

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

CLERK OF JUDICIAL
RECORDS & COURT
2022 DEC 21 A 9:10
HAJRI B. KELLY
LACKAWANNA COUNTY

BRIEF IN SUPPORT OF DEFENDANTS' THIRD MOTION FOR SANCTIONS

Defendants, Chris Kelly, Times Shamrock Communications, The Scranton Times-Tribune and Larry Holeva ("Defendants"), by and through their attorneys, Haggerty Hinton & Cosgrove LLP, file the following Brief in Support of Defendants' Third Motion for Sanctions:

I. BACKGROUND

Plaintiff, Phillip Godlewski, filed this defamation case on May 24, 2021. He alleges Defendants defamed him in an article published on February 14, 2021 and he seeks \$5 Million in damages. His Complaint and his discovery responses state Plaintiff is seeking economic damages for lost earnings. By virtue of him being a patriot reporter and social media influencer with over 75,000 followers, Plaintiff claims in the Complaint he is a public figure.

The article in question discusses Plaintiff's criminal history and states "Lackawanna County detectives said Godlewski had sex with the [minor] girl in cars and homes he had access to as a real estate agent." Further, the article noted he pled guilty to corruption of a minor and admitted to having a sexual relationship with a 15-year-old girl. "Godlewski, 28 at the time, was sentenced to three to 23 months, with the first three months to be served under house arrest and the balance as probation." Plaintiff now claims in this lawsuit he never had sex with the fifteen-year-old girl and Defendants defamed him by stating such. A substantial amount of the written

discovery so far in this case has focused on Plaintiff's relationship with the 15-year-old female victim from the 2010 criminal charges against Plaintiff.

II. ISSUES

- (1) Should Defendants' Third Motion for Sanctions be granted?

Suggested Answer: Yes.

III. ARGUMENT

The purpose of the Pennsylvania "discovery rules is to prevent surprise and unfairness and to allow a fair trial on the merits." Dominick v. Hanson, 2000 PA Super 158, 753 A.2d 824, 826 (Pa.Super. 2000). To that end, Pa.R.C.P. 4003.1 provides that "as a general rule, discovery is liberally allowed with respect to any matter, not privileged, which is relevant to the cause being tried." George v. Schirra, 2002 PA Super 395, 814 A.2d 202, 204 (Pa.Super. 2002). Berg v. Nationwide Mutual Insurance Company, Inc., 2012 PA Super 88, 44 A.3d 1164, 1178 n. 8 (Pa. Super. 2012).

42 Pa. C.S.A. §2503(7) permits a party to request a reasonable counsel fee against another party for "dilatory, obdurate or vexatious conduct during the pendency of a matter." 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."

Although an order granting summary judgment against the offending party remains an option in some cases, its severity makes it an inappropriate remedy for all but the most egregious conduct. See Tenaglia v. Proctor & Gamble, Inc., 737 A.2d 306, 308 (Pa Super. 1999). The facts of Plaintiff's misconduct in discovery and his failure to produce evidence is set forth in Defendants' motion. It is

clear in this case that Plaintiff's conduct is intentional and egregious. He has repeatedly failed to comply with the Court's Orders. The severe sanctions being sought by Defendants are warranted.

IV. CONCLUSION

WHEREFORE, Defendants respectfully request the following relief:

- (a) Plaintiff's case be dismissed with prejudice; and
- (b) Defendants be awarded an amount from Plaintiff to compensate Defendants for all its reasonable counsel fees for litigating this matter and an amount as a sanction for Plaintiff's egregious conduct within thirty (30) days of the Order of Court or suffer further sanctions as ordered by the Court.

RESPECTFULLY SUBMITTED,

HAGGERTY HINTON & COSGROVE LLP

Date: 12-20-22

By: 

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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

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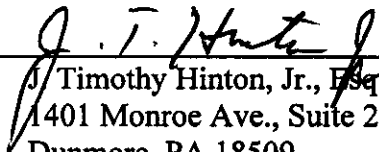
CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December 2022, I caused to be served by electronic mail, a true and correct copy of the foregoing Brief in Support of Defendants' Third Motion for Sanctions upon the following:

Timothy M. Kolman, Esq.
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RESPECTFULLY SUBMITTED,

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