

MAURI B. KELLY
LACKAWANNA COUNTY

PHILIP GODLEWSKI,
Plaintiff

2022 SEP 16 P IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY
CLERK OF JUDICIAL
RECORDS CIVIL DIVISION
CIVIL DIVISION

v.

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

JURY TRIAL DEMANDED

No.: 2021-CV-2195

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DEFENDANTS' MOTION FOR SANCTIONS

Defendants, Chris Kelly, Times Shamrock Communications, The Scranton Times-Tribune and Larry Holeva, by and through their attorneys, Haggerty Hinton & Cosgrove LLP, file the following Motion for Sanctions against Plaintiff:

1. The Court issued an Order on August 22, 2022 granting Defendants' Motion to Compel Discovery Responses from Plaintiff. (See August 22, 2022 Order attached hereto as Exhibit "A".)

2. Among other things, this Order compelled Plaintiff to: (i) produce Plaintiff's filed **individual** federal income tax returns and the returns for any businesses he owned for the years 2016 to present; (ii) produce all of Plaintiff's live videos he streamed or uploaded to any social media outlet or platform; (iii) produce any documents, including any applications, relating to the purchase of any firearms in 2020 or 2021; and (iv) serve answers to Defendants' Interrogatories (Set II).

3. Plaintiff's discovery responses were ordered to be served on Defendants by a deadline of September 11, 2022 without objections.

4. Plaintiff has failed to serve these responses without objection upon Defendants nor has he sought any extension to do so.

5. A true and correct copy of Plaintiff's Response to Defendants' Request for

Production of Documents (Set I) is attached hereto as Exhibit "B". (See requests Nos. 2 and 3.)

6. A true and correct copy of Plaintiff's Response to Defendants' Request for Production of Documents (Set II) is attached hereto as Exhibit "C". (See request No. 1)

7. A true and correct copy of Plaintiff's Response to Defendants' Request for Production of Documents (Set III) is attached hereto as Exhibit "D". (See requests Nos. 1 and 4.)

8. Plaintiff has only produced the federal Partnership tax return for The Agency Real Estate Group LLC for years 2016, 2017 and 2018; Form 4562 (Depreciation and Appreciation) for The Agency Real Estate Group LLC for 2017, Form 1120S for The Agency Real Estate Group LLC for 2017, Section 1.263(a)-1(f) for The Agency Real Estate Group LLC for 2017, an Application for Automatic Extension to file Business Income Tax along with Schedule C for Phil Godlewski for 2019, and federal tax return for Velocity Abstract LLC for year 2017. No individual tax returns have been produced.

9. Plaintiff counsel has advised defense counsel by email dated December 9, 2021 that Plaintiff has not yet filed tax returns for 2019 or 2020. (A true and correct copy of the December 9, 2021 email is attached hereto as Exhibit "E".) This implies he did file individual returns for 2016-18. Also, he may have filed returns for 2019 or 2020 since December 9, 2021. None have been produced.

10. Defendants are entitled to an official verified response to the request for tax returns covering the last six (6) tax years and production of any filed tax returns as requested.

11. Plaintiff made no response at all to Defendants' Interrogatories (Set II). (These interrogatories were attached to Defendants' Motion to Compel.)

12. Plaintiff has not provided copies of his social media broadcasts as requested by

Defendants.

13. Plaintiff has represented on social media he keeps a copy of all his shows or broadcasts.

14. These broadcasts are important for the Court to make its determination that Plaintiff is a public figure.

15. Plaintiff has not provided any records regarding his applications or purchase of firearms in 2020 or 2021 even though he represented and/or implied on social media that he purchased firearms because of Defendants' article. Further, Plaintiff was charged with False Statements on firearm applications in 2021 so he certainly has responsive records.

16. Defense counsel sent Plaintiff's counsel two (2) letters dated August 24, 2022 about Plaintiff's discovery deficiencies. (True and correct copies of the August 24, 2022 letters are attached hereto as Exhibit "F".)

17. Plaintiff has not responded to defense counsel's August 24, 2022 letters at all.

18. Pa. R.C.P. 4019 permits the Court, upon motion, to make an appropriate order for sanctions if a party fails to serve answers to interrogatories or fails to produce documents requested under Rule 4009 or fails to "obey an order of court respecting discovery."

19. Plaintiff has failed to provide Court-ordered discovery.

WHEREFORE, Defendants respectfully request the following sanctions to be ordered against Plaintiff:

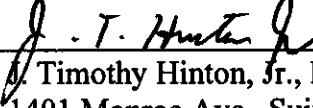
- (a) Plaintiff's case be dismissed with prejudice; and
- (b) Defendants be awarded \$1,000 from Plaintiff as a reasonable counsel fee for litigating this matter with fifteen (15) days or suffer further sanctions as ordered by the Court.

RESPECTFULLY SUBMITTED,

HAGGERTY HINTON & COSGROVE LLP

Date: 9/15/22

By: _____


J. Timothy Hinton, Jr., Esq.
1401 Monroe Ave., Suite 2
Dunmore, PA 18509
(570) 344-9845

timhinton@haggertylaw.net

Attorneys for Defendants,

Chris Kelly, Times Shamrock

*Communications, The Scranton Times-
Tribune and Larry Holeva*

MAURI B. KELLY
LAUREL COUNTY
2022 SEP 16 P 1:41
CLERK OF JUDICIAL
RECORDS & COURT DIVISION

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**

MAURI B. KELLY
LACKAWANNA COUNTY
2022 SEP 15 1:41
CLERK OF JUDICIAL
RECORDS CIVIL DIVISION

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

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September 2022, I caused to be served by First-Class mail, postage prepaid, a true and correct copy of the foregoing Defendants' Motion for Sanctions upon the following:

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

RESPECTFULLY SUBMITTED,

HAGGERTY HINTON & COSGROVE LLP

By: *J. T. Hinton, Jr.*
Timothy Hinton, Jr., Esq.
1401 Monroe Ave., Suite 2
Dunmore, PA 18509
(570) 344-9845
timhinton@haggertylaw.net
Attorneys for Defendants,
*Chris Kelly, Times Shamrock
Communications, The Scranton Times-
Tribune and Larry Holeva*

PHILIP GODLEWSKI,
Plaintiff

*WJG
8 2322*

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

v. MAURI B. KELLY
LACKAWANNA COUNTY CIVIL DIVISION

CHRIS KELLY, TIMES SHAMROCKS A:10:09 JURY TRIAL DEMANDED
COMMUNICATIONS, THE SCRANTON :
TIMES-TRIBUNE, LARRY CLORVA JUDICIAL
Defendants. RECORDS CIVIL DIVISION No.: 2021-CV-2195

ORDER

AND NOW this 22nd day of August 2022, upon consideration of Defendants' Motion to Compel Plaintiff's Discovery Responses, and any response thereto, it is hereby ORDERED that Defendants' Motion to Compel Discovery is GRANTED. Within twenty (20) days from the date of this Order, Plaintiff shall serve Defendants with a full and complete answers without objections to:

- 1) Defendants' Request for Production of Documents (Set I), Nos. 2, 3 and 6,
- 2) a signature Verification by Plaintiff for Plaintiff's December 9, 2021 Supplemental Discovery Responses;
- 3) Defendants' Requests for Production of Documents (Set II, III and IV); and
- 4) Defendants' Interrogatories (Set II) Directed to Plaintiff.

If Plaintiff fails to comply with this Order, he may be subject to sanctions upon motion of Defendants and Order of Court.

BY THE COURT:
[Signature]

S. J.



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

.....
PLAINTIFF'S RESPONSE TO DEFENDANT'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS

Plaintiff, by and through the undersigned counsel, hereby responds to Defendant's First Request for Production of Documents as follows:

RESPONSES

General Objections

1. Plaintiff generally objects to Defendant's Requests for Production to the extent they are ambiguous, vague, over-broad, and/or unduly burdensome.
2. Plaintiff generally objects to Defendant's Requests for Production to the extent they improperly seek information protected by the attorney-client privilege and/or the attorney work-product doctrine.
3. Plaintiff generally objects to Defendant's Requests for Production to the extent they improperly seek information that is not relevant to any of the issues in this dispute and/or are not reasonably calculated to lead to the discovery of admissible evidence.
4. Plaintiff generally objects to Defendant's Requests for Production as discovery has not yet closed and this matter has not yet been prepared for trial.
5. Accordingly, these Answers are made without prejudice to Plaintiff's right to amend the answers set forth herein and/or to present additional information that is hereafter obtained or evaluated.
6. Plaintiff generally objects to Defendant's Requests for Production to the extent they cause unreasonable annoyance, embarrassment, oppression, burden, and/or expense.
7. Plaintiff generally objects to each of the Requests included in Defendant's Requests for Production to the extent that their scope exceeds the scope of discovery permitted by the Federal Rules of Civil Procedure.



8. Plaintiff generally objects to Defendant's Requests for Production to the extent that formulating full and complete Answers would require Plaintiff to review Documents not presently in his possession, custody, or control.

9. Plaintiff generally objects to Defendant's Requests for Production to the extent they imply that information is to be provided by more than one person. These Answers have been made to the best of Plaintiff's knowledge, with the assistance of counsel. These answers do not represent the knowledge of any person other than Plaintiff.

10. Plaintiff responds to Defendant's Requests for Production subject to and without waiver of all of the foregoing General Objections. Plaintiff has made reasonable efforts to respond to the Requests for Production as Plaintiff understands and interprets them. If Defendant subsequently seeks any information not yet identified, Plaintiff reserves the right to supplement these Answers. Further, Plaintiff specifically reserves the right to supplement these Answers based upon information which is discovered in the process of preparing for hearings or trial and information not yet obtained.

Specific Objections and Responses

Without waiver of the foregoing general objections, Plaintiff responds as follows to Defendant's First Request for Production of Documents:

DOCUMENTS REQUESTED

1. Produce all Documents related to your claim that the February 14, 2021, article identified in the Complaint contained false and defamatory statements.

This Document Request is objected to because it is vague, overbroad, burdensome, and requires the Plaintiff to make legal conclusions. By way of further answer, and in no way in derogation of the foregoing, the Defendant is referred to the Complaint and its detailed analysis of the false and defamatory statements.

2. If you are making a claim for lost wages or diminished wage-earning capacity, please produce your federal income tax returns for the five years prior to the article published on February 14, 2021, and all subsequent years up through the time of trial.

These will be provided.

3. If you are making a claim for lost wages or diminished wage-earning capacity, please produce copies of any and all income tax returns filed by or on behalf of any business or company in which you had an ownership interest for the five years prior to the article published on February 14, 2021, and all subsequent years up through the time of trial.

See answer to 2 above.

4. Any and all physician, hospital, medication, and/or other health care/medical bills and receipts which you are claiming as damages in this lawsuit.

Plaintiff does not have his medical records. He will, however, pursuant to a confidentiality agreement, sign a release and make them available to the Defendant

5. Any and all medical, physician, hospital, or other health care records relating to any physical and/or mental injuries which you are claiming in this lawsuit.

See Answer to 4 above

6. Your personnel records or employment records from ERA One Source Realty.

Plaintiff is not in possession of these personal/ employment records and does not know if they exist.

7. Any statements from any person with relevant information concerning Plaintiff's claims against Defendant.

This Document Request is objected to because it is vague, overbroad, burdensome.

8 Any Documents evidencing harm to your reputation, lost earnings, diminished earning capacity, embarrassment, and/or humiliation caused by the article reference in the Complaint.

Plaintiff is in the process of collecting them. There are literally hundreds of messages, screenshots, online comments, hate emails, hate mail, and other documents

evidencing the damage to the Plaintiff's reputation. Gathering all of these will take some time.

8. Any Complaints from other lawsuits filed by Plaintiff.

None.

9. Any and all statements concerning this action, as defined by Rule 4003.4, from each and every witness, including any statements from the parties herein or their respective agents, servants, or employees. (This includes all records stored electronically.)

This Document Request is objected to because it requires the Plaintiff to not only know the law but to apply it.

10. Any and all Documents containing the name and home and business address of each individual who is considered to be a potential witness (whether contacted or not), and any reports obtained from such witnesses.

This Document Request is objected to as violative of the attorney-client privilege and the work product doctrine.

11. Any and all statements, descriptions and summaries of statements, recorded or transcribed statements, computerized records, notes, or other written accounts of an investigation regarding this action.

This Document Request is objected to as burdensome, vague, harassing, and not directed to discover admissible evidence. By way of further answer, the Plaintiff has no idea what 'investigation' Defendant is referring to.

12. All notes, diaries, or other recordings made by the Plaintiff, or any other person regarding the subject incident as well as those events and circumstances leading up to and subsequent to the subject article.

This Document Request is objected to as being vague and overbroad.

13. Copies of all correspondence and memoranda of each expert witness who will testify at trial.

Plaintiff has not determined whether he will hire an expert witness.

14. Copies of all reports, correspondence, memoranda, and computer files of any and all fact witnesses who will testify at trial.

Plaintiff has not determined which fact witnesses will testify at trial.

15. All other relevant Documents which support the Plaintiff's claims for damages as alleged in the Complaint.

This Document Request is objected to as being vague and overbroad

16. Copies of all exhibits you intend to introduce at trial.

This Document Request is violative of the work product doctrine and attorney-client privilege but, any and all exhibits will be exchanged with Defendant per this Court's procedures.

17. Copies of Plaintiff's resumes prepared in the last five years.

Plaintiff has not prepared a resume in the last five years.

18. Any Documents relating in any way to the damages you are claiming in this lawsuit.

See the responses to the Document Requests hereinabove.

19. Any Documents sent to or from the 15-year-old girl referred to in the article attached to your Complaint.

None.

20. Any Documents concerning any gifts, including a vehicle, you purchased for the 15-year-old girl referred to in the article attached to your Complaint.

There were no gifts.

21. Produce all Documents related to Exhibit A to the Complaint, including but not limited to any Documents related to the Plaintiff's claims that the article was false and defamatory.

Plaintiff objects on the basis of the Request requiring Plaintiff to make a legal conclusion. By way of further answer and in no way in derogation of the foregoing, discovery is ongoing, and Plaintiff will produce any and all Documents to the Defendant as discovery proceeds.

22. Produce all Documents relating to the publication at issue.

Plaintiff objects to this Document Request since it is duplicative of prior Document Requests herein, in addition to being vague, overbroad and unnecessarily burdensome

23. Any and all Documents you contend establish or support any element of Plaintiff's claims being made in this lawsuit.

Plaintiff objects to this Document Request since it requires a legal conclusion and is violative of the work product doctrine and the attorney-client privilege.

24. Any and all Documents you intend to introduce at the trial of this case.

Plaintiff has not determined Documents he intends to introduce at trial. Further, he does not have, in his possession, all the Documents which might be relevant to the trial since many of these are in the custody and control of Defendant, and discovery is ongoing.

KOLMAN LAW P.C.

s/ Timothy M. Kolman

Timothy M. Kolman Esquire
Attorneys for Plaintiff

August 20, 2021

VERIFICATION

The undersigned verifies and certifies that the facts set forth in the attached Response to Defendant's First Request for Production of Documents are true and correct to the best of my knowledge, information and belief. The undersigned understands that this Verification is made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

Phil Godlewski

Signature

Dated: 8/20/2021

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

PLAINTIFF'S RESPONSE TO DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS (SET II)

Plaintiff, by and through undersigned counsel, responds to Defendant's Request for Production of Documents as follows:

GENERAL OBJECTIONS

1. Plaintiff objects to each document request that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence.
2. Plaintiff objects to the Request to the extent that it seeks information that may be protected by the attorney-client privilege, the work-product doctrine, the joint defense privilege, or any other privilege.
3. Plaintiff objects to the Request to the extent that it may not reasonably be expected to yield information relevant to the allegations of the complaint, to the proposed relief or to the defenses of Defendant.
4. Plaintiff's answers to this Request are given without prejudice to Plaintiff's right to produce evidence of any subsequently discovered facts. The failure of Plaintiff to object to any production request on a particular ground may not be construed as a waiver of his right to object on any additional ground(s).

DOCUMENTS REQUESTED

1. Produce all of Phil Godlewski's live videos streamed or uploaded or uploaded to any social media outlet or platform including but not limited to You tube, DLive, Telegram, Rumble, etc., identifying each video by the date of the live

Answer: Plaintiff objects to this request because it makes no sense.



2. The transcript from all hearings in case No. 2021-02177.

Answer: Plaintiff is not in possession of any such transcript

3. The Criminal Complaint filed against Philip Godlewski in 2010 (if it is no longer in Plaintiff's possession, Defendants request that Plaintiff obtain it from Plaintiff's criminal defense, Attorney Joseph R D'Andrea, Esquire)

Answer: Neither Plaintiff nor Plaintiff's attorney possess the Criminal Complaint.

VERIFICATION

The undersigned verifies and certifies that the facts set forth in the attached Response to Defendant's Fourth Request for Production of Documents are true and correct to the best of my knowledge, information, and belief. The undersigned understands that this Verification is made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

Phil Godlewski

Signature

Dated: August 22, 2022

KOLMAN LAW, P.C.
Timothy M. Kolman, Esquire (PA I.D. 51982)
414 Hulmeville Avenue
Pennel, PA 19047
(215) 750-3134

Attorney for Plaintiff
Philip Godlewski

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
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: CIVIL ACTION
: No.: 2021-CV-2195
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: JURY TRIAL DEMANDED
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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of August 2022, I caused to be served by Electronic Mail, true and correct copies of Plaintiff's Responds to Set II, Set III and Set IV of Production of Documents Requests with a signed Verification for each, as well as a Verification for Supplemental Responses to Defendants' First Set of Interrogatories and Document Requests to Defendants' Counsel.

Respectfully Submitted,

KOLMAN LAW, P.C.

/s/ Timothy M. Kolman

Timothy M. Kolman, Esquire
414 Hulmeville Ave
Pennel, PA 19047
(215) 750-3134
Attorney for Plaintiff

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

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PLAINTIFF'S RESPONSE TO DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS (SET III)

Plaintiff, by and through undersigned counsel, responds to Defendants' Request for Production of Documents (Set III) as follows:

GENERAL OBJECTIONS

1. Plaintiff objects to each document request that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence.
2. Plaintiff objects to the Request to the extent that it seeks information that may be protected by the attorney-client privilege, the work-product doctrine, the joint defense privilege or any other privilege.
3. Plaintiff objects to the Request to the extent that it may not reasonably be expected to yield information relevant to the allegations of the complaint, to the proposed relief or to the defenses of Defendant.
4. Plaintiff's answers to this Request are given without prejudice to Plaintiff's right to produce evidence of any subsequently discovered facts. The failure of Plaintiff to object to any production request on a particular ground may not be construed as a waiver of his right to object on any additional ground(s).

DOCUMENTS REQUESTED

1. Produce all of Phil Godlewski's live videos streamed or uploaded to any social media outlet or platform including but not limited to: You tube, DLive, Telegram, Rumble, etc., identifying each video by the date of the live from January 1, 2020 to the present. (Plaintiff represented on DLive on or about August 21, 2021 that he saves and maintains every live he has ever done and stores them in his safe.)



Answer: Plaintiff objects to this request because it is irrelevant, intrusive overbroad and not reasonably calculated to lead to admissible evidence.

2. Produce any Diplomas, Certificates and/or transcripts from Harvard Business School concerning any programs or classes Phil Godlewski attended there.

Answer: Plaintiff objects to this request because it is irrelevant, intrusive, overbroad and not reasonably calculated to lead to admissible evidence. By way of further answer and in no way in derogation of the foregoing, Plaintiff cannot find any documents from Harvard Business School.

3. Produce any Diplomas, Certificates and/or transcripts from Regent University School of Law concerning any programs or classes Phil Godlewski attended there.

Answer: Plaintiff objects to this request because it is irrelevant, intrusive, overbroad and not reasonably calculated to lead to admissible evidence. By way of further answer and in no way in derogation of the foregoing, Plaintiff took an online course and has no diplomas, certificates or transcripts in his possession.

4. Produce any documents evidencing your purchase of any guns, rifles or any firearms in 2020 or 2021.

Answer: Plaintiff objects to this request because it is irrelevant, intrusive, harassing, overbroad and not reasonably calculated to lead to admissible evidence.

VERIFICATION

The undersigned verifies and certifies that the facts set forth in the attached Response to Defendant's Third Request for Production of Documents are true and correct to the best of my knowledge, information and belief. The undersigned understands that this Verification is made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

Phil Godlewski

Signature

Dated: August 22, 2022

KOLMAN LAW, P.C.
Timothy M. Kolman, Esquire (PA I.D. 51982)
414 Hulmeville Avenue
Pennel, PA 19047
(215) 750-3134

Attorney for Plaintiff
Philip Godlewski

PHILIP GODLEWSKI,

Plaintiff,

v.

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

Defendants.

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: IN THE COURT OF COMMON PLEAS
: OF LACKAWANNA COUNTY
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: CIVIL ACTION
: No.: 2021-CV-2195
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: JURY TRIAL DEMANDED
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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of August 2022, I caused to be served by Electronic Mail, true and correct copies of Plaintiff's Responds to Set II, Set III and Set IV of Production of Documents Requests with a signed Verification for each, as well as a Verification for Supplemental Responses to Defendants' First Set of Interrogatories and Document Requests to Defendants' Counsel.

Respectfully Submitted,

KOLMAN LAW, P.C.

/s/ Timothy M. Kolman

Timothy M. Kolman, Esquire
414 Hulmeville Ave
Pennel, PA 19047
(215) 750-3134
Attorney for Plaintiff

Tim Hinton

From: Timothy M. Kolman, Esq. <TKolman@KolmanLaw.com>
Sent: Thursday, December 9, 2021 12:47 PM
To: J. Timothy Hinton, Jr.
Subject: Letter to Counsel Regarding Discovery Production 4894-3492-0704 v.2
Attachments: Letter to Counsel Regarding Discovery Production 4894-3492-0704 v.2.pdf; Termination and release.pdf; Godlewski 12-7-21 (2).pdf

Importance: High

Taxes for 2019 and 2020 have yet to be filed.

[Click to Download](#)

Timothy M. Kolman, Esq.
p: +1 215-750-3134 | f: +1 215-750-3138
e: TKolman@KolmanLaw.com
414 Hulmeville Avenue
Pennel, PA 19047



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**HAGGERTY
HINTON &
COSGROVE LLP**
ATTORNEYS AT LAW

Telephone 570-344-9845 • Fax 570-343-9731 • 1401 Monroe Ave., Suite 2, Dunmore, PA 18509 • hhc@haggertylaw.net

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

August 24, 2022

VIA E-MAIL Tkolman@kolmanlaw.com

Timothy M. Kolman, Esq.
414 Hulmeville Ave.
Penndel, PA 19047

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

Dear Attorney Kolman:

There are deficiencies in your discovery responses sent to me on August 22, 2022. I plan to have the court address these matters in a hearing unless you rectify them immediately.

Plaintiff's Response to Defendants' Request for Production of Documents (Set I)

2. If you are making a claim for lost wages or diminished wage-earning capacity, please produce your federal income tax returns for the five years prior to the article published on February 14, 2021, and all subsequent years up through the time of trial.

Answer: These will be provided.

3. If you are making a claim for lost wages or diminished wage-earning capacity, please produce copies of any and all income tax returns filed by or on behalf of any business or company in which you had an ownership interest for the five years prior to the article published on February 14, 2021, and all subsequent years up through the time of trial.

Answer: See answer to 2 above.

No individual tax returns have been produced.



Plaintiff's Response to Defendants' Request for Production of Documents (Set II)

1. Produce all of Phil Godlewski's live videos streamed or uploaded to any social media outlet or platform including but not limited to: Youtube, DLive, Telegram, Rumble, etc., identifying each video by the date of the live.

Answer: Plaintiff objects to this request because it makes no sense.

Plaintiff has represented on a social media site (Rumble 8/21/2020 show) that he retains copies of all of his broadcasts or "lives" as he calls them. He posts videos all the time. Some of the platforms he posts his shows on require a subscription. I will not be buying a subscription to get access to his shows when copies of the shows should be produced in discovery. Also, he has removed accessibility to some of his broadcasts. Plaintiff's broadcasts are relevant to his public figure status, his numerous admissions about his interactions with the minor victim and his alleged damages.

Plaintiff's Response to Defendants' Request for Production of Documents (Set III)

1. Produce all of Phil Godlewski's live videos streamed or uploaded to any social media outlet or platform including but not limited to: Youtube, DLive, Telegram, Rumble, etc., identifying each video by the date of the live from January 1, 2020 to the present. (Plaintiff represented on DLive on or about August 21, 2021 that he saves and maintains every live he has ever done and stores them in his safe.)

Answer: Plaintiff objects to this request because it is irrelevant, intrusive overbroad and not reasonably calculated to lead to admissible evidence.

This request is very similar to the one above but you raise a relevance objection to this request. We will move forward to a hearing on this matter.

4. Produce any documents evidencing your purchase of any guns, rifles or any firearms in 2020 or 2021 and your application to purchase such firearms.

Answer: Plaintiff objects to this request because it is irrelevant, intrusive, harassing, overbroad and not reasonably calculated to lead to admissible evidence.

The request is relevant because Plaintiff has asserted that the article at issue caused him to procure weapons and it jeopardized his safety. Defendants are entitled to see proof of Plaintiff's purchase of any firearms. Further, Plaintiff's arrest and conviction relating to his purchase or application to purchase firearms is also relevant to his reputation.

Plaintiff's Response to Defendants' Request for Production of Documents (Set IV)

8. Produce any records sent to or from the Pennsylvania Real Estate Commission regarding any licenses held by Philip Godlewski since January 1, 2018.

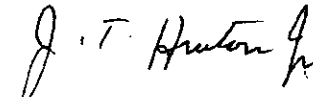
Answer: Plaintiff objects to this request as it is vague, overly broad, and unduly burdensome. By way of further response, the requested documents do not appear reasonably calculated to lead to the discovery of admissible evidence.

Plaintiff is claiming damage to his real estate career by the article in question. His ability to sell real estate in Pennsylvania is very relevant. Plaintiff pled guilty to passing a bad check and tampering with bank records in 2021. Plaintiff may have records about the suspension or escrow of his realty license due to 2010 charges and the 2021 charges. All these records are relevant as to Plaintiff's damages.

Defendants' Interrogatories (Set II) Directed to Plaintiff

Plaintiff's Response to Interrogatories (Set II) have never been served.

Very truly yours,



J. Timothy Hinton, Jr.

JTH:jls
Encls.

**HAGGERTY
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August 24, 2022

VIA E-MAIL Tkolman@kolmanlaw.com

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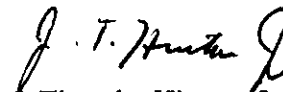
Re: Philip Godlewski vs. Chris Kelly,
et al.
No. 2021-CV-2195

Dear Attorney Kolman:

I am in receipt of your Response to Defendant's Motion to Compel where you indicate in answer number 29 that you never received service of Defendants' Interrogatories (Set II) until our Motion to Compel was served on August 5, 2022. Exhibit 1 attached to your response shows your office sent your Responses to Interrogatories (Set II) to my attention on April 7, 2022. However, as shown on your exhibit, your April 7, 2022 email was sent to a wrong email address of timothyhinton@haggertylaw.net. My email address is timhinton@haggertylaw.net. Therefore I never received the alleged email of April 7, 2022 with your Responses to Interrogatories (Set II). To date, we still do not have Plaintiff's Response to Interrogatories (Set II). Please send your response immediately along with Phillip Godlewski's individual federal tax returns since 2016. No individual tax returns have been provided to date.

Thank you.

Very truly yours,


J. Timothy Hinton, Jr.

JTH:jls
Encls.