

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
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2022 DEC 21 A 9:09
 CLERK OF JUDICIAL
 DEPARTMENT CIVIL DIVISION
 CHRIS KELLY
 JAGANMOHAN HINTON & COSGROVE

DEFENDANTS' THIRD 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 this Third Motion for Sanctions against Plaintiff:

1. The Court held a hearing on November 14, 2022 and ruled Plaintiff must produce within ten (10) days of the Order the following:

- (a) Plaintiff's full individual federal tax returns and the tax returns for any businesses he held an ownership interest in filed with the IRS for all years from 2016 to the present and serve Defendants' counsel with a verified supplemental answer to Defendants' Request for Production of Documents (Set I), Nos. 2 and 3;
- (b) Plaintiff's live videos streamed or uploaded to any social media outlets or platforms 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 date;
- (c) Any Diplomas, Certificates and/or transcripts from the Harvard Business School concerning any programs or classes Phil Godlewski attended there;
- (d) Any documents evidencing Plaintiff's purchase of any guns, rifles or any firearms in 2020 or 2021; and
- (e) A Verification for Plaintiff's Answers to Interrogatories (Set II).

(A true and correct copy of the November 14, 2022 Order is attached hereto and marked as Exhibit "A".)

2. Defendants were also awarded \$2,345 in counsel fees as a sanction due to Plaintiff's failure to properly respond to Defendants' discovery requests and the previous Order dated August

22, 2022 granting the Motion to Compel Discovery.

3. Plaintiff paid the sanction for Defendants' legal fees in the amount of \$2,345 on November 30, 2022.

4. The Court Order specifically stated "If Plaintiff fails to adhere to this Order in any respect, he shall be subject to further sanctions as ordered by the Court."

5. On December 2, 2022, Plaintiff's counsel served Defendants' counsel with Plaintiff's Response to Court Order of November 14, 2022 (see Exhibit "B" attached hereto) and one document, a Verification for Plaintiff's Answers to Interrogatories (Set II).

6. Plaintiff addressed only 1 item out of the 5 items the Court ordered him to rectify at the sanctions hearing on November 14, 2022.

7. Plaintiff produced no tax returns.

8. Plaintiff did not provide verified answers to Defendants' Request for Production of Documents (Set I), Nos. 2 and 3.

9. At the hearing on November 14, 2022, Plaintiff's attorney advised defense counsel that Plaintiff hasn't filed tax returns so there are none to produce. (See the transcript of the hearing attached hereto as Exhibit "C", page 7.) Plaintiff needs to put that in the form of a verified response if that is the truth.

10. Slightly different than Attorney Kolman's verbal representation to the Court, Plaintiff's counsel's written response dated December 2, 2022 to the Order states:

- a. Plaintiff has provided all personal income tax filings. Plaintiff has, in good faith, attempted to contact the IRS but to no avail. The IRS has not responded either through its website or by telephone. The last year the Plaintiff filed for personal income taxes was the year ending 2018. He has not filed for 2019, 2020 or 2021. He does intend to file all these tax returns.

(See Exhibit "B")

11. This response is not a verified discovery response from the Plaintiff and it's false in one respect. Plaintiff has not provided any personal income tax returns to Defendants.

12. Why didn't Plaintiff at least produce his 2016, 2017 and 2018 personal tax returns? They were clearly requested in Defendants' Request for Production of Documents (Set I), No. 2. What about the tax returns for all his businesses? Plaintiff gives no information about these returns. Plaintiff has the following businesses that we know of:

Phil's Silver, Inc. or PSI
Company 2 LLC
Philsylvania LLC – filed in PA 10/31/22
Philazon
Philazona, LLC -filed in PA 5/2/22
Philco Investments LLC – filed in PA 10/31/22
Anthem Phillips LLC

13. Attorney Kolman represented to the Court he would get defense counsel a verified answer to Defendants' discovery which states Plaintiff does not have possession of any of the requested tax returns. (Exhibit C, page 11.) No such verified answers have been provided.

14. Plaintiff's response again fails to properly address the firearms document request. See "d" of Plaintiff's response (Exhibit "B"). The inclusion of the word "occur" makes the sentence incomprehensible.

15. Plaintiff has now answered Requests for Admissions (Set I) and he basically admits he purchased a firearm(s) in 2020 or 2021. (A true and correct copy of Plaintiff's Response to Defendants' Request for Admissions (Set I) are attached hereto and marked as Exhibit "D".)

16. Plaintiff has not provided a verified statement concerning the request for documents evidencing Plaintiff's purchase of firearms in 2020 or 2021.

17. At the November 14, 2022 hearing Attorney Kolman represented he would get defense counsel all the videos of Plaintiff's Live shows. (Exhibit "C", page 8.) His words were "I'm

happy to give him.” He has not produced even one video. Plaintiff did a video show claiming he has a copy of every Live video show he has ever done. Defense counsel will again play this video for the Court at the hearing.

18. Plaintiff knows full well he did videos for YouTube and other platforms that are not on Rumble.com. His YouTube.com channel was taken down. Defendants are seeking a copy of his entire library of videos from him. Such videos would be authenticated by virtue of his production.

19. Attorney Kolman also said he would get defense counsel a copy of the Harvard certificate Plaintiff purports to have received from Harvard University along with a verified discovery response producing it. (Exhibit “C”, pages 8 and 12.) No certificate has been produced. Plaintiff flaunts this certificate on many of his Live shows.

20. Attorney Kolman seemed to throw some fault at defense counsel on November 14th for not attempting to amicably resolve discovery issues with him instead of going to Court. (Exhibit “C”, p. 23.)

21. Defense counsel has made numerous efforts over the last year to obtain proper discovery responses from Plaintiff without the Court’s intervention.

22. For example, before filing the instant Motion, defense counsel sent Plaintiff’s counsel numerous emails asking for the items compelled by the Court on November 14th. (True and correct copies of various emails sent to Attorney Kolman and his assistants with regard to Plaintiff’s discovery deficiencies are attached hereto and marked as Exhibit “E”.)

23. Plaintiff has purchased \$4.1 million dollars’ worth of properties just this year. (A true and correct copy of a Telegram post made by Phil Godlewski on December 15, 2022 is attached hereto and marked as Exhibit “F”.)

24. Plaintiff can afford to pay a substantial sanction for his egregious conduct in this case.

25. Plaintiff is obviously playing a game in this lawsuit that serves only to waste the Court's time and resources and the Defendants' money.

26. Defendants request that all of Plaintiff's claims be dismissed with prejudice and that Plaintiff be compelled to pay Defendants an amount to compensate them for all their legal fees and an additional amount as a sanction against Plaintiff for his egregious conduct. Defendants request that the Court maintain jurisdiction over this case until Plaintiff pays all sanction amounts and that additional interest be added each month until all amounts are paid in full.

27. Defendants request that a hearing on this matter be held at the same time as the hearing on Defendants' Second Motion for Sanctions which concerns Plaintiff's failure to produce his text messages with B.D. (the minor victim in the 2010 criminal case).

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 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 or suffer further sanctions as ordered by the Court.

RESPECTFULLY SUBMITTED,

HAGGERTY HINTON & COSGROVE LLP

Date: 12-20-2022

By: J. T. Hinton, Jr.

J. Timothy Hinton, Jr., Esq.
401 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

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

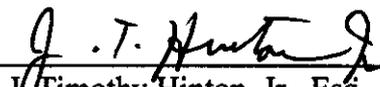
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December 2022, I caused to be served by electronic mail, a true and correct copy of the foregoing Defendants' Third 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. Timothy Hinton, Jr., Esq.
401 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

v.

CHRIS KELLY, et al
Defendants.

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

MAURI B. KELLY
LACKAWANNA COUNTY CIVIL DIVISION

2022 NOV 14 JURY TRIAL DEMANDED
No.: 2021-CV-2195

CLERK OF JUDICIAL
RECORDS & PUBLIC DIVISION
ORDER

AND NOW, on this 14th day of November 2022, upon consideration of Defendants'

Motion for Sanctions, it is hereby ORDERED, ADJUDGED and DECREED as follows:

Plaintiff shall produce to Defendants' counsel within ten (10) days of the date of this

Order the following:

- (a) Plaintiff's full individual federal tax returns and the tax returns for any businesses he held an ownership interest in filed with the IRS for all years from 2016 to the present and serve Defendants' counsel with a verified supplemental answer to Defendants' Request for Production of Documents (Set I), Nos. 2 and 3;
- (b) Plaintiff's live videos streamed or uploaded to any social media outlets or platforms 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 date;
- (c) Any Diplomas, Certificates and/or transcripts from the Harvard Business School concerning any programs or classes Phil Godlewski attended there;
- (d) Any documents evidencing Plaintiff's purchase of any guns, rifles or any firearms in 2020 or 2021; and
- (e) A Verification for Plaintiff's Answers to Interrogatories (Set II).

Defendants are also awarded \$2,345 for counsel fees to be paid by Plaintiff as a sanction due to Plaintiff's failure to properly respond to discovery requests. This amount shall be paid to "The Scranton Times, L.P." within ~~ten (10)~~ ^{thirty (30)} days of the date of this Order. If Plaintiff fails to adhere to this Order in any respect, he shall be subject to further sanctions as ordered by the Court.

BY THE COURT

Sr. 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

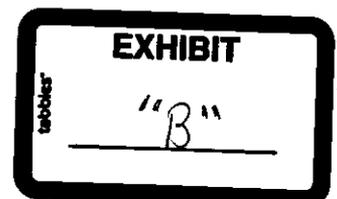
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PLAINTIFF'S RESPONSE TO COURT ORDER OF NOVEMBER 14, 2022

a. Plaintiff has provided all personal income tax filings. Plaintiff has, in good faith attempted to contact the IRS but to no avail. The IRS has not responded either through its website or by telephone. The last year the Plaintiff filed for personal income taxes was the year ending 2018. He has not filed for 2019, 2020 2021. He does intend to file all these tax returns.

b. Plaintiff notes that his broadcasts cannot be put onto 'compact' discs. This technology will not work. Most computers do not have CD drives. However, every one of the Plaintiff's broadcasts can be found on his Rumble account. The URL is rumble.com/c/philgodlewski. At this address, 9 pages of contents, dating back to January 2021 can be found. The prior live streams were held on Facebook, but Facebook deleted Plaintiff's account on the date of the 2021 inauguration and those videos are therefore forever lost.

c. Plaintiff does not have any copies of his diplomas or degrees. He cannot locate his high school diploma and has not seen it since he graduated. Plaintiff has attended numerous schools and universities to further his education since he graduated high school in 2002. He does not have any degrees for any of that schooling. The schools he attended include Duquesne Univ., the University of Scranton, Johnson College, Allied College, Pennsylvania Real Estate Academy, Realtor Institutes, National accredited Buyer Representation class, Harvard business online and Regent University online. Some of these schools were paid for courses. The Harvard diploma is not a diploma at all. It is just a certificate stating that Plaintiff completed the course. It was simply an online close, nothing more.



d. Plaintiff does not occur, in his custody or control, any documents evidencing any purchase of any governments, rifles or firearms in 2020 or 2021.

e. Plaintiff encloses a verification for his responses to interrogatories Set II.

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

Dated: December 2, 2022

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

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CERTIFICATE OF SERVICE

I, Timothy M. Kolman, Esquire, certify that on this 2nd day of December 2022, I caused a true and correct copy of the *Plaintiff's Response to Court Order of November 14, 2022*, to be served upon the following parties via email:

J. Timothy Hinton, Jr., Esquire
Haggerty Hinton & Cosgrove LLP
1401 Monroe Avenue, Suite 2
Dunmore, Pennsylvania 18509
Attorney for Defendants

Respectfully submitted:

Date: 12/2/2022

/s/ Timothy M. Kolman
Timothy M. Kolman, Esquire
Kolman Law, P.C.
414 Hulmeville Avenue
Pennel, Pennsylvania 19047
Attorney for Plaintiff

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C O U R T O F C O M M O N P L E A S
L A C K A W A N N A C O U N T Y

<hr/>		X	
PHILIP GODLEWSKI,		X	
		X	
Plaintiff,		X	
		X	
-vs-		X	No. 21-CV-2195
		X	
CHRIS KELLY, TIMES SHAMROCK		X	
COMMUNICATIONS, SCRANTON		X	
TIMES-TRIBUNE, LARRY HOLEVA,		X	
		X	
Defendants.		X	
<hr/>		X	
		X	

TRANSCRIPT OF PROCEEDINGS
OF MOTION FOR SANCTIONS

BEFORE: HONORABLE CARMEN D. MINORA, S.J.

DATE: NOVEMBER 14, 2022

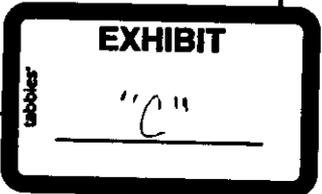
PLACE: Lackawanna County Courthouse
Scranton, Pennsylvania 18503

A P P E A R A N C E S

For the Plaintiff: TIMOTHY COLEMAN, ESQUIRE

For the Defendant: J. TIMOTHY HINTON, ESQUIRE

Mark Wozniak
Official Court Reporter



1 THE COURT: Philip Godlewski versus
2 Chris Kelly, Times Shamrock Communications,
3 Scranton Times-Tribune, Larry Holeva,
4 21-CV-2195.

5 Present on behalf of the plaintiff
6 is Timothy Coleman. Present on behalf of the
7 defendants is Timothy Hinton, Jr. Go ahead,
8 Tim.

9 MR. HINTON: Your Honor, this is a
10 defamation case, and Phil Godlewski, a local
11 realtor, he's had some brushes with the law
12 around here. I don't know if you've touched
13 any aspects of his cases.

14 In early 2021 Mariotti Lumber was
15 the subject of a bad check and Judge Barrasse
16 handled that case. He pled guilty to passing a
17 bad check and tampering with some bank records,
18 and he did 30 days in jail for that.

19 But before that, in 2010 he was
20 charged with all sorts of crimes.

21 MR. COLEMAN: Your Honor, I'm going
22 to object. The reason for my objection is that
23 this is totally irrelevant to what is before
24 your Honor, which is a discovery matter. And
25 what counsel is trying to do is basically

1 prejudice my client before you and that is
2 not appropriate here.

3 What is appropriate is what Mr.
4 Hinton asked for and what we've responded
5 with and his request for legal fees, which
6 is basically what he's asking for, the other
7 issues having been, I think, resolved
8 between us.

9 So I would object to this whole
10 prejudicial issue or issues in respect to my
11 client. It's irrelevant and it's
12 prejudicial and a waste of time.

13 THE COURT: Let me put both of you
14 on notice that I was a plaintiff in a
15 similar lawsuit against all the defendants
16 in this case. It wasn't Chris Kelly in
17 those days. To be honest with you I don't
18 remember who it was, it was so long ago.
19 But I just thought to make you aware. I was
20 one of three plaintiffs.

21 MR. HINTON: They sued the Scranton
22 Times about 18 years ago or 20.

23 THE COURT: You know better than I.

24 MR. COLEMAN: Let me just get this
25 straight. I didn't know this. Were you in

1 an adversarial position with my client at
2 some point?

3 THE COURT: No, with his clients.

4 MR. COLEMAN: I don't have a problem
5 with that.

6 MR. HINTON: Mr. Coleman, Judge
7 Minora has handled many things since that
8 time and we've never objected to his role as
9 and a judge.

10 MR. COLEMAN: Of course.

11 THE COURT: Most people around here
12 know it, but you're from out of town so I
13 wanted to make you aware of it.

14 MR. HINTON: So, your Honor -- and
15 really, I don't need to get into the weeds.
16 I thought maybe you would have heard of the
17 plaintiff because we are a smaller town, I
18 think, and I don't want to digress. It's a
19 defamation case. In his complaint he's
20 asking for \$5 million. The case stems
21 around a couple principal theories of
22 defamation.

23 Number one, Chris Kelly recited his
24 history of charges with a younger girl, and
25 the principal allegation in this defamation

1 case is that he never had sex with a
2 15-year-old girl. He just pled guilty to
3 corrupting morals. So there's this central
4 issue in the defamation case, whether or not
5 he did have sex with a girl more than ten
6 years younger than him back in 2010 or
7 thereabouts.

8 The second allegation in this case
9 is whether he called the cadence at the
10 January 6th invasion of the capital. And
11 Mr. Godlewski would admit he's a QAnon
12 person and he is a truther on social media.
13 He's got millions of followers on social
14 media. He's making a lot of money right now
15 selling ads through his social media
16 program.

17 So with that backdrop, the discovery
18 is pretty wide, as you know, in a defamation
19 case and he's got these various theories as
20 to how he's defamed.

21 So the long and short of it is we're
22 missing four or five things here. I've
23 reviewed them with attorney Coleman. I
24 think we're in agreement on all of those
25 things, A through E, as listed on my

1 proposed order. What he does not agree is
2 to pay my legal fees in pursuing this matter
3 and getting to this point, which since
4 August 1st amount to 13.4 hours at \$175 per
5 hour. I know I need to raise my legal
6 rates, but they've been a client of mine for
7 a long time. That comes to \$2,345 in legal
8 fees we'd be seeking to pursue relatively
9 simple discovery which Mr. Coleman and I
10 agreed to within five minutes of me being
11 here and sitting with him. So that's it in
12 a nutshell.

13 MR. COLEMAN: Your Honor, if I may,
14 first of all, the reason why there's been so
15 much discovery here is because my client
16 never had sex with this 15 year old, and so
17 Mr. Hinton is doing an extremely good job
18 trying to discover absolutely everything in
19 this case and he has given us five sets of
20 production of documents and I think it's
21 three or four sets of interrogatories. All
22 of which we have attempted to answer in good
23 faith and, in deed, have done so. These
24 four things in addition we have attempted to
25 respond to.

1 With respect to the tax returns, he
2 doesn't have them. We produced everything
3 that he has, and we said --

4 THE COURT: What do you me he
5 doesn't have it? What do you mean he
6 doesn't have taxes? I want to know how he
7 does that because I'd like to emulate that
8 if it's legal.

9 MR. COLEMAN: He hasn't filed. I'm
10 sure Mr. Hinton will use that, but the ones
11 that we did give him I think are corporate
12 tax returns. He hasn't filed tax returns.
13 That's number one.

14 THE COURT: Wait. So the
15 distinction you're drawing is that he may
16 have entities that he owns that have filed
17 but he has not filed individually? Is that
18 the distinction you're making?

19 MR. COLEMAN: That's correct, your
20 Honor. He hasn't filed individually. So we
21 produced the tax returns we have, but he
22 hasn't filed individually.

23 Now, as far as the social media
24 outlets and platforms are concerned, what we
25 did was we said you need to go to

1 rumble.com, but that's where our client's
2 at. Go to rumble.com and every single one
3 of his videos is there.

4 I now hear today from Mr. Hinton
5 that they're not there, in fact. That some
6 are there, some are not, and that as a
7 result he now needs all of those videos on a
8 hard drive, which I'm happy to give him. I
9 didn't realize that rumble.com, he couldn't
10 get them.

11 As far as the diplomas and
12 certificates are concerned, I believe we
13 answered that issue in the interrogatories,
14 but what Mr. Hinton has shown me is there --
15 and this is the first time I've seen it, is
16 that there is or appears to be a diploma
17 from Harvard behind him for a mastery in
18 negotiation. I do remember my client saying
19 that he did get a diploma and that's it.
20 Now, what Mr. Hinton wants is he wants to
21 see it, he wants a facsimile of it, and
22 probably wants to see the back of it as
23 well. So I appreciate that perhaps he wants
24 a little more there than we gave him.

25 And as for firearms, to purchase

1 guns or firearms, Mr. Hinton for the first
2 time has shown me that my client attempted
3 to buy firearms in 2021 and then he was hit
4 with a misdemeanor. Something I didn't
5 know.

6 THE COURT: Don't you love being
7 surprised like that?

8 MR. COLEMAN: In this case I'm
9 pleased that it's a limited surprise and not
10 more -- at the moment. I did mention to Tim
11 what he stands for I do not. I'm solely a
12 legal representation.

13 THE COURT: This is America. You
14 don't have to agree.

15 MR. COLEMAN: In terms of the
16 firearms, your Honor, I hear now for the
17 first time that he attempted to purchase --
18 he actually attempted, apparently, to
19 purchase firearms for his -- as he says, for
20 his wife. I would have thought that if he
21 attempted to do that and filled in the form
22 incorrectly or falsely that that would be a
23 felony. I understood that it would be a
24 felony. It's a federal crime.

25 THE COURT: I'm assuming that his

1 prior convictions would preclude him from
2 having a firearm.

3 MR. HINTON: M-1.

4 MR. COLEMAN: Apparently it's a
5 misdemeanor, and I didn't realize that it's
6 a misdemeanor, and he wants to follow up on
7 that, which I understand. But those are the
8 four things, Judge, out of all the things
9 he's asked for, and now, your Honor, he's
10 asked who my client had sex with, which
11 amazingly my client is answering. So I have
12 the answers for Tim on that. Did you have
13 sex with this, did you have sex with -- I
14 mean, it's extraordinary.

15 But the point is, your Honor --

16 THE COURT: You can't make this
17 stuff up, can you?

18 MR. COLEMAN: I just want the Court
19 to know that with all the discovery that has
20 been given to us -- interrogatories,
21 document requests -- we have responded in
22 good faith and fully and completely. The
23 reason why I think Mr. Hinton is here is
24 because of the stuff that we didn't know.
25 There might be stuff that we should have

1 perhaps clarified and, you know, sort of
2 made clear. That's probably something that
3 happens, you know, with discovery. I didn't
4 know about the rumble.com. I thought he
5 could get absolutely everything.

6 The federal tax returns, we gave him
7 everything. He wants a verification that he
8 doesn't have any individual. I appreciate
9 that. We can get him that.

10 As for the diplomas, I believe we
11 answered that in interrogatories that he has
12 that. Now --

13 THE COURT: What are you referring
14 to there, Tim?

15 MR. COLEMAN: In an interrogatory he
16 asked for what degrees he has. I believe we
17 told you he has a master degree in
18 negotiations. We did respond to that. So
19 we responded to that. What I didn't know
20 until now is that Tim plays me a film of my
21 client talking about the number of degrees
22 he has. Oh, I've got a number of degrees,
23 he says. To be honest, your Honor, I don't
24 think he has a number of degrees, and I
25 didn't know that he had said that. I hadn't

1 seen it before. But in the background, your
2 Honor, is this diploma, degree from Harvard
3 University which Tim wants to sue. I get
4 that, and I can get that for him. But
5 it's -- and he wants a verification.

6 But it's not as if we have wilfully
7 denied him anything or we haven't attempted
8 to respond in good faith. I'm only hearing
9 now, your Honor, that the Rumble didn't
10 work, that there's the degree in the
11 background and he wants a copy of it, and
12 that he wants a verification that the
13 individual tax returns were not filed and
14 that the tax returns we gave him are all we
15 have.

16 THE COURT: There's a dilemma there.
17 I mean, think about this for a minute.
18 Because when I was looking at the file to
19 prepare basically he's going to verify under
20 oath that he's committed a crime.

21 MR. COLEMAN: Absolutely. He has to
22 verify what he has to verify. I'm not going
23 to sugarcoat it. And it's very interesting
24 you raise that, your Honor, because Tim --
25 and I think it's kind of where he's going

1 with this might be how can you sue for your
2 reputation when your reputation's already in
3 the toilet. I think that's really the way
4 he's going with this. He won't be able --
5 and I told him this. He won't be able to
6 show that he ever had sex with this 15 year
7 old because he never did. And as for QAnon,
8 I don't think he's an actual member, your
9 Honor, but that's besides the point.

10 THE COURT: Well, let's presume
11 you're right for a moment. If that's the
12 case he's got to mitigate his damages.

13 MR. COLEMAN: Exactly, and by the
14 way, Tim, he's not asking for any economic
15 loss. Did I tell you that? I think it's
16 important, Judge, because the reason for the
17 tax returns are that he could see -- well,
18 now he hasn't filed, so now he's got
19 different reasons for not getting them. But
20 in terms of the actual income, my client
21 isn't requesting any loss of income. So
22 that means that in terms of the actual
23 expansive content of the tax return they are
24 irrelevant. In terms of the fact that he
25 hasn't filed them, of course, is not

1 irrelevant.

2 THE COURT: That's not the standard
3 for discovery anyhow. Everybody comes in
4 and argues that and they all know it isn't
5 the standard. I don't understand why they
6 do that but I have to call you on it.

7 MR. COLEMAN: But what I'm trying to
8 tell the Court is it doesn't arise to the
9 standard of having to compensate his legal
10 fees. At least not yet. Given the fact
11 that we have responded in good faith across
12 the board with everything else that he has
13 asked for, including extremely intrusive
14 questions -- which we have answered, my
15 client's answered, including this set now --
16 and given what I've explained to the Court I
17 don't think that Mr. Hinton is entitled to
18 legal fees as a subsequent.

19 Now, if I don't get this to him and
20 if he's not received what I have represented
21 he should get, well, that's a different
22 thing, I believe. That is a different
23 thing. But right now, your Honor, justly, I
24 don't think legal fees are justified given
25 the totality of the case, the way we've

1 responded and what I've just explained.

2 Thank you.

3 MR. HINTON: Thank you. So, your
4 Honor, this case has been pending since May
5 of 2021, and not long after Mr. Coleman
6 filed this case for Mr. Godlewski I served
7 the first request for production of
8 documents. Number two said if you're making
9 a claim for wage loss I'd like a copy of
10 your tax returns for the five years before
11 the article, September 14, 2021, up to the
12 present.

13 His answer? These will be provided.
14 Not they don't exist, he didn't file. These
15 will be provided. Same thing for any tax
16 returns for companies he has an interest in.

17 What he has provided is parts of tax
18 returns from when he was in the real estate
19 business in 2016 and 2017 for Velocity
20 Abstract or the Real Estate Academy, forms
21 on depreciation. Like, how about just a
22 full tax return on your businesses and on
23 you individually. Instead of being
24 straightforward, Mr. Godlewski doesn't say
25 hey, we haven't filed any individual tax

1 returns so none will be provided, which
2 would have put this matter to an end. But
3 he didn't do that. So he said these will be
4 provided. So then I asked --

5 THE COURT: So you don't even have a
6 complete answer on the companies he's
7 involved with --

8 MR. HINTON: I don't.

9 THE COURT: -- in addition to the
10 individual ones he now says he hasn't filed.

11 MR. HINTON: That's right. It's in
12 my proposed order. Then I asked for
13 supplemental answers to interrogatories and
14 request for production of documents. Mr.
15 Coleman's response has been a letter
16 verified by his client. I did press them
17 for a verification for the supplemental
18 answers. His response, "the plaintiff is
19 making a wage loss claim. He lost his job
20 with ERA, Sunita Aurora, and has not sold
21 any property since that time. In addition,
22 his followers were reduced by thousands. I
23 believe his recent tax returns should
24 accurately reflect the loss."

25 We don't have them. We don't have a

1 verified answer saying he doesn't file a tax
2 return.

3 Then in response to the motion to
4 compel discovery in August, just a few
5 months ago, "plaintiff has since provided
6 defendants with his tax returns going back
7 to 2016. He has not filed in 2020 or 2021."

8 Come on. I mean, you say this in
9 response to the motion to compel. That's
10 not what Mr. Coleman said today, is he
11 hasn't actually filed any tax returns since
12 2016. I just want to get it nailed down,
13 verified, and we can move on. This isn't
14 that big -- if he doesn't have them he can't
15 produce them.

16 In terms of the answers to
17 interrogatories, I served those on March 28
18 of 2022, set two, and I didn't get those
19 answers until October, September. It's in
20 my brief. And then I come back and say
21 well, they're not verified. Can you send me
22 a verification for that. We're still
23 waiting for it. I mean, every time I don't
24 get something I tell them I don't get
25 something. We didn't have to be here today.

1 So that's why my client shouldn't
2 have to bear the \$2,345 to get really simple
3 things here today. That's why we're asking
4 for legal fees. We'll drop the dismissal of
5 the case. It's real simple.

6 And the Harvard degree, your
7 Honor -- can I approach?

8 THE COURT: Sure.

9 MR. HINTON: I showed these videos
10 to Mr. Coleman already. So these are just
11 two clips here. Phil Godlewski.

12 (Video played.)

13 MR. HINTON: I just want a copy of
14 that. In a defamation case you put your
15 whole background at play. Where do you come
16 from? Who are you in this community?
17 That's all we're seeking.

18 As it turns out Mr. Coleman and I
19 noticed this is really a certificate. I
20 want to check on the validity of it, the
21 authenticity of it, but Harvard does --

22 THE COURT: I was looking to see who
23 signed it.

24 MR. HINTON: Their business school
25 has programs you can take online to -- it's

1 like an online course and you can get a
2 certificate from it. So I just want to see
3 it. Pretty simple request. Find out how
4 long was the course, the online course, what
5 does it take to get one of these
6 certificates. It's not a degree and he has
7 no degrees from anywhere. Mr. Coleman knows
8 that and we know that.

9 MR. COLEMAN: Judge, it must be an
10 inadvertence. I apologize to Mr. Hinton.
11 We have sent out ten verifications or maybe
12 nine verifications and we might have lost
13 track. It's possible that we -- I don't
14 know.

15 THE COURT: Attorney Coleman, I want
16 you to understand something. When this kind
17 of thing occurs I don't take this as a
18 reflection on your professionalism because
19 of that Joe McGraw quote, and I recognize
20 that we euphemistically refer to these as
21 client management issues can arise. So I
22 don't necessarily think this reflects on you
23 as much as it may reflect on how candid your
24 client has been with you. So I want you to
25 feel more comfortable with that.

1 MR. COLEMAN: I feel responsible
2 nonetheless, Judge, because I feel
3 responsible. Look, to be fair, as I said to
4 the Court, I do think that we attempted to
5 respond in good faith back. The fact that
6 it didn't work out, it wasn't sufficient,
7 I'm only learning today, really, for the
8 first time. So I really feel that it's a
9 bit of a hard chew. It's not that it wasn't
10 requested and we didn't respond. It's now
11 that oh, by the way, the response you gave
12 us is inadequate somehow.

13 THE COURT: Well, wait a minute.
14 This goes back to what I just said. You're
15 using the collective pronoun "we" and I'm
16 separating the individuals here. I'm not
17 criticizing what you've provided because I'm
18 sure that's what you were provided by your
19 client. But when I hear him say he's got
20 everything he's ever done in a safe so he
21 can play for the next generation in his
22 family I'm sure you were clueless.

23 MR. COLEMAN: I didn't know that,
24 Judge. No, clue. Your Honor, also I did
25 not know when I said to him you can find

1 these on rumble.com that he couldn't find
2 them because he never said oh, by the way,
3 Tim, I can't find them. And by the way, I
4 also have this tape which I'm going to show
5 you saying that he has them in a vault
6 somewhere. I didn't get that until today.

7 THE COURT: Well, I get that.
8 That's why I'm saying don't use the
9 collective pronoun "we." I know that -- I
10 want to make it clear here that I don't
11 believe you had necessarily a hundred
12 percent candid responses from your client
13 when he videos differently in his answers --
14 his video contradicts some parts of his
15 answers. I get that. No reflection on you.

16 I have to tell you that maybe in my
17 young and foolish days when I practiced law,
18 if somebody did that to me I used to give
19 them their file and throw them out the door.
20 My brother as my partner always objected
21 because there might have been the ability to
22 make more money there, but I didn't show a
23 lot of patience with that.

24 MR. COLEMAN: We have done that in
25 the past. We have.

1 THE COURT: And that's between you
2 and your client, and I'm not suggesting what
3 you should or shouldn't do. But what I am
4 saying is I can't reward him for misleading
5 in his answers.

6 MR. COLEMAN: And I'm not asking you
7 to reward him, your Honor. I'm asking
8 that -- I'm asking essentially that he not
9 be subject to this penalty at this point.

10 THE COURT: We are where we're at
11 procedurally here.

12 MR. COLEMAN: Judge, he may have
13 thought that he was answering fully and
14 completely, for all I know. I don't know.
15 I don't think he was willful in his -- in
16 not answering them, and I say that because
17 he answered everything else, your Honor.
18 It's not as if there's a record of him
19 lying. There isn't. There's these last
20 things that exist where he did give answers,
21 and, your Honor, this is very discrete.
22 After everything that has been asked for,
23 everything that is currently being asked
24 for, all the production that has been asked
25 for, which we have responded to, our firm

1 has responded to completely, this is what's
2 left. Your Honor, I just think it would be
3 an injustice at this point to assert legal
4 fees for him on the basis of this alone now,
5 especially since I was not fully informed
6 about precisely the fact that the Rumble
7 thing didn't work, that he had a Harvard
8 degree.

9 THE COURT: That's why he's not
10 asking for fines against you.

11 MR. COLEMAN: Your Honor, I would
12 have thought that in the discovery at the
13 very least that we would have had true
14 candor. I have a tape here, Tim, showing
15 that he has a bunch of degrees. What the
16 hell. Get me what he has so I don't have to
17 file. By the way, in the background is this
18 diploma that he mentioned. I need a copy of
19 that. Get it to me. And, by the way, you
20 gave me the rumble.com. I can't get
21 everything and I'm not willing to a pay fee,
22 Tim said, which I appreciate. I'm not going
23 to pay a fee that goes to your client to get
24 them. So you need to get them another way.
25 I never heard that either.

1 So to be honest, Judge, I feel that
2 if sanctions were to be levied, they should
3 be levied on the party that just has not
4 responded. That has wilfully not responded.
5 That has not attempted to respond. That has
6 been disrespectful both to the Court and to
7 opposing counsel.

8 But, Judge, that's not us. I do
9 take responsibility. I know that your
10 Honor's trying to, as it were, say my
11 client's responsible, but I feel
12 responsible, your Honor, as his attorney.
13 It's my job to get what he needs, but I
14 can't get what he needs unless he
15 communicates with me fully that he really,
16 genuinely doesn't have it. He only has part
17 of it or it doesn't work or something like
18 that.

19 THE COURT: Well, this goes back to
20 the definition of what is a lie. He
21 obviously did some things that were very,
22 very candid here and I commend you for that,
23 but if you don't tell an entire truth is
24 that a lie?

25 MR. COLEMAN: Your Honor, it could

1 be, but I'm asking that Tim tell me that
2 what we gave him doesn't work. Like the
3 rumble.com. I only learned today guess
4 what, I have to go --

5 THE COURT: Why does he have to tell
6 you something that's already been responded
7 to? Like he has his tax returns and we'll
8 get them as soon as they're produced for us,
9 and then we find out they don't exist?
10 That's him at least being misleading at one
11 point. Procedurally where we're at here is
12 there were interrogatories, there was
13 discovery, there were motions to compel, and
14 we're only here because we got to the
15 sanction point. So it isn't like there's
16 been a lot of cooperation in terms of
17 evading getting to this point.

18 MR. COLEMAN: Your Honor, in terms
19 of giving him that rumble.com, I thought in
20 good faith that he could go on it and find
21 what he needed.

22 THE COURT: I understand that, and
23 that must have come from somebody you
24 represent. Although, I don't want to
25 speculate here because you wouldn't know

1 that yourself.

2 MR. COLEMAN: This is my client
3 saying if he goes on rumble.com he'll find
4 everything. My understanding is that he
5 could have found it but he has to pay a fee
6 for it. So I didn't -- and he said well,
7 why should I have to pay a fee just today,
8 and I agree with him, but it's not like that
9 is an incorrect or dissembling answer. It's
10 not.

11 And the same with the, you know, tax
12 returns. It's the same thing. They're all
13 produced. I don't have anything else. I
14 thought actually that what we produced was
15 the tax returns for him completely. I
16 didn't realize that there should be or are
17 any others. So I didn't follow up on that.

18 As for verifications, we have sent
19 out a slew of verifications and, I don't
20 know, one must have slipped through somehow.
21 There's, like, ten verifications that have
22 been sent.

23 So I think that just about covers
24 it, your Honor, and so I would ask that your
25 Honor not impose legal fees at this point

1 because I understand that my client is --
2 how can I put this -- has not responded as
3 perfectly as he should have done, but he has
4 responded and he has responded, I think,
5 well enough to be within the boundaries of
6 what was asked for. The fact that I'm now
7 hearing that what was asked for and what was
8 responded to was insufficient, that's
9 something I didn't know. But it's not that
10 he didn't answer. He did.

11 THE COURT: Look, I've prepared
12 this. I'm looking through. The one thing
13 that caught my eye was they were requesting
14 any kind of documentation you have
15 regarding -- I think it might, and I may be
16 wrong about this -- regarding the original
17 offense that was to distinguish between
18 having sex and corrupting the morals of a
19 minor, and you referred him to attorney Joe
20 D'Andrea. Right?

21 MR. HINTON: Joe represented him.

22 MR. COLEMAN: That was a criminal
23 case so long ago.

24 THE COURT: And I get that, but he's
25 not going to give it to them because you

1 might be looking at something that's
2 privileged. He doesn't have a waiver from
3 you that says that Joe has to give him
4 everything. So these answers, are they
5 responsive? Yes. But are they complete and
6 cooperative? No.

7 MR. COLEMAN: I spoke to Joe and I
8 asked him do you have documents, and he said
9 no, it's so long ago I don't, and if I'd
10 been asked that, does he have documents, I
11 would have said -- I would have represented
12 as an officer of the court, as I am now, to
13 your Honor I asked him for those documents.
14 I specifically asked him do you have them?
15 Do you have a file? If you have it, I need
16 it, and he said it's so long ago I do not
17 have any documents. I don't have a file.

18 And as a consequence, I think, Tim
19 then filed for an exception so he could get
20 the actual transcript of what occurred in
21 court at that time and that's what he got.
22 So I think Tim's got everything he can
23 possibly get. I don't have anything to give
24 him.

25 But this is what I want to say,

1 Judge. I've been doing this a long time and
2 I know it's very important to respond to
3 discovery. Absolutely essential. I mean,
4 that's really the nuts and bolts, if you
5 will, of litigation, and I appreciate that.
6 That is what I have attempted to do in good
7 faith, having spoken directly to my client
8 and having then written down the responses.
9 I did not learn until today that certain of
10 those responses are, as it were, inadequate
11 as far as Tim is concerned. But I don't
12 believe that in this case, in these
13 circumstances sanctions should be awarded.
14 Genuinely having done this for more years
15 than I want to remember, I just don't think
16 it arises to that at this juncture because
17 of everything that I've said, your Honor.

18 MR. HINTON: Your Honor, real quick.
19 What I've requested in the motion for
20 sanctions and identified I identified in the
21 motion to compel back in August. But when
22 you look at our second request for
23 production of documents which was served on
24 October 26, 2021, three requests I ask for.
25 So the fact that I may have asked for set

1 five of the request for production, they're
2 very targeted, very limited requests. If
3 something's hot on my mind I'm not going to
4 send you 30 requests. So I served these
5 discovery requests October 26, 2021. I got
6 the response -- there's a certificate of
7 service attached to it. The first thing is
8 "produce all of Phil Godlewski's live videos
9 streamed or uploaded to any social media
10 outlet or platform including YouTube,
11 D-Live, Telegram, Rumble, et cetera." Now,
12 Rumble's free. The other one you have to go
13 to a pay wall. That's the ones I can't get
14 at. The other thing about Rumble is if you
15 put a live up there on Rumble, publicly
16 accessible, and then you take a second look
17 at it and you don't like it you have the
18 capability of taking it down.

19 So public figure case here, plus
20 he's making admissions about his
21 relationship with the 15-year-old girl in
22 his live shows. She was conniving, she was
23 this, she was that, her mother's out for
24 money. All of those things are in live
25 shows that he does to his thousands,

1 millions of followers.

2 But his answer is really cute. Phil
3 Godlewski's answer in March of 2022, I think
4 it is. I gave you my only copy. He's
5 saying this makes no sense. It's nonsense.
6 My request is nonsense. So Mr. Coleman, he
7 didn't review all of this stuff, I'm sure,
8 for today going back to all these discovery
9 requests. But, you know, there's been a
10 journey here to get where we're at today for
11 a motion for sanctions. All of this was
12 motion to compel, too, all of this were
13 letters of deficiencies, too, through the
14 way.

15 You know, this is pretty simple
16 stuff that I'm asking for here, and I'll
17 getting objections saying they're nonsense
18 and that I should have picked up the phone
19 and just said hey, I didn't know Rumble
20 wasn't working. Rumble works just fine. I
21 can get at it. I told him on October 28th
22 that my motion -- my supplemental brief I
23 explained exactly what I'm saying. I didn't
24 get a phone call in the last 20 days saying
25 oh, I'm sorry. I wasn't looking at this

1 right. You want the stuff that's behind pay
2 walls. You want all of his videos that he's
3 done talking about criminal cases in the
4 past, talking about his ventures that he's
5 doing now. This guy, he goes on and on and
6 on. Two videos a week, he does, sometimes.
7 Sometimes it's one a week. But he'll talk
8 about anything, and he talks about this case
9 and he talks about this girl. It's like
10 keeping a diary and we want the diary.

11 THE COURT: So you're basically
12 saying you want to go to a different source
13 for this because what you get may be a
14 subset of the actual --

15 MR. HINTON: That's correct.

16 MR. COLEMAN: I don't know how Tim
17 knows what he's talking about if he's never
18 seen it. I mean, to be honest, Judge.

19 There's one other issue, your Honor,
20 to be considered, and that is the 13.4 hours
21 that allegedly Tim took. We don't have
22 those hours --

23 THE COURT: You're talking about not
24 having an itemized bill?

25 MR. HINTON: I have my bill here,

1 your Honor.

2 MR. COLEMAN: And I don't know if
3 they're even reasonable or not reasonable.
4 But I think that if your Honor is inclined
5 to give legal fees, then your Honor should
6 also review how long it took because, to be
7 frank, what we're looking at here is pretty
8 discrete. So I don't know how 13.4 hours
9 could be charged for this. I mean, that's
10 one thing.

11 THE COURT: I don't have a problem
12 looking at --

13 MR. HINTON: I spent a couple hours
14 today on this. Your Honor, en camera I can
15 give you my bills to look at. There's a lot
16 of stuff that's unrelated to this. But
17 these bills are specifically for this case.
18 I can checkmark the entries that I went
19 through --

20 THE COURT: I don't know what you
21 mean. Is it like a master bill for those
22 days which includes other work besides this?
23 I don't know what you're saying.

24 MR. HINTON: I can't let you look at
25 my legal bills. They're attorney/client

1 privilege.

2 THE COURT: Let me put it to you
3 this way, with all respect to Mr. Coleman it
4 looks as though his background work that
5 he's doing to verify the veracity of what he
6 received is where you don't see his time.
7 Is that a fair statement?

8 MR. HINTON: I'm not letting him
9 look at my time. I'm making a
10 representation to the Court between the
11 motion to compel and the motion for
12 sanctions and supplemental briefs and being
13 here in court today, 13.4 hours at \$175 is
14 not an unreasonable legal fee. If this was
15 in Philadelphia they'd be seeking \$5,000.
16 You can see our rate in there and it hasn't
17 changed in 20 years. But Judge Minora knows
18 I've been representing this client since
19 year 2000.

20 MR. COLEMAN: I understand that.
21 Even so, I'm willing to rely on his Honor's
22 experience and discretion in making that
23 call. If, Judge, you're inclined to make
24 the call.

25 THE COURT: There is. So I want to

1 give you -- without discussing anything in
2 detail, I want to give you a sense of
3 comfort with what he's asking for by just
4 making general references to what his -- he
5 is engaged in a work product here that goes
6 far beyond the discovery that he directed to
7 you.

8 MR. COLEMAN: Understood, your
9 Honor.

10 THE COURT: Fair enough? I'm trying
11 not to go any further.

12 MR. COLEMAN: Sure.

13 THE COURT: I'm going to sign the
14 order as it's been submitted, and I don't
15 have any problem with you needing more time
16 or your client needing more time or if you
17 want to pay it off like, you know, ten days.
18 It may not be a lot of money for everybody
19 in this room, but it may be a lot of money
20 for this gentleman. I don't know what his
21 financial situation is.

22 I want to make it certain that the
23 counsel fees are being paid by the plaintiff
24 only. Okay? You pretty much say that in
25 the last paragraph. I want to give him more

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time.

MR. HINTON: I understand. Your Honor, if it's any comfort level Mr. Godlewski is doing very, very well in business. He apparently just bought a house for \$1.7 million.

MR. COLEMAN: I don't know how he knows all this about my client.

THE COURT: Because he's doing a lot more background work than you think he is. I just saw his bill. That's how he knows his stuff, because he's thorough when he does his work.

MR. COLEMAN: He knows more about my client than I do.

MR. HINTON: I do.

MR. COLEMAN: Thank you, your Honor, for more time. That is appreciated.

THE COURT: I put 30 in here. If it became a problem we can talk. But I need to put an end to this. It was a pleasure entertaining this argument. Thank you.

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the hearing of the above cause and that this copy is a correct transcript of the same to the best of my ability.

Mark Wozniak
Official Court Reporter

The foregoing record of the proceedings upon the hearing of the above cause is hereby approved and directed to be filed.

Date

HONORABLE CARMEN D. MINORA, S.J.

\$	Academy [1] - 15:20	attached [1] - 30:7	C	COLEMAN [36] - 1:21,	
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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

PLAINTIFF'S RESPONSE TO DEFENDANT'S REQUEST FOR ADMISSIONS (SET I)

Plaintiff, by and through his attorney, Timothy M. Kolman, Esquire, and Kolman Law P.C., hereby responds to Defendants' Request for Admissions (Set I) as follows:

1. Do you admit that the documents attached hereto as Exhibit "A" (ST 1021 to ST 1508) are copies of electronic message communications you had with Brienna DuBorgel?

ANSWER: Yes.

2. Do you admit that you communicated to Brienna DuBorgel on May 28, 2022 about a "financial opportunity" and "financial windfall" that exists for her relating to your lawsuit against Defendants?

ANSWER: No.

3. Do you admit that you did not purchase and obtain possession of any guns, rifles or firearms during the years 2020 or 2021?

ANSWER: No.

Respectfully submitted:

Date: 12/8/2022

/s/ Timothy M. Kolman
Timothy M. Kolman, Esquire
Kolman Law, P.C.
414 Hulmeville Avenue
Pennel, Pennsylvania 19047
Attorney for Plaintiff



VERIFICATION

I, Philip Godlewski, verify that the statements made in *Plaintiff's Response to Defendants Requests for Admissions (Set I)* are true and correct to the best of my knowledge and belief. I understand that false statements made herein are subject to the penalties of 18 P.A. C.S., Subsection 4904, relating to unsworn falsification to authorities.

Date: 12/7/02

Phil 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

: CIVIL DIVISION

: JURY TRIAL DEMANDED

: No.: 2021-CV-2195

CERTIFICATE OF SERVICE

I, Timothy M. Kolman, Esquire, certify that on this 8th day of December 2022, I caused a true and correct copy of the *Plaintiff's Response to Defendant's Requests for Admissions Set (I)* to be served upon the following parties via email:

J. Timothy Hinton, Jr., Esquire
Haggerty Hinton & Cosgrove LLP
1401 Monroe Avenue, Suite 2
Dunmore, Pennsylvania 18509
Attorney for Defendants

Respectfully submitted:

Date: 12/8/2022

/s/ Timothy M. Kolman
Timothy M. Kolman, Esquire
Kolman Law, P.C.
414 Hulmeville Avenue
Pennel, Pennsylvania 19047
Attorney for Plaintiff

From: Tim Hinton <timhinton@haggertylaw.net>

Sent: Monday, November 28, 2022 11:33 AM

To: Timothy M. Kolman, Esq. <TKolman@KolmanLaw.com>; 'Discovery Motion'

<DiscoveryMotion@lackawannacounty.org>; hhc@haggertylaw.net

Cc: Sarra Small <SSmall@KolmanLaw.com>; 'John Notarianni' <johnnotarianni1@aol.com>

Subject: RE: Godlewski v. Kelly, et al. Case No. 2021-CV-2195

Dear Attorney Kolman – Judge Minora’s Order dated November 14th compelled the production of the documents/items/responses within 10 days. That deadline was Friday, November 24th. At the hearing you told the Court Plaintiff filed no individual federal tax returns from 2016 to the present. It would be very easy for you to serve a verified response to that discovery response. I am willing to give you until the end of this week, Friday December 2nd at 5 pm to fully comply with Judge Minora’s Order of November 14th.

J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
1401 Monroe Ave. Suite 2
Dunmore, PA 18509

Phone (272) 228-1297
Fax (570) 343-9731
email: timhinton@haggertylaw.net

This E-mail, along with any attachments, is considered confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

To ensure compliance with Treasury Department regulations, we inform you that, unless otherwise indicated in writing, any U.S. Federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or applicable state and local provisions or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein.



From: Tim Hinton [mailto:timhinton@haggertylaw.net]

Sent: Monday, November 28, 2022 2:49 PM

To: 'Timothy M. Kolman, Esq.' <TKolman@KolmanLaw.com>; 'Discovery Motion'

<DiscoveryMotion@lackawannacounty.org>; 'John Notarianni' <johnotarianni1@aol.com>

Cc: 'Sarra Small' <SSmall@KolmanLaw.com>

Subject: RE: Godlewski v. Kelly, et al. Case No. 2021-CV-2195

Attorney Kolman- I agree to an extension for you to file a response to Defendants' Second Motion for Sanction until Jan 5th. Your discovery responses relating to Judge Minora's Order dated November 14th are overdue. Are those responses coming this week?

J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
1401 Monroe Ave. Suite 2
Dunmore, PA 18509

Phone (272) 228-1297
Fax (570) 343-9731
email: timhinton@haggertylaw.net

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From: Tim Hinton <timhinton@haggertylaw.net>

Sent: Thursday, December 1, 2022 3:17 PM

To: Timothy M. Kolman, Esq. <TKolman@KolmanLaw.com>; Kathleen A. Carrozza <KCarrozza@KolmanLaw.com>

Cc: Sarra Small <SSmall@KolmanLaw.com>

Subject: RE: Godlewski v. Kelly, et al. Case No. 2021-CV-2195

Dear Tim and Kat- are the discovery responses ordered by Judge Minora on Nov 14th being delivered to me by this Friday at 5pm? They were due last Friday. Thanks.

J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
1401 Monroe Ave. Suite 2
Dunmore, PA 18509

Phone (272) 228-1297

Fax (570) 343-9731

email: timhinton@haggertylaw.net

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From: Tim Hinton <timhinton@haggertylaw.net>
Sent: Friday, December 2, 2022 5:02 PM
To: 'Sarra Small'; hcc@haggertylaw.com
Cc: 'Timothy M. Kolman, Esq.'; 'Kathleen A. Carrozza'
Subject: RE: Godlewski v. Kelly, et al. Case No. 2021-CV-2195

Sarra- We will have to talk about b,c, d on Monday. For example, the Harvard Certificate is hanging right behind Phil's head in several videos. A copy of it needs to be produced.

J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
1401 Monroe Ave. Suite 2
Dunmore, PA 18509

Phone (272) 228-1297
Fax (570) 343-9731
email: timhinton@haggertylaw.net

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From: Tim Hinton <timhinton@haggertylaw.net>
Sent: Saturday, December 3, 2022 9:38 AM
To: 'Sarra Small'; hcc@haggertylaw.com
Cc: 'Timothy M. Kolman, Esq.'; 'Kathleen A. Carrozza'
Subject: RE: Godlewski v. Kelly, et al. Case No. 2021-CV-2195

Hi Sarra- Regard the firearms (d), I am confused by the word "occur". Maybe it's a typo. Please confirm Plaintiff did not in fact purchase any firearms in 2020 or 2021. I need a verified response from Plaintiff on that.

Regarding the Live Videos, I advised Atty Kolman my client will pay for a portable hard drive (it is less than \$100) for Plaintiff to down load all the Lives he has in his safe, not just the ones he has on Rumble.com. We know Plaintiff has removed Live shows from Rumble.com. I played a video for Atty Kolman where Plaintiff said he has maintained a copy of every video he ever did for his children. This includes his Facebook videos too.

The Harvard Certificate is what I want. I know he has no degrees. Atty Kolman told me and Judge Minora this is not a problem. I will be filing a Third Motion for Sanctions on Tuesday unless I have these items by then. Thanks.

J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
1401 Monroe Ave. Suite 2
Dunmore, PA 18509

Phone (272) 228-1297
Fax (570) 343-9731
email: timhinton@haggertylaw.net

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From: Tim Hinton <timhinton@haggertylaw.net>
Sent: Monday, December 5, 2022 10:30 AM
To: 'Timothy M. Kolman, Esq.'; 'Kathleen A. Carrozza'; 'Sarrah Small'
Subject: FW: Godlewski v. Kelly, et al. Case No. 2021-CV-2195

Dear Tim, Kat and Sarrah- Please see the link below. This was played at the Nov 14th hearing. The Harvard Certificate is on the wall behind Phil (still not produced) and he says on the video clip below he has a copy of every Live video he has ever done in his safe. Whatever he has he needs to copy onto a portable hard drive and get it to me. We have been waiting for this for over a year, and now Plaintiff has already lost a Motion to Compel and a Motion for Sanctions on this issue.

J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
1401 Monroe Ave. Suite 2
Dunmore, PA 18509

Phone (272) 228-1297
Fax (570) 343-9731
email: timhinton@haggertylaw.net

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From: Tim Hinton <timhinton@haggertylaw.net>
Sent: Wednesday, December 7, 2022 8:30 AM
To: 'Kathleen A. Carrozza'; 'Sarra Small'
Cc: 'Timothy M. Kolman, Esq.'
Subject: RE: Godlewski v. Kelly, et al. Case No. 2021-CV-2195

Kat- Please give me an update on the Harvard Certificate and portable hard drive with all his videos. My client is pressuring me to follow up on the Sanctions Order compelling these items.

J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
1401 Monroe Ave. Suite 2
Dunmore, PA 18509

Phone (272) 228-1297
Fax (570) 343-9731
email: timhinton@haggertylaw.net

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From: Tim Hinton <timhinton@haggertylaw.net>
Sent: Wednesday, December 7, 2022 8:33 AM
To: 'Sarra Small'; hcc@haggertylaw.com
Cc: 'Timothy M. Kolman, Esq.'; 'Kathleen A. Carrozza'
Subject: RE: Godlewski v. Kelly, et al. Case No. 2021-CV-2195

Hi Kat- Can you let me know about the use of the word "occur". Please see below. Thanks.

J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
1401 Monroe Ave. Suite 2
Dunmore, PA 18509

Phone (272) 228-1297
Fax (570) 343-9731
email: timhinton@haggertylaw.net

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From: Tim Hinton <timhinton@haggertylaw.net>
Sent: Wednesday, December 7, 2022 3:27 PM
To: 'Kathleen A. Carrozza'
Cc: 'Timothy M. Kolman, Esq.'; 'Sarrah Small'
Subject: Phil Godlewski

Hi Kat- Can you at least send me Phil's Harvard Certificate today? Thanks.

J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
1401 Monroe Ave. Suite 2
Dunmore, PA 18509

Phone (272) 228-1297
Fax (570) 343-9731
email: timhinton@haggertylaw.net

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From: Tim Hinton <timhinton@haggertylaw.net>
Sent: Thursday, December 8, 2022 9:00 AM
To: 'Kathleen A. Carrozza'
Cc: 'Timothy M. Kolman, Esq.'; 'Sarrah Small'
Subject: RE: Phil Godlewski

Thanks for the reply. I look for the Harvard Certificate by the end of the day. In terms of the tax records, the time for objecting to producing them has long expired. I have the transcript coming for the Motion for Sanctions hearing on Nov 14th. Plaintiff's financial damages claims have not been dropped. They are still in the Complaint. Plaintiff's pronouncement on his Live show that he is dropping his economic damages claims does not suffice. In any event, Judge Minora ordered them to be produced by November 24th. It is now December 8th. I expect his discovery responses by the end of the day. Otherwise, I am filing a motion for contempt.

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From: Kathleen A. Carrozza [mailto:KCarrozza@KolmanLaw.com]
Sent: Wednesday, December 7, 2022 5:46 PM
To: Tim Hinton <timhinton@haggertylaw.net>
Cc: Timothy M. Kolman, Esq. <TKolman@KolmanLaw.com>; Sarrah Small <SSmall@KolmanLaw.com>
Subject: RE: Phil Godlewski

Tim,

Our client moved and is still unpacking. He said he has not come across his documents, so he does not know where that document is at this time. I will have him sign a verification on that issue and the storage of where he stores digital items. He stated to me that the documents are not in his closet and he sent the link.

Our office computer system is going down soon for upgrades and revision, so it will be tomorrow. As for the tax returns and/or records, from what I understand they have no relevance in the case due to the financial damages claim dropped. I will be able to speak with Tim later tonight to verify that issue.

Kat

From: Tim Hinton <timhinton@haggertylaw.net>
Sent: Friday, December 9, 2022 9:46 AM
To: 'Kathleen A. Carrozza'; TKolman@kolmanlaw.com; SSmall@KolmanLaw.com
Cc: hhc@haggertylaw.net
Subject: RE: <https://youtube.com/watch?v=uZXZ8GOzQVM&feature=share>

Rumble.com does not have his Facebook or Youtube videos and many of his Telegram, DLive or Locals videos. There are a ton more than those present on Rumble. I want all the videos Phil ever did since 1/1/2020. He says they are all in his safe.

J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
1401 Monroe Ave. Suite 2
Dunmore, PA 18509

Phone (272) 228-1297
Fax (570) 343-9731
email: timhinton@haggertylaw.net

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From: Tim Hinton [mailto:timhinton@haggertylaw.net]
Sent: Friday, December 9, 2022 9:10 AM
To: 'Kathleen A. Carrozza' <KCarrozza@KolmanLaw.com>; TKolman@kolmanlaw.com; SSmall@KolmanLaw.com
Cc: hhc@haggertylaw.net
Subject: FW: <https://youtube.com/watch?v=uZXZ8GOzQVM&feature=share>

Dear Kat, Tim and Sarra- You have directed me to Rumble.com to retrieve all Phil's Live videos. They are not all there. For example, Marty Langan did a video criticizing Phil's video in which he points out Hitler's accomplishments and denies he was a monster or killed 6 million Jews. See the Link below. Can you tell me where Phil's original video (without Marty Langan's comments) is and the date of the video discussing Hitler? This is just one example of videos not on Rumble.com. Tim

<https://youtube.com/watch?v=uZXZ8GOzQVM&feature=share>

From: Tim Hinton <timhinton@haggertylaw.net>
Sent: Tuesday, December 13, 2022 1:36 PM
To: 'Kathleen A. Carrozza'
Cc: 'Timothy M. Kolman, Esq.'; 'Sarra Small'
Subject: RE: Phil Godlewski

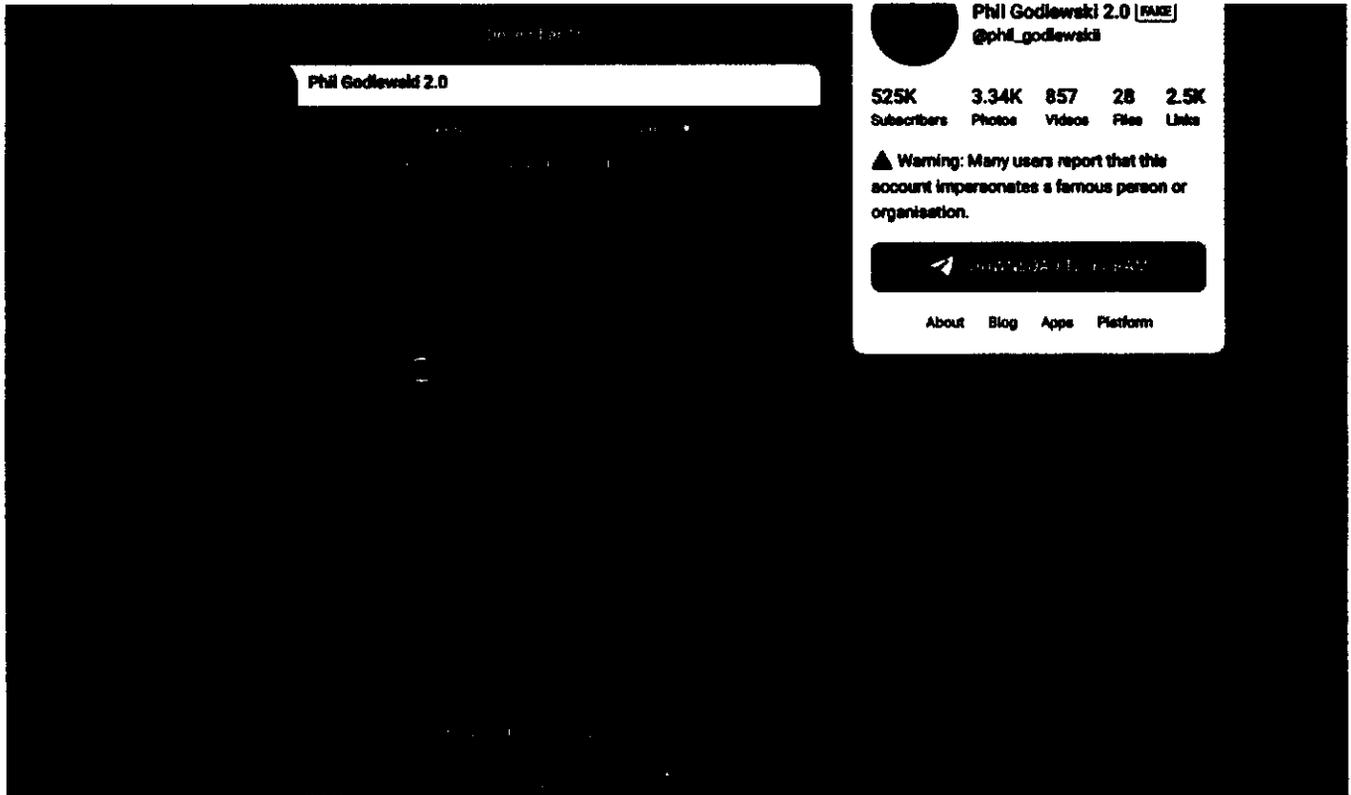
Kat- I still have not received the items ordered by Judge Minora. Is Tim still in trial in MA? I am going to file a motion and I just wanted to check one last time.

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

Direct Phone (272) 228-1297
Office Phone (570) 3449845
Fax (570) 343-9731
email: timhinton@haggertylaw.net

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← → ↻ 🏠 https://twitter.com/phil_godlewski?q=4.1
🔍 Suggested Sites 🌐 Internet Start 📧 MSN 📄 Microsoft 📄 Microsoft 📄 Pennsylvania Unific... 📄 Imported From IE 📄 Dashboard | BMTL 📄 MyVertice 📄 WB Mason - Save o... 📄 Staples

Hey guys

Just to address the above:

I purchased 3 properties this year, and 1 piece of land. The total for all transactions was \$4,120,000.

In addition, I have far more than 5 LLC's.

I have nothing to hide when it comes to this stuff. Whoever is making it seem that way is barking up the wrong tree.

I've made sound financial decisions in the past few years, and the benefits of those decisions are starting to show themselves.

In addition to Real Estate, I own approximately 50,000 ounces of Silver and Gold (combined).

If anyone would like to talk about my personal wealth, and/or how I achieved it, feel free to ask me.

But nothing here is cloak and dagger. I have no problem discussing any of these things, if someone absolutely needs to know. All of my business dealings are 100% legitimate.

Personally, I'd much rather discuss our political situation than my finances.

But, to each their own 🤝

72.7K 🗨️ 18:18

Phil Godlewski 2.0 **[FAKE]**
@phil_godlewski

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