

PHILIP GODLEWSKI,
Plaintiff

v.

CHRIS KELLY, TIMES SHAMROCK
COMMUNICATIONS, THE SCRANTON
TIMES-TRIBUNE, LARRY HOLEVA
Defendants.

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

CIVIL DIVISION

JURY TRIAL DEMANDED

No.: 2021-CV-2195

MAURICE KELLY
LACKAWANNA COUNTY
JUL 21 8 P 1:55
CLERK OF JUDICIAL
REC'D CIVIL DIVISION


NOTICE TO PLEAD

To: Philip Godlewski
c/o Timothy M. Kolman, Esq.
414 Hulmeville Ave.
Penndel, PA 19047

You are hereby notified to file a written response to the attached Answer and New Matter to Complaint within twenty (20) days from service hereof or a judgment may be entered against you.

Date: 6-30-2021

Respectfully submitted:



J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
PA I.D. No. 61981
1401 Monroe Ave., Suite 2
Dunmore, PA 18509
Attorneys for Defendants,
Chris Kelly, Times Shamrock
Communications, The Scranton Times-
Tribune and Larry Holeva

MAURIE B. KELLY
 LACKAWANNA COUNTY
 2021 JUL -6 1:55
 COURT OF JUDICIAL
 SERVICES CIVIL DIVISION

PHILIP GODLEWSKI,	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	OF LACKAWANNA COUNTY
	:	
v.	:	CIVIL DIVISION
	:	
CHRIS KELLY, TIMES SHAMROCK	:	JURY TRIAL DEMANDED
COMMUNICATIONS, THE SCRANTON	:	
TIMES-TRIBUNE, LARRY HOLEVA	:	
Defendants.	:	No.: 2021-CV-2195

DEFENDANTS' ANSWER AND NEW MATTER TO THE COMPLAINT

AND NOW COMES the Defendants, Chris Kelly, Times Shamrock Communications, The Scranton Times-Tribune and Larry Holeva, by and through their counsel, Haggerty Hinton & Cosgrove LLP, and file the following Answer and New Matter to the Complaint:

ANSWER

1. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, all averments are denied. Defendants did not violate any laws and the article in question was not false, defamatory or malicious. The article in question, published on February 14, 2021, is a written document which speaks for itself. Further, Mr. Godlewski's reputation was not slurred or destroyed by the article in question.
2. Admitted in part and denied in part. Defendants believe that Plaintiff resides in the Commonwealth of Pennsylvania. It is admitted Plaintiff is a public figure with respect to this lawsuit. It is denied Plaintiff is a private citizen. After reasonable investigation, Defendants are without knowledge or information sufficient to admit or deny the remaining averments and therefore same are denied and strict proof thereof is demanded at the time of trial.

3. Denied. Defendant Chris Kelly is an adult individual and a columnist employed by The Scranton Times, L.P., 149 Penn Avenue, Scranton, PA 18503, which owns and publishes The Times-Tribune newspaper.
4. Denied. The Scranton Times, L.P., 149 Penn Avenue, Scranton, PA 18503, is the owner and publisher of The Times-Tribune newspaper.
5. Denied. The article attached to the Complaint is not defamatory. The article was published in The Times-Tribune newspaper.
6. Denied. Larry Holeva is an adult individual and the Executive Editor employed by The Scranton Times, L.P., 149 Penn Avenue, Scranton, PA 18503, owner and publisher of The Times-Tribune newspaper. Larry Holeva was not the editor who decided, along with Chris Kelly, to run the article for publication.
7. Admitted in part and denied in part. Defendants admit the Court has jurisdiction over the parties. Defendants deny that they caused harm and tortious injury to Plaintiff or made defamatory statements about Plaintiff.
8. Admitted in part and denied in part. Defendants admit venue is proper in this Court. Defendants deny they made false and defamatory statements about Plaintiff or harmed Plaintiff through the publication of the article at issue.
9. Admitted in part and denied in part. Defendants admit Plaintiff was a realtor who was associated with ERA One Source Realty. Defendants lack sufficient information and knowledge as to when and why Plaintiff was terminated as a realtor and therefore these averments are denied and strict proof thereof is demanded at the time of trial.
10. After reasonable investigation, Defendants are without knowledge or information sufficient to admit or deny these averments and therefore same are denied and strict proof thereof is demanded at the time of trial.

11. After reasonable investigation, Defendants are without knowledge or information sufficient to admit or deny these averments and therefore same are denied and strict proof thereof is demanded at the time of trial.

12. After reasonable investigation, Defendants are without knowledge or information sufficient to admit or deny these averments and therefore same are denied and strict proof thereof is demanded at the time of trial.

13. After reasonable investigation, Defendants are without knowledge or information sufficient to admit or deny these averments and therefore same are denied and strict proof thereof is demanded at the time of trial.

14. After reasonable investigation, Defendants are without knowledge or information sufficient to admit or deny these averments and therefore same are denied and strict proof thereof is demanded at the time of trial.

15. Admitted in part and denied in part. Columnist Chris Kelly authored an opinion article about Philip Godlewski entitled "Chris Kelly: QAnan Realtor sells rabbit holes on YouTube" which was published in The Times-Tribune newspaper on February 14, 2021. The article is a written document that speaks for itself. It is admitted Columnist Chris Kelly referred to himself as an "Old-School Muckraker."

16. Denied. Defendant Kelly's satirical reference to Mr. Godlewski as selling "rabbit holes" in the opinion column attached to the Complaint did not undermine Mr. Godlewski's integrity as a realtor. Rather, the column challenges Mr. Godlewski's statements and opinions which he broadcast to thousands of followers on his various social media outlets as a "citizen reporter." The column attached to the complaint constitutes Chris Kelly's opinion that Mr. Godlewski's social media posts are often false and/or nonsensical.

17. Admitted. Chris Kelly opines that Plaintiff presents false information to his followers. The article and cartoon are in writing and speak for themselves.

18. Denied. Defendants never implied Mr. Godlewski sold valueless or devalued real estate, or that he should not be trusted as a realtor. The article in question is a written document that speaks for itself.

19. Admitted.

20. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

21. Denied. The article is a writing which is attached to the Complaint and speaks for itself.

22. Denied. The article is a writing which is attached to the Complaint and speaks for itself.

23. Denied. The article is a writing which is attached to the Complaint and speaks for itself.

Further, the article is an opinion column which provides Chris Kelly's opinion that Phil Godlewski's statements are false and damaging.

24. Denied. The article is a writing which is attached to the Complaint and speaks for itself.

25. Denied. The article is a writing which is attached to the Complaint and speaks for itself.

26. Denied. The article is a writing which is attached to the Complaint and speaks for itself.

27. Denied. The article attached to Complaint is a written document that speaks for itself.

28. Denied. The article is a writing which is attached to the Complaint and speaks for itself.

29. Denied. The article is a writing which is attached to the Complaint and speaks for itself.

30. Denied. This paragraph asserts legal conclusions to which no response is required.

31. Denied. The article is a writing which is attached to the Complaint and speaks for itself.

Further, the article never stated Mr. Godlewski was at the Capitol on January 6, 2021. After reasonable investigation, Defendants are without knowledge or information sufficient to admit or

deny the averment that Plaintiff was not at the Capital on January 6, 2021 and therefore same is denied and strict proof thereof is demanded at the time of trial.

32. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

33. Denied. The article at issue is attached to the Complaint as Exhibit "A" and is a writing which speaks for itself. The article did refer to Plaintiff's Facebook post that stated that Vice President Mike Pence had been arrested. This was a lie and it goes to Plaintiff's credibility as a self-proclaimed "citizen reporter."

34. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

35. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself. The article at issue contains Chris Kelly's opinions under the column entitled "Kelly's World."

36. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

37. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

38. Denied. The averment inferring Defendants libeled Plaintiff constitutes a conclusion of law as to which no responsive pleading is required, and accordingly, it is deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

39. Denied. The article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

40. Denied. The article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

41. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

42. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

43. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

44. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

45. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

46. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

47. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself. Further, Chris Kelly wrote in the article that "Lackawanna County detectives said Godlewski had sex with the [15-year-old] girl in cars and homes he had access to as a real estate agent" and Godlewski thereafter pled guilty to the charge of corruption of minors.

48. Denied. Godlewski pled guilty to corrupting the morals of a 15-year-old girl. Defendant Chris Kelly reasonably believed he had sex with a 15-year-old girl and he included the basis for that belief in the article.

49. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to admit or deny these averments and therefore same are denied and strict proof thereof is demanded at the time of trial.

50. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to admit or deny these averments and therefore same are denied and strict proof thereof is demanded at the time of trial.

51. Denied. Defendant Chris Kelly is an honest journalist and learned Plaintiff pled guilty to a crime which involved sexually corrupting a 15-year-old girl.

52. Denied. Defendant Chris Kelly directly asked Plaintiff to give an interview, he refused.

53. Denied. The article is a writing which is attached to the Complaint and speaks for itself.

54. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself. Defendant's factual statements about Plaintiff were not false and his opinions about Plaintiff are protected by law.

55. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself. Further, the article accurately states the crime Plaintiff pled guilty to. The public is entitled to know the character and credibility of Plaintiff who describes himself as a citizen reporter.

56. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

57. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

58. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

59. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

60. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

61. Denied. Plaintiff pled guilty to corrupting the morals of a minor after being charged with having sex with a 15 year-old girl.

62. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the

article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

63. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

64. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

65. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself. Further, Plaintiff is a public figure due to his social media broadcasts to thousands of people.

66. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

67. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

68. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

69. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

70. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

71. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

72. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

73. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

74. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

75. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself. The public is entitled to know Plaintiff's criminal history while evaluating his opinions and statements made to thousands of viewers on social media outlets.

76. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

77. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself. Further, Defendants are entitled to write about criminal charges.

78. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

79. Denied. The public has a right to know about Mr. Godlewski's background, including his arrests and convictions. Mr. Godlewski holds himself out a public media figure that thousands of people rely upon to get the truth. Mr. Godlewski has a history of engaging in

criminal behavior and Mr. Kelly is entitled to his opinion that Plaintiff does not tell the truth on his broadcasts.

80. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

81. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

82. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

83. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

84. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

85. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

86. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

87. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

88. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

89. Admitted in part and denied in part. It is admitted Plaintiff is a public figure. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

90. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

91. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself. Plaintiff is a public figure for purposes of this lawsuit.

92. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

93. Denied. Plaintiff is a public figure and he cannot prove Defendants acted with actual malice.

COUNT I

94. All paragraphs above are incorporated herein by reference as though fully set forth herein at length.

95. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

96. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

97. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself and if the case is not dismissed before trial, it will be up to a jury to determine if Plaintiff indeed did have sex with a 15-year-old girl upon admission of all relevant evidence.

98. Denied. The article was written by Chris Kelly and published by The Scranton Times, L.P. which produces The Times-Tribune newspaper.

99. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

100. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

101. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself. Further, the averments constitute legal conclusions as to which no responsive pleading is required.

102. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

103. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

104. Denied. This paragraph asserts a legal conclusion as to which no response is required.

WHEREFORE, Defendants deny any liability to Plaintiff or that any remedies are owed to Plaintiff and they demand judgment in their favor.

COUNT II

105. All paragraphs above are incorporated herein by reference as though fully set forth herein at length.

106. Denied. This paragraph asserts a legal conclusion as to which no response is required. To the extent a response is required, it is denied the article blackened Mr. Godlewski's reputation as a realtor. If Plaintiff's reputation has been damaged, it is due to his own actions.

107. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself. If Plaintiff's reputation has been damaged, it is due to his own actions.

108. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

109. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself. The article attached to the Complaint used the word "Un-Realtor" to convey the opinion of the columnist that Plaintiff's QAnon theories and statements are largely false and dangerous.

110. Admitted in part and denied in part. It is admitted that the article states or implies Plaintiff expounds false or non-sensical QAnon theories or beliefs. The remaining averments are denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

111. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself. The article advises the readers of Plaintiff's criminal history which is public information and pertinent for the readers to make their own assessment of Plaintiff's credibility.

112. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

113. It is denied Mr. Godlewski enjoyed an excellent, trustworthy reputation as a realtor prior to the article published on February 14, 2021 or that the article ruined his reputation. After reasonable investigation, Defendants are without knowledge or information sufficient to admit or deny that Plaintiff lost his job as a realtor due to the article and therefore, this averment is denied and strict proof thereof is demanded at the time of trial.

114. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the

article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

115. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

WHEREFORE, Defendants deny any liability to Plaintiff or that any remedies are owed to Plaintiff and they demand judgment in their favor.

COUNT III

116. All paragraphs above are incorporated herein by reference as though fully set forth herein at length.

117. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

118. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself. Defendants never stated Mr. Godlewski was at the heart of the insurgency as an organizer, activist, leader, coordinator, director or planner.

119. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

120. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

121. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself. Defendants never stated Mr. Godlewski took part in the insurrection at the Capital.

122. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the

article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

123. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

WHEREFORE, Defendants deny any liability to Plaintiff or that any remedies are owed to Plaintiff and they demand judgment in their favor.

COUNT IV

124. All paragraphs above are incorporated herein by reference as though fully set forth herein at length.

125. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Defendants did not place Mr. Godlewski in a false light.

126. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied.

127. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied.

128. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied.

WHEREFORE, Defendants deny any liability to Plaintiff or that any remedies are owed to Plaintiff and they demand judgment in their favor.

COUNT V

All paragraphs above are incorporated herein by reference as though fully set forth herein at length.

129. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

130. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself. The article stated Plaintiff is a "Clarks Summit based Realtor "...who "sells homes under the name of a national real estate franchise."

131. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

132. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

133. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

134. After reasonable investigation, Defendants are without knowledge or information sufficient to admit or deny these averments and therefore same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendants deny any liability to Plaintiff or that any remedies are owed to Plaintiff and they demand judgment in their favor.

COUNT V (the second Count V)

All paragraphs above are incorporated herein by reference as though fully set forth herein at length.

135. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

136. Denied. The article attached as Exhibit "A" to the Complaint is a writing that speaks for itself.

137. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

138. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

139. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied. Further, the article at issue which is attached to the Complaint as Exhibit "A" is a writing which speaks for itself.

140. Denied. The averments set forth in this paragraph constitute conclusions of law as to which no responsive pleading is required, and accordingly, they are deemed denied.

WHEREFORE, Defendants deny any liability to Plaintiff or that any remedies are owed to Plaintiff and they demand judgment in their favor.

NEW MATTER

By way of further response to Plaintiff's Complaint, Defendants assert the following defenses as New Matter:

1. Defendants incorporates by reference each of his foregoing responses and averments as though fully set forth herein.
2. The publication and/or particular statements complained of are not defamatory or capable of defamatory meaning as a matter of law.
3. The publication complained of constitutes comment on matters of legitimate public interest and concern.
4. The published article complained of concerned newsworthy events of legitimate and substantial public interest and concern and was reasonable and justified.
5. The publication complained of was made on a lawful occasion, and in good faith, without fault, for justifiable purpose, and with a belief founded upon reasonable grounds that the assertions therein were true.
6. The publication complained of was privileged, reasonable, and justified.
7. The publication complained of and statements therein constitute fair report and fair comment.
8. The publication complained of is a fair and accurate summary of the statements made in legal court filings and governmental records that have been placed in the public domain and open for public inspection.
9. The publication complained of is protected by the Fair Report Privilege.
10. Plaintiff suffered no damage by reason of the publication complained of.

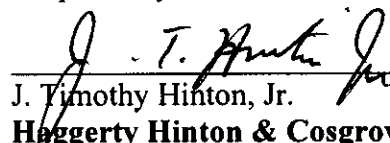
11. The publication complained of is not the legal cause of any injury to Plaintiff.
12. Plaintiff is not entitled to punitive damages.
13. An award of punitive damages for speech concerning matters of public concern is prohibited by the Constitution and the Laws of the Commonwealth of Pennsylvania and the Constitution of the United States.
14. An award of punitive damages in accordance with the standards announced by the courts of Pennsylvania would violate Defendant's procedural and substantive due process rights under the United States Constitution.
15. An award of punitive damages, even if it were permissible, would have to bear a reasonable relationship to the award of compensatory damages.
16. At all relevant times to this lawsuit, Plaintiff was a public figure or limited purpose figure under the law concerning defamation claims.
17. Defendants at all times acted in good faith and without actual malice toward Plaintiff.
18. The statements complained of are true or substantially true.
19. The statements complained of constitute expressions of opinion based upon disclosed facts and therefore are protected.
20. The statements complained of constitute expressions of opinion which cannot be proven true or false by objective evidence.
21. The implications and innuendoes alleged by Plaintiff are unreasonable, unfair, strained and unwarranted.
22. Defendants at all times acted in good faith and without actual malice towards Plaintiff.
23. The publications complained of were made in the exercise of the Defendants' right to freedom of speech and freedom of press afforded by the First and Fourteenth Amendments to the United States Constitution and by the Constitution of the Commonwealth of Pennsylvania.

24. The Defendants acted reasonably, prudently, and properly with respect to the Plaintiff and exercised reasonable care and due diligence in publishing the articles.
25. A publication is defamatory only where a Plaintiff can show he suffered the kind of harm which has “grievously fractured” his standing in the community of respectable society.
26. Plaintiff’s standing in the community has not been “grievously fractured” due to the article at issue and therefore his defamation claims must be dismissed.
27. Plaintiff’s claims for punitive damages must be dismissed since Plaintiff has failed to adduce any evidence that Defendants acted with common law malice, let alone actual malice, which is also required.
28. The Defendants published the articles with a good faith belief in the truth or substantial truth of all statements in the articles.
29. The Plaintiff is a public figure or limited purpose public figure and therefore he must prove actual malice.

WHEREFORE, Defendants respectfully request that this Court enter judgment in their favor and against Plaintiff, dismissing Plaintiff’s claims and awarding Defendants whatever additional legal and equitable relief the Court deems appropriate.

Date: 6-28-2021

Respectfully submitted:

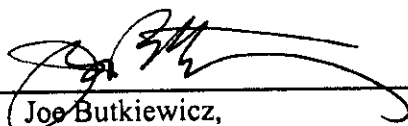


J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
PA I.D. No. 61981
1401 Monroe Ave., Suite 2
Dunmore, PA 18509
Attorneys for Defendants,
Chris Kelly, Times Shamrock
Communications, The Scranton Times-
Tribune and Larry Holeva

VERIFICATION

I, **Joe Butkiewicz**, Managing Editor of The Times-Tribune newspaper owned by The Scranton Times, L.P., hereby verifies that the statements of fact made in Defendants' Answer and New Matter to the Complaint are true and correct to the best of my knowledge and belief. I understand that any false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

DATE: JUNE 28 2024

By: 

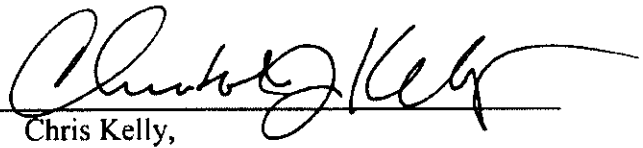
Joe Butkiewicz,
Managing Editor of The Times-Tribune

VERIFICATION

Op-Ed Columnist

I, Chris Kelly, ~~Employee~~ of The Times-Tribune newspaper owned by The Scranton Times, L.P., hereby verifies that the statements of fact made in Defendants' Answer and New Matter to the Complaint are true and correct to the best of my knowledge and belief. I understand that any false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

DATE: 6/28/21

By: 
Chris Kelly,

~~Employee~~ of The Times-Tribune

Op-Ed Columnist →

VERIFICATION

I, **Larry Holeva**, Executive Editor of The Times-Tribune newspaper owned by The Scranton Times, L.P., hereby verifies that the statements of fact made in Defendants' Answer and New Matter to the Complaint are true and correct to the best of my knowledge and belief. I understand that any false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

DATE: 6-25-21

By: Larry Holeva
Larry Holeva,
Executive Editor of The Times-
Tribune

CERTIFICATE OF COMPLIANCE

I hereby certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

/s/ J. Timothy Hinton, Jr., Esq. _____
J. TIMOTHY HINTON, JR., ESQUIRE
PA I.D. 61981

PHILIP GODLEWSKI,
Plaintiff

v.

CHRIS KELLY, TIMES SHAMROCK
COMMUNICATIONS, THE SCRANTON
TIMES-TRIBUNE, LARRY HOLEVA
Defendants.

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

CIVIL DIVISION

JURY TRIAL DEMANDED

No.: 2021-CV-2195

STUART B. KELLY
LACKAWANNA COUNTY
2021 JUL -5 P 1:55
CLERK OF JUDICIAL
RECORDS CIVIL DIVISION


CERTIFICATE OF SERVICE

I, **J. Timothy Hinton, Jr., Esquire**, certify that on this 30th day of June 2021, I caused a true and correct copy of the foregoing Answer and New Matter to Plaintiff's Complaint to be served upon the following parties via United States Mail postage prepaid:

Timothy M. Kolman, Esq.
414 Hulmeville Ave.
Pennel, PA 19047
TKolman@kolmanlaw.com
Attorney for Plaintiff

Respectfully submitted:

Date: June 30, 2021



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Tribune and Larry Holeva