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MAURI B. KELLY
LACKAWANNA COUNTY

2023 JAN -6 P 1:14

Attorney for Plaintiff
CLERK OF JUDICIAL
RECORDS CIVIL DIVISION

PHILIP GODLEWSKI,	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANA COUNTY, PA
Plaintiff,	:	
	:	
v.	:	No: 2022-cv-2195
	:	
CHRIS KELLY, et al.,	:	21
	:	
Defendants.	:	JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT
OR TO JOIN ADDITIONAL DEFENDANT**

COMES NOW Plaintiff Philip Godlweski by and through his counsel, Timothy M. Kolman, JD and makes the following Motion:

COUNT I – LEAVE TO AMEND – Pa.R.C.P. 1033

1. The Pennsylvania Rules of Civil provide that “[a] party, either by filed consent of the adverse party or by leave of court, may at any time change the form of the action, add a person as a party, correct the name of a party, or otherwise amend the pleading.” Pa.R.C.P. 1033 (a).

2. The Pennsylvania Rule of Civil Procedure further provide that “[a]n amendment correcting the name of a party against whom a claim has been asserted in the original pleading relates back to the date of the commencement of the action if, within 90 days after the period provided by law for commencing the action, the party received notice of the institution of the action such that it will not be prejudiced in maintaining a defense on the merits and the party knew or should have known that the action would have been brought against the party for a mistake concerning the identity of the proper party.” Pa.R.C.P. 1033 (b).

3. In paragraphs 3 through 6 of Plaintiff's Complaint, Plaintiff makes the following averments concerning the identity of the employer of Individual Defendants Kelly and Holeva, as

well as the following averments concerning the identity of Corporate Defendant Times Shamrock communications:

3. Defendant Chris Kelly is an adult individual and a journalist employed by the Scranton Times-Tribune who works at 149 Penn Avenue, Scranton, PA 18503.

4. Defendant Times Shamrock Communications is the owner and publisher of the Scranton Times-Tribune and located at 149 Penn Avenue, Scranton, PA 18503.

5. Defendant, the Scranton Times Chronicle, is the newspaper in which the defamatory article appeared and is located at 149 Penn Avenue, Scranton, PA 18503.

6. Defendant Larry Holeva, is an adult individual and an executive editor employed by the Scranton Times-Tribune and who works at 149 Penn Avenue, Scranton, PA 18503 and who, on information and belief was the editor who decided, along with Defendant Kelly, to run the 'story.'

4. In each of these averments, Plaintiff identifies the Corporate Defendant as Times Shamrock Communications and the employer of the Individual Defendants as Scranton Times Tribune.

5. Defendants, in their Answer, respond to these averments as follows:

3. Denied. Defendant Chris Kelly is an adult individual and a columnist employed by The Scranton Times, L.P., 149 Penn Avenue, Scranton, PA 18503, which owns and publishes The Times-Tribune newspaper.

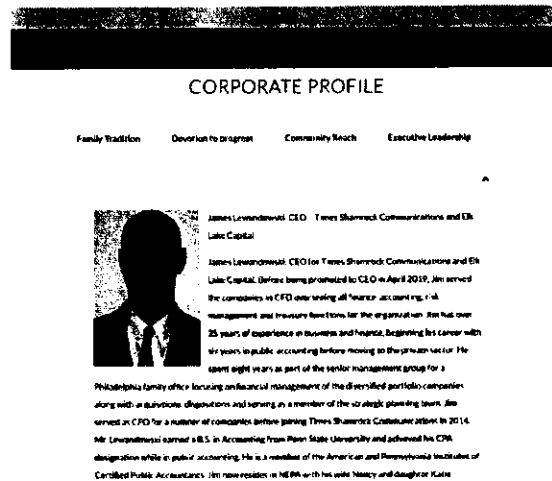
4. Denied. The Scranton Times, L.P., 149 Penn Avenue, Scranton, PA 18503, is the owner and publisher of The Times-Tribune newspaper.

5. Denied. The article attached to the Complaint is not defamatory. The article was published in The Times-Tribune newspaper.

6. Denied. Larry Holeva is an adult individual and the Executive Editor employed by The Scranton Times, L.P., 149 Penn Avenue, Scranton, PA 18503, owner and publisher of The Times-Tribune newspaper. Larry Holeva was not the editor who decided, along with Chris Kelly, to run the article for publication.

6. Defendants assert in paragraphs 3 through 6 of their Answer that the proper identity of the corporate defendant in this matter, as owner and publisher of the Times-Tribune, as well as the employer of Individual Defendants Kelly and Holeva, is The Scranton Times, L.P.

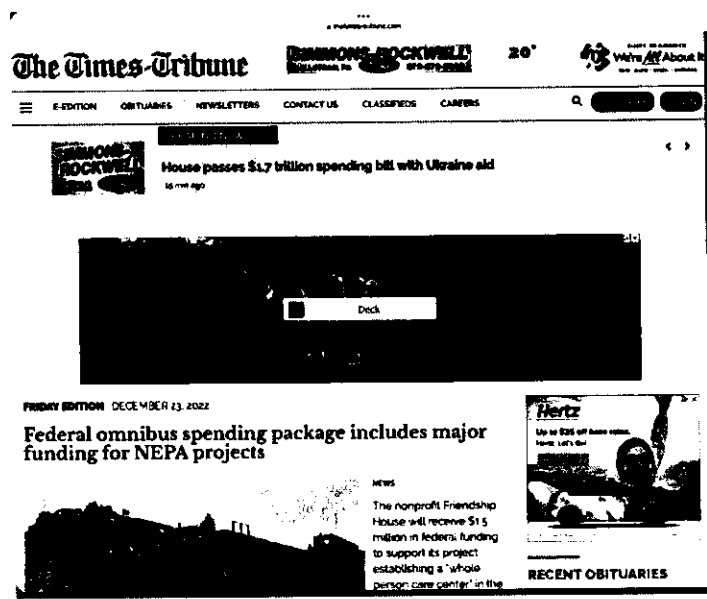
7. On the website owned by Times Shamrock, one James Lewandowski holds himself out to the public as “CEO – Times Shamrock Communications...” as illustrated by the following webpage:



8. Times Shamrock represents to the public, via its website, that the Times-Tribune is one of its brands as evidenced by the following webpage:



9. Via its website, the Times-Tribune holds itself out to the public as being owned and operated by Times-Shamrock. See the banner on the following webpage:



10. As Times Shamrock Communications has held itself out to the public as the owner and publisher of the Times-Tribune, it is reasonable for an adverse party to make such allegations of fact in its pleadings and to name Times Shamrock Communications as a party defendant.

11. The entity known as The Scranton Times, LP has had actual notice of the initiation of this action within 90 days after its filing as the Sheriff of Lackawanna County made service of original process upon all named defendants at the offices of The Scranton Times, LP on June 7, 2021. See Sheriff's Return – Regular filed June 11, 2021.

12. The Scranton Times, LP will not be prejudiced should the court grant permission to amend the Complaint to properly identify Defendant Times Shamrock Communications as The Scranton Times, LP.

13. The Scranton Times, LP knew or should have known that this action would have been brought against it but for a mistake concerning the identity of the proper party.

14. An amendment of the Complaint to correct the name of Defendant Times Shamrock Communications to The Scranton Times, LP relates back to the date of the commencement of this action.

15. A true and correct copy of the proposed First Amended Complaint is attached hereto as Exhibit 1.

WHEREFORE, Plaintiff Philip Godlewski respectfully requests that the Honorable Court grant his motion for leave to amend his complaint.

COUNT II – JOINDER OF ADDITIONAL DEFENDANT

16. Paragraphs 1 through 15 of this Motion are hereby restated and reincorporated by reference as though fully set forth.

17. The Pennsylvania Rules of Civil Procedure provide that “any party may join as an additional defendant any person not a party to the action who may be ... solely liable on the underlying cause of action against the joining party...” Pa.R.C.P. 2552 (a)(1).

18. Alternatively, the Pennsylvania Rules of Civil Procedure provide that a party may be joined when “liable to ... the adjoining party on any cause of action arising out of the transaction or occurrence or series of transactions or occurrences upon which the underlying cause of action against the joining party is based.” Pa.R.C.P. 2552 (a)(2).

19. Leave of court is required to join a party when joinder is sought more than sixty days after service or original process upon the original defendant. Pa.R.C.P. 2553 (a)(1-2).

20. The Defendants in this matter have asserted that The Scranton Times, LP is the employer of the Individual Defendants and is the owner and publisher of the Times-Tribune.

21. The Scranton Times, LC is potentially liable to Plaintiff, either solely or jointly and severally, upon the claims stated by Plaintiff.

22. Joinder of The Scranton Times, LC is proper in this matter.

23. Plaintiff is entitled to leave of court to join The Scranton Times, LP or, in the alternative, enlargement of time to join The Scranton Times, LP by praecipe or complaint.

23. The Court's Local Rules permit the Court to act immediately on a request for enlargement of time to join an additional defendant. Lacka.Co. R.C.P. 2253.

WHEREFORE, Plaintiff Philip Godlewski respectfully requests that the Honorable Court grant his motion for leave to join additional defendant.

Respectfully submitted,

KOLMAN LAW, PC

/s/ Timothy M. Kolman
Timothy M. Kolman, PA51982
414 Hulmeville Avenue
Pennel, PA 19047
(215) 750-3134
Attorney for Plaintiff.

Dated: January 3, 2023

COMBINED CERTIFICATE

I HEREBY CERTIFY that I have this 3rd day of January, 2023, served a true and correct copy of the foregoing document by email upon the following:

J. Timothy Hinton, Esquire
timhinton@haggertylaw.net
Counsel for Defendants

I 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/ Timothy M. Kolman
Timothy M. Kolman, PA 51982

EXHIBIT

1

Timothy M. Kolman, Esquire
KOLMAN LAW P.C.
414 Hulmeville Avenue,
Penndel, Pa 19047

Attorneys for Plaintiff

**IN THE COURT OF COMMON PLEAS FOR LACKAWANNA COUNTY
PENNSYLVANIA**

PHILIP GODLEWSKI
115 Huckleberry Lane,
Duryea, PA 18642.

Plaintiff

v.

CHRIS KELLY
149 Penn Avenue,
Scranton, PA 18503.

And

THE SCRANTON TIMES, LP
149 Penn Avenue,
Scranton, PA 18503.

And

THE SCRANTON TIMES-TRIBUNE
149 Penn Avenue,
Scranton, PA 18503.

And

LARRY HOLEVA
149 Penn Avenue,
Scranton, PA 18503.

Defendants

No: 2022-CV

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Northeastern Pennsylvania Legal Services
33 N. Main Street, Suite 200
Pittston, PA 18640
Telephone (570) 299-4100

Timothy M. Kolman, Esquire
KOLMAN LAW P.C.
414 Hulmeville Avenue,
Penndel, Pa 19047

Attorneys for Plaintiff

**IN THE COURT OF COMMON PLEAS FOR LACKAWANNA COUNTY
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PHILIP GODLEWSKI
115 Huckleberry Lane,
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Plaintiff

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CHRIS KELLY
149 Penn Avenue,
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THE SCRANTON TIMES, LP
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149 Penn Avenue,
Scranton, PA 18503.

And

LARRY HOLEVA
149 Penn Avenue,
Scranton, PA 18503.

Defendants

No: 2022-CV

FIRST AMENDED COMPLAINT

Plaintiff, Philip Godlewski (“Plaintiff or Mr. Godlewski”), by and through his undersigned counsel, Kolman Law PC hereby avers as follows:

I. PRELIMINARY STATEMENT

1. Mr. Godlewski brings this action for libel and libel per se, by violations of Uniform Single Publication Act, 42 Pa.C.S.A. §§ 8341–8345 and for false light and intentional interference with his contractual relationships, all of which arise out of the Defendants’ false, defamatory, and malicious article, published in the Scranton Times Tribune on February 14, 2021, and demands \$5 million in damages. On that day, the Scranton Times-Tribune wrote, among other defamatory slurs, that Mr. Godlewski had had sex with a 15-year-old in 2011. The article was malicious in both tone and substance, stating that Mr. Godlewski was a “purveyor of a poison that has curdled the hearts and minds of millions who may never recover.’ Further, Defendants juxtaposed their defamation by associating the Plaintiff with ‘the secessionist mayhem that resulted in five deaths’ when the Capitol was stormed. Finally, the Defendants slurred the professional reputation of Mr. Godlewski as a Realtor making it clear to any reader that he was unreliable, unethical, and misrepresented, for his own interests, the properties he sold. In fact, the opposite is the case. Mr. Godlewski has always been a top producer of property sales in the Luzerne/Lackawanna area and had, until the Defendants destroyed it, an excellent reputation of ethics, responsibility, and care for his clients

II. PARTIES

2. Mr. Godlewski is a private citizen and adult individual with a residence in the Commonwealth of Pennsylvania located at 115 Huckleberry Lane, Duryea, Pennsylvania 18642.

For the purposes of this complaint, by virtue of his large following, Mr. Godlewski is a public figure.

3. Defendant Chris Kelly is an adult individual and a journalist employed by The Scranton Times, LP t/d/b/a Scranton Times-Tribune who works at 149 Penn Avenue, Scranton, PA 18503.

4. Defendant The Scranton Times, LP is the owner and publisher of the Scranton Times-Tribune and located at 149 Penn Avenue, Scranton, PA 18503.

5. Defendant, the Scranton Times Tribune, is the newspaper in which the defamatory article appeared and is located at 149 Penn Avenue, Scranton, PA 18503.

6. Defendant Larry Holeva, is an adult individual and an executive editor employed by the The Scranton Times, LP t/d/b/a Scranton Times-Tribune and who works at 149 Penn Avenue, Scranton, PA 18503 and who, on information and belief was the editor who decided, along with Defendant Kelly, to run the 'story.'

III. JURISDICTION AND VENUE

7. Jurisdiction over the parties in the courts of the Commonwealth of Pennsylvania is proper pursuant to the provisions of 42 Pa.C.S. § 5301 et seq. Defendants carry on a continuous and systematic part of their general business within the Commonwealth and transact business in the Commonwealth. Defendants have caused harm and tortious injury to Mr. Godlewski in the Commonwealth by their acts in the Commonwealth, to wit, by making publishing and making public defamatory statements which were published in the greater Scranton area and beyond.

8. Venue is proper in the Court of Common Pleas of Lackawanna County under Pennsylvania Rule of Civil Procedure 1006(a) and Pennsylvania Rule of Civil Procedure 2179, in as much as Lackawanna County is the place where Defendants regularly conduct business, and

inasmuch as the occurrences out of which Mr. Godlewski's cause of action arises, to wit, publication of Defendants' false and defamatory statements about him took place in Lackawanna County, Mr. Godlewski felt the brunt of the harm in Lackawanna County and Defendants' defamatory statements had and continue to have the most significant impact in Lackawanna because Mr. Godlewski lives and works in Lackawanna County.

IV. FACTUAL BACKGROUND

A. Mr. Godlewski's Reputation as a Commercial and Residential Realtor

9. Mr. Godlewski is a Certified Realtor and Broker who worked for Era Elite Real Estate Team until he was terminated because of the defamatory article written and published by the Defendants.

10. Mr. Godlewski is married with three children and made his reputation as a Realtor by being trustworthy, reliable, and knowledgeable.

11. Specifically, by virtue of his extensive knowledge, Mr. Godlewski sold real estate in very desirable neighborhoods in Lackawanna and Luzerne Counties.

12. Since 2007, he has been one of the top producing agents in the Greater Scranton Board of Realtors garnering many awards due to his personal and business achievements.

13. Mr. Godlewski has been a multimillion-dollar seller of real estate sales each and every year, the status he has achieved by discharging the highest ethical standards and always putting his client's interests first.

14. In addition to residential real estate, Mr. Godlewski has also sold a significant number of commercial properties each year.

B. Defendants' Libelous References to Mr. Godlewski as a Realtor

15. On February 14, 2021, journalist Chris Kelly who accurately describes himself as 'an old-school muckraker,' wrote an article about Mr. Godlewski headed 'QAnon Realtor sells rabbit holes on You Tube.'

16. Defendant Kelly, by virtue of this heading alone, deliberately associated the selling of 'rabbit holes,' thereby undermining Mr. Godlewski's integrity as a realtor.

17. In stating that Mr. Godlewski was selling rabbit holes on YouTube, coupled with the cartoon of a real estate sign on top of which was written 'RABBIT HOLE FOR SALE!' and beneath were the words UNREAL-TOR, clearly referring to Mr. Godlewski.

18. Defendants implied that Mr. Godlewski sold valueless or devalued real estate, misrepresenting his infantry to unsuspecting clients and was therefore, not be trusted as a realtor. This cartoon is hereto attached and incorporated as Exhibit A.

19. Further, the diagram in the center of the sign represents QAnon.

20. Despite being totally irrelevant, the Defendants gratuitously, maliciously, unnecessarily, and inextricably linked Mr. Godlewski's professional integrity to his alleged political views using the latter to impugn his integrity as a Realtor, as set out in more detail *infra*.

C. Mr. Godlewski As a Purveyor of Poison and an Organizer and/or a Participant in the Attack on the Capitol

21. The article also referred to Mr. Godlewski as 'a purveyor of poison that has curdled the hearts and minds of millions who may never recover.'

22. The term 'purveyor of poison' casts Mr. Godlewski as a supplier, seller, or source of poison who, according to the article, has irreparably damaged 'the hearts and minds of millions.'

23. Despite not having one wit of evidence that Mr. Godlewski's views and opinions have irreparably damaged anyone, Defendants nonetheless state this is a fact.

24. Mr. Godlewski, therefore, is cast by the Defendants as a one-man destroyer of men and women children and families.

25. Further, despite stating that Mr. Godlewski was not at the Capitol on January 6, 2021, the date of the insurgency, Defendants tab Mr. Godlewski as, not only a supporter, but an active participant and organizer.

26. Specifically Defendants' article reads, 'The Capitol riot is empirical evidence that we ignore this insidious war on truth at our peril. Despite the demolition of all its so-called prophecies, the Q. movement marches on. Godlewski happily calls out the cadence.'

27. The prior paragraph to this reads: 'The new video of the seditionist mayhem that resulted in 5 deaths and the airtight case made by the House managers convinced me we can't afford to ignore citizens of a separate reality who act, organize and seek to undermine and up and objective reality.'

28. By virtue of this juxtaposition, and specifically 'in calling out the cadence' the Defendants place Mr. Godlewski at the heart of what the Defendants described as 'seditionist mayhem that resulted in 5 deaths.'

29. In other words, Mr. Godlewski is, according to the clear implication of the article, integrally involved in the unlawful assault on the Capitol and is part of a conspiracy to overthrow the United States government by force and is thus a 'seditionist'.

30. Sedition is a serious felony punishable by fines and up to 20 years in prison and it refers to the act of inciting revolt or violence against a lawful authority with the goal of destroying or overthrowing it.

31. As stated, Mr. Godlewski was not at the Capitol on January 6, 2021, as acknowledged by the Defendants in their article.

32. Determined however, in any way to link Mr. Godlewski to the riots Defendants by juxtapose a post on Mr. Godlewski's Facebook page with the false assertion that Mr. Godlewski directly participated in the insurgency.

33. To accomplish this, the article reads in relevant part, 'Shortly after the mob stormed into the Peoples house, Godlewski posted on Facebook that Vice President Mike Pence had been arrested.'

34. Defendants directly imply that Mr. Godlewski was a willing participant and/organizer in an ongoing felonious criminal conspiracy to bring down the United States government by force.

35. This is not an opinion. Defendants 'cast themselves as the arbiter of 'objective reality on a mission against the insidious war on truth.'

36. As stated, Defendants place Mr. Godlewski at the very heart of the insurrection by the false statement that he was counting the cadence on behalf of the insurgents.

D. Mr. Godlewski's Interview with Defendant Kelly

37. Defendants apparent excuse for their libel, as if it can ever be excused, is that Mr. Godlewski did not make himself available for an interview.

38. In this regard, the article states in relevant part 'This is the epitome of the self-fulfilling prophecy. Godlewski refuses to engage me as an admitted critic, ensuring that my report will be one-sided.'

39. Defendant Kelly makes two things clear: first that the article is one-sided and two that Mr. Godlewski is responsible because he did not give an interview.

40. However, as if to highlight his own disingenuousness of Defendant Kelly blatantly contradicts himself, writing in a later sentence that the exchange of texts between him and Kelly 'soon became a sporadic exchange of messages that amounted to an interview.'

41. Aside from the fact that a refusal to engage in an interview is never a consent to be libeled, in this case Defendants' admit that they got their interview with Mr. Godlewski interview through text messaging.

E. Mr. Godlewski As a Sexual Predator

42. Defendants also accuse Mr. Godlewski of having a sexual relationship with a 15-year-old pursuant to a criminal matter which occurred in 2011.

43. The reason why the Defendants included this was because Defendant Kelly allegedly just 'stumbled upon it' and considered it relevant to 'Godlewski's credibility.'

44. Defendants justify bringing this issue up by stating that it had been previously published in the Times-Tribune and that Lackawanna detectives had said Mr. Godlewski had had sex with a 15-year-old girl in cars and homes.

45. Having now written as fact that Mr. Godlewski did have sex with a 15-year-old girl, the Defendants write, immediately thereafter, in the next phrase, 'Godlewski... was sentenced to 3 to 23 months...'

46. Defendants, through juxtaposition of these two phrases make it appear that Mr. Godlewski actually pled guilty to having had sex with the underage girl and was sentenced to 3 to 23 months.

47. Significantly, Defendant Kelly could not have 'stumbled upon' the fact that Mr. Godlewski had sex with a fifteen-year-old girl, because that never happened.

48. Mr. Godlewski never pled guilty to having sex with an underage girl because he never had sex an underage girl.

49. Notably, Defendant Kelly 'as an old-fashioned muckraker' could have checked the public record, wherein he would have learned (if he did not already know) that Mr. Godlewski is not, and has not been, listed as a sexual predator.

50. Further, Mr. Godlewski never spent any time in jail.

51. If Defendant Kelly had been an honest journalist, and not a muckraker, he would have also 'stumbled upon' the article which reported that Mr. Godlewski's pled to a misdemeanor.

52. Further, if the Defendants were actually interested in the truth, they could have directly asked (or texted) Mr. Godlewski as to what happened in court and what the outcome was.

53. Defendant Kelly, as if out of the goodness of his heart and because he wishes his readers to know he is a decent man, allegedly gave Mr. Godlewski a heads-up that he was going to refer to the July 2011 conviction because, according to him, he did not wish Mr. Godlewski to be 'blindsided'.

54. However, Mr. Godlewski was completely blindsided because what Defendant Kelly wrote was false and Mr. Godlewski never got the heads-up opportunity, prior to publication, to correct or point out the article's blatant falsehoods.

55. Instead, Defendant Kelly deliberately conflated the charges against Mr. Godlewski of having sex with a girl, with his plea to a misdemeanor charge for corruption of minors.

56. In other words, the Defendants, by willful juxtaposition of the two phrases deliberately made it seem as if Mr. Godlewski pled to the charge of 'corruption of minors' because he had sex with a 15-year-old girl.

57. The Lackawanna detectives and the Times Tribune who allegedly reported that Mr. Godlewski had sex with a 15-year-old girl, were referring not to convictions but only to the charges which had been filed against him.

58. At the time of that report, charges against Mr. Godlewski were only pending and at that time, as far as the law was concerned, Mr. Godlewski was entirely innocent of all the charges against him.

59. Defendant Kelly, however, references the Lackawanna detectives and the Times Tribune to make it appear that Mr. Godlewski was either guilty of having sex with an underage girl or had been found guilty.

60. Defendant Kelly never makes it clear that the Lackawanna detectives and the Times Tribune were referring only to the charges against Mr. Godlewski and not to the outcome of the case.

61. There is nothing in Mr. Godlewski's criminal record which indicates, relates and/or references to Mr. Godlewski pleading guilty to having had sex with a 15-year-old girl, or any other underage girl.

F. The Actual Malice of the Defendants

62. The reporting as fact, by the Defendants, that Mr. Godlewski did have sex with a 15-year-old girl, is in accordance with the entire article which takes every opportunity to slur Mr. Godlewski's reputation in every way possible, accusing him of sedition and criminal conspiracy, accusing him of him of child molestation and statutory rape and accusing him of fraudulently selling real estate.

63. The true purpose of Defendants' article is to destroy Mr. Godlewski because of Mr. Godlewski's political views to which Defendant Kelly has a visceral, unhinged, and hysterical reaction.

64. Defendant Kelly therefore sets aside all objectivity and professionalism and uses his journalistic skills in order to smear Mr. Godlewski in every way possible.

65. Indeed, Defendant Kelly begins his article by not even referring to Mr. Godlewski as a private person but references him as a 'Clark's Summit-based Realtor' when in fact, his profession as a real estate broker has absolutely nothing to do with his political views and is not and never has been, a part of his U Tube presentation.

66. Kelly again refers to Mr. Godlewski's profession as a realtor in the next paragraph and makes certain all the readers are informed where Mr. Godlewski lives, even though where he lives is irrelevant and given the incendiary nature of the defamatory article, actually puts Mr. Godlewski in danger.

67. Defendant Kelly believes that he, and the other defendants, can avoid the accusation of malice by stating that he wishes Mr. Godlewski 'no ill will.'

68. However, Defendants' article seethes with ill will.

69. For example, Defendants described Mr. Godlewski as a 'purveyor of poison that has curdled the hearts and minds of millions who may never recover.'

70. There is no factual evidence that Mr. Godlewski has ever been a purveyor of any poison let alone curdled the hearts and minds of millions who may never recover.

71. Even if not taken literally, Defendants accuse Mr. Godlewski, without any factual basis whatsoever, of permanently injuring millions of people.

72. The Defendants also impute a leadership/organizer role to Mr. Godlewski in the 'seditionist mayhem' that 'resulted in 5 deaths' when the Capitol was ransacked' because Mr. Godlewski called 'out the cadence.'

73. According to the article, Mr. Godlewski called out the cadence which kept the rioters attacking, ransacking, and vandalizing the Capitol just as a military cadence keeps soldiers marching or running as one.

74. By making Mr. Godlewski an integral part of the Capitol insurgency, the article labels Mr. Godlewski, not just as a seditionist insurgent and a traitor to his country, but also a murderer, complicit in the deaths of 5 persons.

75. Defendants justify referencing Mr. Godlewski's case from 10 years ago case by arguing that it was relevant to Mr. Godlewski's credibility but there is neither an allegation nor finding that in the 2011 case, Mr. Godlewski did not tell the truth.

76. The Defendants' justification in bringing up Mr. Godlewski's case, is bogus, malicious and in keeping with the Defendant's aim of denigrating Mr. Godlewski's reputation.

77. Defendants also refer to current criminal charges against Mr. Godlewski, as if Mr. Godlewski had already been convicted of them. However, these charges are not convictions and have no bearing on Mr. Godlewski's 'credibility'.

78. Defendants referred to both cases for the sole purpose of blackening Mr. Godlewski's character, by maliciously conflating the criminal charges against Mr. Godlewski, with actual convictions in order to persuade the average reader into believing that Mr. Godlewski did everything he was charged with.

79. In any event, these charges have no possible relevance to Mr. Godlewski's political views.

80. Defendants openly accuse Mr. Godlewski 'inciting a mob overthrow the government,' specifically implying he was doing it in front of an army of photojournalists while carrying a location pinging cell phone.

81. Mr. Godlewski, according to Defendants, bears some responsibility for the 'millions of Americans who have lost parents, siblings, children and friends to the QAnon cult.'

82. This accusation, along with the declaration that Mr. Godlewski is a 'purveyor of poison' casts Mr. Godlewski as a quasi-cult figure breaking up families by permanently taking their parents, siblings, children, and friends.

83. Mr. Godlewski, therefore, was according to the Defendants Mr. Godlewski leading them down the 'rabbit holes from which they may never return.'

84. Once again, there is absolutely no factual basis to the bogus accusation that Mr. Godlewski disrupted, and destroyed families or indeed that he led millions down a metaphorical rabbit hole which they will never return.

85. Further, as stated, Defendants have tabbed Mr. Godlewski as the 'seller' of these 'rabbit holes, in accordance with their systematic intent of ruining his hard-won professional reputation.

86. Defendants managed to convey to the average reader that Mr. Godlewski is an unprofessional, irresponsible, fraudulent, and unreliable realtor when he is just the opposite.

87. As stated, Defendants' entire article slurs, degrades demeans and libels Mr. Godlewski's reputation in every way possible by writing that he is a seditionist, traitor, a felonious murderer, a poisoner, a permanent destroyer of millions of lives and a criminal conspirator who is also a child molester and statutory rapist and who fraudulently sells real estate to unsuspecting buyers.

88. Defendants published its article either knowing that the specific statements within, as referenced supra were false or with reckless disregard of their falsity.

G. Mr. Godlewski Is a Private Figure of the Standpoint of Defendants' Defamation.

89. With respect to his political views, Mr. Godlewski is a public figure, expressing this views to thousands of people on U tube but that is not where defamation lies.

90. Mr. Godlewski has been defamed in his profession as a realtor in which he functions as a private individual.

91. Mr. Godlewski also remains a private figure with respect to criminal charges which were brought against him and any plea agreement does not transform him into a public figure in that respect.

92. Mr. Godlewski's reputation, moral character and integrity are also protectable by him as a private individual.

93. Notably, even if Mr. Godlewski was a public figure, he is able to show actual malice on the part of the Defendants.

COUNT 1

Defamation by Imputation of Crimes Mr. Godlewski Never Committed
Violation of the Uniform Single Publication Act, 42 Pa.C.S.A. §§ 8341-8345

94. The foregoing paragraphs are incorporated herein as if set forth at length.

95. Although Defendants, as journalists, have a conditional First Amendment privilege with respect to what they publish, they abused that conditional privilege by printing falsehoods about Mr. Godlewski.

96. Defendants wrote that Mr. Godlewski had had sexual intercourse with a 15-year-old girl in 2011.

97. This was untrue.

98. This article was published by the Defendants.

99. The entire article referred to Mr. Godlewski.

100. Any average person reading the article would understand its defamatory meaning.

101. The average person, reading the article, would also know that the article applied only to Mr. Godlewski.

102. Mr. Godlewski suffered special harm, as set out in more detail below, as a consequence of the publication of the defamatory article.

103. The statements as fact, that Mr. Godlewski had sexual intercourse with and underage 15-year-old girl blackened his reputation, exposed him to public hatred and grievously injured him in the community of respectable society.

104. Defendants are therefore liable against Mr. Godlewski for defamation per se.

WHEREFORE, the Plaintiff requests the relief set forth below.

COUNT 2

Defamation for Blackening Mr. Godlewski's Reputation as a Realtor Violation of the Uniform Single Publication Act, 42 Pa.C.S.A. §§ 8341-8345

105. The foregoing paragraphs are hereto incorporated as if set forth at length.

106. Defendants publication of the article blackens the reputation of Mr. Godlewski in his profession as a Realtor.

107. Defendants willfully impugned Mr. Godlewski's business reputation as a Realtor directly and by innuendo and with reckless regard to the truth, gratuitously, unnecessary, and maliciously referring to his profession as a Realtor.

108. The article can be interpreted defamatory because it likened Mr. Godlewski's sales of his properties to 'RABBIT HOLES.'

109. The article demeaned Mr. Godlewski by referring to him as an 'UN-REALTOR.'

110. The article implied that because Mr. Godlewski had been involved in QAnon, he was, among other things, a violent, felonious poisoner of hearts and minds and *ipso facto*, not fit to sell real estate to anyone.

111. The article depicted Mr. Godlewski as a child molester with no credibility.

112. Defendants' depictions of Mr. Godlewski were false and untrue.

113. Mr. Godlewski enjoyed an excellent, trustworthy reputation as a Realtor prior to Defendants' article which completely ruined it and resulted in a loss of his job.

114. Defendants statements and innuendo have blackened Mr. Godlewski's professional and business reputation and exposed him to public hatred and grievously injured him in the community of respectable society and injured his business and professional status.

115. Defendants are therefore liable against Mr. Godlewski for defamation per se.

WHEREFORE, the Plaintiff requests the relief set forth below.

COUNT 3

**Defamation by Innuendo by Directly Associating Mr. Godlewski with the
Insurgency on the Capitol on January 6, 2021
Violation of the Uniform Single Publication Act, 42 Pa.C.S.A. §§ 8341-8345**

116. The foregoing paragraphs are hereto incorporated as if set forth at length.

117. Because Mr. Godlewski was apparently counting the cadence when the insurgents stormed the Capitol, Defendants placed Mr. Godlewski at the heart of the insurgency as an organizer, activist, leader, coordinator, director, and planner.

118. He was never any of those things.

119. Because Mr. Godlewski was, according to the Defendants so involved with the insurgency, Defendant Kelly rhetorically asked in the article why Mr. Godlewski had not actually

been at the Capitol building showing himself before a bevy of cameras and using a cell phone which pinged his exact location.

120. Defendants by virtue of the foregoing and, as set forth in more detail *supra*, dubbed Mr. Godlewski a traitor, a murderer, a felonious insurgent, and critical and integral participant in the criminal conspiracy to storm the Capitol building.

121. Mr. Godlewski was never any of those things.

122. Defendants, by virtue of the foregoing, maliciously blackened Mr. Godlewski's reputation directly and by innuendo, grievously fracturing his standing in the community of respectable society and exposing him to public hatred.

123. Defendants are therefore liable against Mr. Godlewski for defamation per se.

WHEREFORE, the Plaintiff requests the relief set forth below.

COUNT 4

False Light Invasion of Privacy

124. The foregoing paragraphs are hereto incorporated as if set forth at length.

125. Defendants, by way of their conduct, as set forth herein above, placed Mr. Godlewski in a false light which would be highly offensive to a reasonable person.

126. Defendants had knowledge or acted in reckless disregard as to the falsity of the publicized matters and the consequent false light in which Mr. Godlewski would be placed.

127. Defendants article contained major misrepresentations of Mr. Godlewski's character, history, activities, and beliefs that serious offense could reasonably be expected to be taken.

128. The actions of the Defendants against Mr. Godlewski were done with actual malice.

WHEREFORE, the Plaintiff requests the relief set forth below.

COUNT 5

Intentional Interference with Mr. Godlewski's Contractual Relations

129. Defendants specifically and gratuitously referenced Mr. Godlewski's profession as a Realtor, even though such reference was irrelevant.

130. The Defendants referenced where Mr. Godlewski was employed as a realtor.

131. The Defendants wrote their defamatory article, knowing its content would have a detrimental effect on Mr. Godlewski's business and personal reputation and therefore also, on his ability to make a living as a Realtor.

132. The allegations Defendants made against Mr. Godlewski were false and unjustified.

133. Defendants article was written without justification, to hurt Mr. Godlewski in every way it could including intentionally harming his relationship with his then, current employer.

134. As a direct consequence of the article, Mr. Godlewski was terminated from his position as a Realtor.

WHEREFORE, the Plaintiff requests the relief set forth below.

COUNT 5

Intentional Interference with Mr. Godlewski's Prospective Contractual Relations

135. Defendants specifically and gratuitously referenced Mr. Godlewski's profession as a Realtor, even though that reference was irrelevant.

136. The Defendants pejoratively and gratuitously referred to Mr. Godlewski's as a Realtor.

137. The Defendants wrote their defamatory article, knowing that it would have a detrimental effect on Mr. Godlewski's prospective business and therefore also, on his ability to make a living as a Realtor in the future.

138. The allegations Defendants made against Mr. Godlewski were false and unjustified.

139. Defendants article was written without justification and to hurt Mr. Godlewski in every way it could, including but not limited to, its intention to harm Mr. Godlewski in his prospective contractual relationships with potential real estate clients and other realtors.

140. As a direct consequence of the article, Mr. Godlewski will be affected adversely in in his prospective contractual relationships.

WHEREFORE, the Plaintiff requests the relief set forth below.

AD DAMNUM CLAUSE/PRAAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in his favor against Defendant and that it enter an Order as follows:

- a. Defendants are to compensate the Plaintiff in the amount of \$1.00 in nominal damages for the special harm they have caused the Plaintiff by virtue of their vicious conduct.
- b. Plaintiff is to be awarded punitive damages as permitted by applicable law, in an amount set forth by statute and/or believed by the Court or trier of fact to be appropriate to punish Defendants for their defamatory conduct.
- c. Plaintiff is to be afforded any and all other equitable relief as the Court deems just, proper, and appropriate.
- d. Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable state law.
- e. The Court is to maintain jurisdiction of this action after verdict to ensure compliance with its Orders therein.

Respectfully Submitted,

KOLMAN LAW, P.C.

/s/ Timothy M. Kolman

Timothy M. Kolman, Esquire

414 Hulmeville Ave

Penndel, PA 19047

(215) 750-3134

Attorneys for Plaintiff

Dated:

VERIFICATION

I hereby verify that the statements in the foregoing document are true and correct. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date: _____