is without knowledge or information sufficient to form a belief as to exactly when the University terminated Plaintiff’s employment, and therefore this averment is denied. Strict proof thereof is demanded at trial.

69. This is a conclusion of law to which no response is required. In the event a response would be required, the Plaintiff was employed full-time by the Defendant University with no ending date specified.

70. This is a conclusion of law to which no response is required. In the event a response would be required, it is denied the Plaintiff’s employment was ended by the Defendant University without violating Plaintiff’s rights under the law.

71. This is a conclusion of law to which no response is required. In the event a response would be required, Exhibit A to the Complaint legally obligated the Defendant to provide to the Plaintiff the severance payments and benefits as specified therein.

72. This is a conclusion of law to which no response is required. In the event a response would be required, the actions taken by the University with respect to the terms, conditions and/or privileges of Plaintiff's employment, were in disregard for Plaintiff's legal rights and entitlements.

73. It is denied that the November 5, 2011 written published Statement and former President Spanier's verbal statements of November 7, 2011 constituted only opinions on his part and further it is denied that the written and verbal statements by President Spanier did not imply knowledge by him of undisclosed defamatory facts.

74. This is a conclusion of law to which no response is required. In the event a response would be required, Plaintiff has been endeavoring, and will continue to endeavor, to take reasonable steps to mitigate his damages.

75. This is a conclusion of law to which no response is required. In the event a response would be required, it is averred that the Plaintiff filed his claims for damages within the appropriate statutes of limitations.

76. This is a conclusion of law to which no response is required.

77. This is a conclusion of law to which no response is required.

78. This is a conclusion of law to which no response is required.

79. Denied. Plaintiff has suffered much distress, anxiety, anguish, humiliation and embarrassment as a direct result of the University's actions as alleged in the Complaint.

80. Denied. The actions and/or inactions of the University caused the Plaintiff the substantial harms as are alleged in the Complaint.

81. This is a conclusion of law to which no response is required. In the event a response would be required, as is alleged in the Complaint, the University acted outrageously, in bad faith and with actual malice toward the Plaintiff, justifying punitive damages.

82. This is a conclusion of law to which no response is required.

83. This is a conclusion of law to which no response is required. In the event a response would be required, it is denied that Plaintiff's damages and losses were caused, in whole or in part, by Plaintiff's own acts, omissions or conduct.

84. This is a conclusion of law to which no response is required.

85. This is a conclusion of law to which no response is required.

WHEREFORE, the Plaintiff reiterates his demands for judgment under Counts I-III of his Complaint.

Plaintiff respectfully reiterates his demand for a jury trial of his claims.

Respectfully submitted,

STROKOFF & COWDEN, P.C.

By:



Elliot A. Strokoff  
I.D. No. 16677  
132 State Street  
Harrisburg, PA 17101  
(717) 233-5353

DATE: 5/23/13

**MICHAEL J. MCQUEARY**  
Plaintiff

vs.

**THE PENNSYLVANIA STATE  
UNIVERSITY,**  
Defendant

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: CENTRE COUNTY, PENNSYLVANIA  
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**VERIFICATION**

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I, **MICHAEL J. MCQUEARY**, certify that the statements made in the foregoing Reply to New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

  
Michael J. McQueary

DATE: 5/22/13

**MICHAEL J. MCQUEARY**  
Plaintiff

vs.

**THE PENNSYLVANIA STATE  
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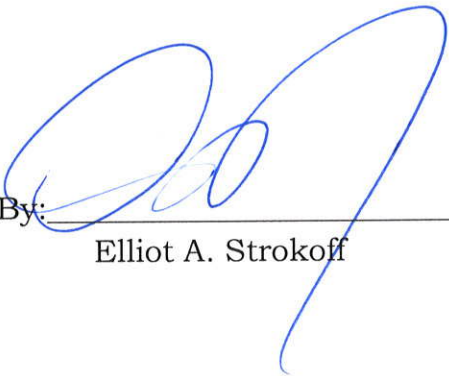
**CERTIFICATE OF SERVICE**

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I, the undersigned, certify that I have this day served a true and correct copy of the foregoing by overnight UPS, on the following person(s):

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

Dated: 5/23/13

By:   
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Elliot A. Strokoff