

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  
2022 JUN 16 P  
JURY TRIAL DEMANDED  
RECORDS  
CIVIL DIVISION

IN THE COURT OF COMMON PLEAS  
OF LACKAWANNA COUNTY

CIVIL DIVISION

JURY TRIAL DEMANDED

No.: 2021-CV-2195

**CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA  
PURSUANT TO RULE 4009.22**

As a prerequisite to service of a subpoena for documents and things, from **Cellco dba Verizon Wireless**, pursuant to Rule 4009.22, Defendant certifies that:

1. a Notice of Intent to Serve the Subpoena to Produce Documents and Things for Discovery with a copy of the proposed Subpoena attached thereto was mailed to each party's attorney at least twenty days prior to the date on which the subpoena was served;
2. a copy of the Notice of Intent, including the proposed subpoena, is attached to this certificate;
3. no objection to the proposed subpoena has been received within the requisite 20-day notice period; and
4. the subpoena which will be served is identical to the subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted:

Date: 6-14-22

J. T. Hinton Jr  
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

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

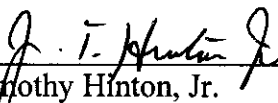
**CERTIFICATE OF SERVICE**

I, J. Timothy Hinton, Jr., Esq., hereby certify that I served a true and correct copy of the forgoing Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22, by electronic mail, on this 14<sup>th</sup> day of June 2022, upon the following:

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

Respectfully submitted:

Date: June 14, 2022

  
 \_\_\_\_\_  
 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

**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**

Joseph O. Haggerty, Jr.  
J. Timothy Hinton, Jr.\*  
Michael F. Cosgrove  
Matthew E. Haggerty - Of Counsel

May 23, 2022

[Tkolman@kolmanlaw.com](mailto:Tkolman@kolmanlaw.com)

Timothy M. Kolman, Esq.  
414 Hulmeville Ave.  
Penndel, PA 1904

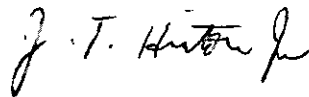
Re: Philip Godlewski vs. Chris Kelly, et  
al.  
No. 2021-CV-2195

Dear Attorney Kolman:

Enclosed is a Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery upon Celco dba Verizon Wireless along with a proposed Subpoena.

Thank you.

Very truly yours,



J. Timothy Hinton, Jr.

JTH:jls  
Encls.

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

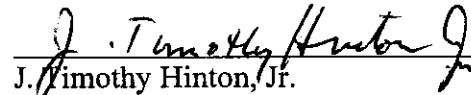
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

To: Counsel and Parties of Record

Defendants, Chris Kelly, Times Shamrock Communications, The Scranton Times-Tribune and Larry Holeva, intend to serve a subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made the subpoena may be served.

Date: May 24, 2022

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

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	:	
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Defendants.	:	No.: 2021-CV-2195

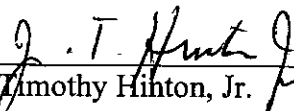
**CERTIFICATE OF SERVICE**

I, **J. Timothy Hinton, Jr., Esquire**, certify that on this **24<sup>th</sup>** day of May 2022, I caused a true and correct copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21, by electronic mail and depositing same in the United States Mail postage prepaid:

Timothy M. Kolman, Esq.  
414 Hulmeville Ave.  
Penndel, PA 19047  
[TKolman@kolmanlaw.com](mailto:TKolman@kolmanlaw.com)  
*Attorney for Plaintiff*

Respectfully submitted:

Date: May 24, 2022

  
\_\_\_\_\_  
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-  
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**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**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF LACKAWANNA

Philip Godlewski  
Plaintiffs,

vs.

Chris Kelly, et al.  
Defendants.

File No. 2021-CV-2195

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY**  
**PURSUANT TO RULE 4009.22**

TO: Cellco dba Verizon Wireless, 180 Washington Valley Road, Bedminster, NJ 07921

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

1. Any and all detailed billing/subscriber information, call history and text message content from 1/1/2008 to 12/31/2010 on cell phone numbers: (570) 561-8967, (570) 780-4567 and (570) 637-6050; 2. Any and all records produced by Cellco dba Verizon in response to Search Warrant attached hereto.

at Haggerty Hinton & Cosgrove LLP, 1401 Monroe Ave., Suite 2, Dunmore, PA 18509

(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

Name: J. Timothy Hinton, Jr., Esq.

Address: 1401 Monroe Ave., Suite 2

Dunmore, PA 18509

Telephone: (570) 344-9845

Supreme Court ID # 61981

Attorney For: Defendants

BY THE COURT:

*Mauri B. Kelly*

Mauri B. Kelly  
Clerk of Judicial Records, Civil Division

DATE: May 24, 2022

Seal of the Court



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF LACKAWANNA

Philip Godlewski  
Plaintiffs,

vs.

Chris Kelly, et al.  
Defendants.

File No. 2021-CV-2195

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY**  
**PURSUANT TO RULE 4009.22**

TO: Cellco dba Verizon Wireless, 180 Washington Valley Road, Bedminster, NJ 07921

(Name of Person or Entity)

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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

Name: J. Timothy Hinton, Jr., Esq.

Address: 1401 Monroe Ave., Suite 2

Dunmore, PA 18509

Telephone: (570) 344-9845

Supreme Court ID # 61981

Attorney For: Defendants

BY THE COURT:

Mauri B. Kelly

Mauri B. Kelly  
Clerk of Judicial Records, Civil Division

DATE: May 14, 2022

Seal of the Court

Commonwealth of Pennsylvania  
 COUNTY OF LACKAWANNA



APPLICATION FOR  
 SEARCH WARRANT  
 AND AUTHORIZATION

Docket Number (Issuing Authority): Det. Justin Leri  
 Police Incident Number: 10-8397  
 Warrant Control Number: 10-8397

Det. Justin Leri  
 Det. Michelle Mancuso  
 Lackawanna County DA's Office  
 570.963.6717  
 07-08-2010

AFFIANT NAME AGENCY PHONE NUMBER DATE OF APPLICATION

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):  
 Any and all detailed billing/subscriber information, call history on 07/07/2010, and TEXT MESSAGE CONTENT on 07/07/2010 on Cellco dba Verizon Wireless Cell phone number (570) 561-8967

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSON TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):  
 Cellco dba Verizon Wireless cell phone number: (570)637-6050  
 180 Washington Valley Road  
 Bedminster, NJ 07921

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):  
 Cellco dba Verizon Wireless

VIOLATION OF (Describe conduct or specify statute):  
 PA Title 18 3122 Statutory Sexual Assault

DATE(S) OF VIOLATION:  
 07/07/2010

Warrant Application Approved by District Attorney – DA File No. 10-8397  
 (If DA approval required per Pa.R.Crim.P. 2002A with assigned File No. per Pa.R.Crim.P. 107)  
 Additional Pages Attached (Other than Affidavit of Probable Cause)  
 Probable Cause Affidavit(s) MUST be attached (unless sealed below) Total number of pages: \_\_\_\_\_

*Justin Leri*  
 1st Asst DA

TOTAL NUMBER OF PAGES IS SUM OF ALL APPLICATION, PROBABLE CAUSE AND CONTINUATION PAGES EVEN IF ANY OF THE PAGES ARE SEALED.

The below named Affiant, being duly sworn (or affirmed) before the Issuing Authority according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at the particular premises or in the possession of the particular person as described above.

*Justin Leri*

Lackawanna County District Attorneys Office 1310/1313

Signature of Affiant Agency or Address if private Affiant Badge Number

Sworn to and subscribed before me this 9 day of July 2010, Mag. Dist. No. 45-3-04

*Michelle Mancuso*  
 Signature of Issuing Authority Office Address 400 Church St (SEAL)  
 18403

SEARCH WARRANT  
 TO LAW ENFORCEMENT  
 OFFICER:

WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the premises or person described, and to seize, secure, inventory and make return according to the Pennsylvania Rules of Criminal Procedure.

This Warrant shall be served as soon as practicable and shall be served only between the hours of 6AM to 10PM but in no event later than:  
 This Warrant shall be served as soon as practicable and may be served any time during the day or night but in no event later than: \*\*

11:00 A M, o'clock July 11 2010

\* The issuing authority should specify a date not later than two (2) days after issuance. Pa.R.Crim.P. 2005(d).  
 \*\* If the issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavit(s) and wishes to issue a nighttime warrant, then this block shall be checked. Pa.R.Crim.P. 2005(g).

Issued under my hand this 9 day of July 2010 at 11:00 A M, o'clock.

*Michelle Mancuso*  
 Signature of Issuing Authority Mag. Dist. or Judicial Dist. No. 45-3-04 Date Commission Expires: Jan 30 15 (SEAL)

Title of Issuing Authority:  District Justice  Common Pleas Judge

For good cause stated in the affidavits(s) the Search Warrant Affidavit(s) are sealed for \_\_\_\_\_ days by my certification and signature. (Pa.R.Crim.P. 2011)

\_\_\_\_\_  
 Signature of Issuing Authority (Judge of the Court of Common Pleas or Appellate Court Justice or Judge). (Date) (SEAL)

TO BE COMPLETED BY THE ISSUING AUTHORITY



COUNTY OF LACKAWANNA

Docket Number  
(Issuing Authority):

Police Incident  
Number: 10-8397

Warrant Control  
Number: 10-8397

PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

On June 15, 2010, during an ongoing criminal investigation into unlawful sexual contact with a minor, the cell phone and computer of Tom NEZLO were seized by this detective and Detective Leri. We were given information by NEZLO regarding Philip GODLEWSKI and texts he was sending to NEZLO from unknown cell phone number (570)637-6050. Nezlo revealed these texts to contain orders by GODLEWSKI to not talk to law enforcement before contacting GODLEWSKI and the sexual assault victim regarding this investigation. GODLEWSKI stated if he did talk to the police to "Lawyer up". GODLEWSKI was going to check and see if his attorney would represent both of them.

NEZLO stated he got very nervous about the texts being sent by Philip GODLEWSKI so NEZLO deleted the text messages. Verizon will be able to retrieve such text content sent by GODLEWSKI from Verizon Wireless cell phone number (570)637-6050.

On June 17, 2010 a search warrant signed by The Honorable Margaret Moyle, Judge of the Court of Common Pleas of Lackawanna County was faxed to Verizon Wireless for text message content.

On June 25, 2010 Verizon Wireless responded to the search warrant and mailed a CD containing the requested content to Detective Leri.

Detective Leri reviewed the text message and call history content and noted multiple items of interest, including text messages to from GODLEWSKI to NEZLO and text messages to the victim, regarding creating a fake story to law enforcement.

On July 07, 2010 Detective Mancuso re-interviewed the female victim. The victim stated that prior to coming to the Lackawanna County District Attorney's Office she had been receiving text messages from the above listed number, who she identified as belonging to GODLEWSKI. She stated that the text message content was relating to the ongoing investigation from GODLEWSKI. She stated that she had deleted the text messages, as per instruction by GODLEWSKI.

On 07/08/2010 Detective Justin Leri was conducting a forensic exam on the victim's cell phone. detective Leri located a new text sent to the victim. The text content led affiant Leri to believe the number was an additional prepaid cell phone with the number (570) 561-8967, obtained by GODLEWSKI to converse covertly with the victim.

A preservation letter was sent to Verizon Wireless on 07/08/2010 to preserve such content, which is only maintained for three (3) days. Verizon Wireless requires a search warrant prior to release of the above listed text message content.

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

*Justin Leri*  
Affiant Signature

07/09/10  
Date

*[Signature]*  
Issuing Authority Signature

7/9/10  
Date (SEAL)