

KOLMAN LAW, P.C.  
Timothy M. Kolman, PA51982  
414 Hulmeville Avenue  
Pennel, PA 19047  
(215) 750-3134

MAURI B. KELLY  
LACKAWANNA COUNTY

2023 JAN -6 P 1:14

Attorney for Plaintiff  
CLERK OF JUDICIAL  
RECORDS CIVIL DIVISION

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PHILIP GODLEWSKI,	:	IN THE COURT OF COMMON PLEAS
Plaintiff,	:	OF LACKAWANA COUNTY, PA
	:	
v.	:	No: <del>2022</del> cv-2195
	:	2021
CHRIS KELLY, et al.,	:	
Defendants.	:	JURY TRIAL DEMANDED

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**PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**

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

1. The Pennsylvania Rules of Civil Procedure permit a party to seek a protective order to protect the party from unreasonable annoyance, embarrassment, oppression, burden or expense.

Pa.R.C.P. 4012 (a).

2. A protective order may provide, *inter alia*, the following relief:

A. That discovery shall be prohibited. Pa.R.C.P. 4012 (a)(1).

B. That certain matters shall not be enquired into. Pa.R.C.P. 4012 (a)(4).

C. That the scope of discovery shall be limited. Pa.R.C.P. 4012 (a)(5).

3. The Pennsylvania Rules of Civil Procedure further provide that no discovery shall be had which:

A. Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to any party. Pa.R.C.P. 4011 (b).

B. Is beyond the scope of discovery as set forth in Rules 4003.1 through 4003.6.

Pa.R.C.P. 4012 (c).

4. Defendants in this matter have propounded upon Plaintiff a sixth set of interrogatories. See true and correct copy of Defendants' Interrogatories (Set VI) ("Sixth Interrogatories") attached hereto as Exhibit 1.

5. The Sixth Interrogatories request that Plaintiff furnish the following information (paragraph numbers correspond to the interrogatory number):

1. Sources and amounts of income for 2021.
2. Sources and amounts of income for 2022.
3. Identification of all assets as of 1/1/2021.
4. Identification of all assets as of 12/1/2022.

18-22. Identification of tax liens for 2016, 2017, 2018, 2019, 2020.

6. On November 14, 2022 the Court entered an Order requiring at paragraph (a) that Plaintiff provide individual and business tax returns for 2016 through the present. See true and correct copy of November 14, 2022 Order attached hereto as Exhibit 2.

7. The information sought at interrogatories 1 through 4 of the Sixth Interrogatories and pursuant paragraph (a) of the November 14, 2022 Order will be referred to herein as "Personal Financial Information."

8. Simultaneously with the filing of this Motion, Plaintiff has filed a Motion for Leave to Amend the Complaint or to Join Additional Defendant.

9. In his Motion for Leave to Amend the Complaint or to Join Additional Defendant, Plaintiff seeks, among other relief, permission to file an amended complaint which would remove Plaintiff's claims for compensatory damages leaving claims for nominal damages in the amount of \$1.00, punitive damages, costs, counsel fees, and equitable relief. Further, Plaintiff asserts

special harm in the form of reputational damage but does not claim lost earnings or other forms of economic damage.

10. If the Court grants Plaintiff's request for leave to amend, the Personal Financial Information will not be relevant to the subject matter of this action.

11. If the Court grants Plaintiff's request for leave to amend, the request for Personal Financial Information will not be reasonably calculated to lead to the discovery of admissible evidence.

12. If the Court grants Plaintiff's request for leave to amend, the request for Personal Financial Information will cause unreasonable annoyance, embarrassment, oppression, burden and expense to Plaintiff.

13. If the Court grants Plaintiff's request for leave to amend, the request for Personal Financial Information will be beyond the scope of discovery set forth at Pa.R.C.P. 4003.1.

14. The Court should issue a protective order providing that discovery of the Personal Financial Information shall be prohibited.

15. The Pennsylvania Rules of Civil Procedure provide that, upon the filing of a motion for protective order, "[t]he court for good cause shown may stay any or all proceedings in the action until disposition of the motion." Pa.R.C.P. 4013.

16. Disposition of the request for leave to amend is a necessary prerequisite to determining whether the Personal Financial Information is within the permissible scope of discovery.

17. Good cause exists to stay discovery of the Personal Financial Information pending disposition of the request for leave to amend and this Motion.

18. Undersigned counsel certifies that he has attempted in good faith to confer with defense counsel but the parties have been unable to reach an agreement.

WHEREFORE, Plaintiff Philip Godlewski respectfully requests that the Honorable Court grant his Motion for Protective Order and enter a Protective Order providing the following relief:

- A. Prohibiting discovery of the information sought in interrogatories 1, 2, 3 and 4 of Defendants' Interrogatories (Set VI).
- B. Prohibiting discovery of Plaintiff's tax returns as provided in paragraph (a) of the Court's Order of November 14, 2022.
- C. Such other relief as the Court may deem just.

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 3<sup>RD</sup> 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](mailto: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, PA51982

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

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_ 2023, upon consideration of Plaintiff's Motion for Protective Order, it is hereby ORDERED as follows:

1. Discovery of the information sought in interrogatories 1, 2, 3 and 4 of Defendants' Interrogatories (Set VI) and of Plaintiff's tax returns as provided in paragraph (a) of the Court's Order of November 14, 2022 is stayed pending further Order of this Court.
2. Defendants shall file an answer and brief in opposition to the Motion for Protective Order within 20 days of the date of service of this ORDER. Oral argument shall be held on the \_\_\_\_ day of \_\_\_\_\_ 2023 in Courtroom \_\_\_\_\_ of the Lackawanna County Courthouse.

BY THE COURT:

\_\_\_\_\_  
, J.

KOLMAN LAW, P.C.  
Timothy M. Kolman, PA51982  
414 Hulmeville Avenue  
Pennel, PA 19047  
(215) 750-3134

*Attorney for Plaintiff*

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

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**PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**  
**PRAECIPE FOR ASSIGNMENT**

TO: Lackawanna County Court Administrator

Please be advised that the Plaintiff has filed a Motion for Protective Order in the above-captioned case.

\_\_\_\_\_ All parties have agreed to submit this matter on briefs  
Without the necessity of oral argument.

\_\_\_\_\_ Please schedule this matter for oral argument.

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

J. Timothy Hinton, Jr., PA61981  
Haggerty, Hinton & Cosgrove LLP  
1401 Monroe Ave., Suite 2  
Dunmore, PA 18509  
(570) 344-9845  
Attorney for Defendants

Respectfully submitted,

Date: January 3, 2023

*/s/ Timothy M. Kolman*  
Timothy M. Kolman, PA51982

# EXHIBIT

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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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**DEFENDANTS' INTERROGATORIES (SET IV)**  
**DIRECTED TO PLAINTIFF**

Pursuant to Rules 4006 of the Pennsylvania Rules of Civil Procedure, you are requested to answer the following Interrogatories. You are requested to answer the Interrogatories separately and under oath, within thirty (30) days after service hereof. In answering these Interrogatories, you are required to furnish all information that is available to you, that which can be learned through reasonable inquiry.

The Answers shall be inserted in the spaces provided following the Interrogatories. If there is insufficient space to answer the Interrogatory, the remainder of the answer shall follow on a supplemental sheet.

If any of these Interrogatories cannot be answered in full, please answer to the extent possible and specify the reason for your inability to answer the remainder.

These Interrogatories are continuing in nature and require you to file supplementary answers pursuant to Rule 4007.4 of your inability to answer the remainder.

**INSTRUCTIONS**

A. Each Interrogatory shall be answered separately and under oath. No Interrogatory should be left blank. If the answer to any Interrogatory is no, none, or unknown, such response should be written.

B. In answering these Interrogatories, you shall furnish all information available to you at the time of answering and shall supplement your answers without demand as soon as any additional information is known.

C. If a privilege or the work product doctrine is asserted with respect to a document or communication, state the following: (a) the nature of the privilege or reason for the withholding which you contend applies; (b) the factual basis for your assertion of privilege or the reason for withholding; (c) the type of document (*e.g.* letter, memorandum, telex, etc.); (d) all persons to whom the document was distributed, shown or explained; (e) all authors and addresses; (f) all indicated and blind copies; (g) the document's date; (h) a summary description of the document's

subject matter; (i) the number of pages and attachments or appendices comprising the document; and (j) its present custodian.

### **DEFINITIONS**

As used herein, the following terms when used in an Interrogatory shall have the following meanings:

- A. "You" and "your" shall mean or refer to Plaintiff or Philip Godlewski.
- B. "Lawsuit" shall mean No. 2021-CV-2195, Philip Godlewski v. Chris Kelly, Times Shamrock Communications, The ScrantonTimes-Tribune, Larry Holeva.
- C. "Plaintiff" means Philip ("Phil") Godlewski his agents and representatives, including, without limitation, his attorneys, and all other persons acting or purporting to act on his behalf.
- D. "Defendants" mean Chris Kelly, Times Shamrock Communications, The Scranton Times-Tribune and Larry Holeva.
- E. "Social Media" means any interactive technology that allows the creation or sharing/exchange of information, ideas, career interests, and other forms of expression via virtual communities and networks.

### **INTERROGATORIES**

1. What year did you first become a real estate agent?

**ANSWER:**

2. When did you first meet Keri Maher? Was this first meeting in person or through social media?

**ANSWER:**

3. Where and when did you first meet Keri Maher in person?

**ANSWER:**

4. What is your custody schedule for your children (Colten and Presten)?

**ANSWER:**

5. Did you have sex or a sexual relationship with Miranda Polidori at any time?

**ANSWER:**

If "yes" when did you have sex or a sexual relationship with her and how long did the sexual relationship last?

**ANSWER:**

6. Did you have sex or a sexual relationship with Amanda Turoni at any time?

**ANSWER:**

If "yes" when did you have sex or a sexual relationship with her and how long did the sexual relationship last?

**ANSWER:**

7. Did you have sex or a sexual relationship with Brienna DuBorgel at any time?

**ANSWER:**

If "yes" when did you have sex or a sexual relationship with her and how long did the sexual relationship last?

**ANSWER:**

Respectfully submitted:

Date: \_\_\_\_\_

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J. Timothy Hinton, Jr.  
**Haggerty Hinton & Cosgrove LLP**  
PA I.D. No. 61981  
1401 Monroe Ave., Suite 2  
Dunmore, PA 18509  
Attorneys for Defendants,  
Chris Kelly, Times Shamrock  
Communications, The Scranton Times-  
Tribune and Larry Holeva

PHILIP GODLEWSKI,	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	OF LACKAWANNA COUNTY
	:	
v.	:	CIVIL DIVISION
	:	
CHRIS KELLY, TIMES SHAMROCK	:	JURY TRIAL DEMANDED
COMMUNICATIONS, THE SCRANTON	:	
TIMES-TRIBUNE, LARRY HOLEVA	:	
Defendants.	:	No.: 2021-CV-2195

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**CERTIFICATE OF SERVICE**

I, **J. Timothy Hinton, Jr., Esquire**, certify that on this \_\_\_\_ day of November 2022, I caused a true and correct copy of the foregoing Interrogatories (Set IV) to Plaintiff to be served upon the following parties via United States Mail postage prepaid and by email:

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

Respectfully submitted:

Date: \_\_\_\_\_

\_\_\_\_\_  
J. Timothy Hinton, Jr.  
**Haggerty Hinton & Cosgrove LLP**  
PA I.D. No. 61981  
1401 Monroe Ave., Suite 2  
Dunmore, PA 18509  
Attorneys for Defendants,  
Chris Kelly, Times Shamrock  
Communications, The Scranton Times-  
Tribune and Larry Holeva

# EXHIBIT

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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 & ADMINISTRATION  
**ORDER**

AND NOW, on this 14<sup>th</sup> 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)~~ <sup>thirty (30)</sup> 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.