

MAURI B. KELLY  
LACKAWANNA COUNTY

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

CLERK OF JUDICIAL  
RECORDS CIVIL DIVISION

JURY TRIAL DEMANDED

No.: 2021-CV-2195

2021 JAN 13 P 3:54

**DEFENDANTS' SECOND MOTION TO COMPEL SUBPOENAED MATERIALS  
FROM THE LACKAWANNA COUNTY DISTRICT ATTORNEY**

AND NOW COMES the Defendants, Chris Kelly, Times Shamrock Communications, The Scranton Times-Tribune and Larry Holeva, by and through their attorneys, Haggerty Hinton & Cosgrove LLP, and present this Second Motion to Compel Subpoena Materials from the Lackawanna County District Attorney and in support thereof avers:

1. Plaintiff, Phillip Godlewski, commenced this defamation lawsuit against Defendants by filing a Complaint on May 24, 2021 seeking \$5 Million Dollars.
2. Plaintiff claims Defendants defamed him by publishing an article on February 14, 2021 which stated he had a sexual relationship with a fifteen (15) year old girl back in 2010 when he was at least ten (10) years older than the victim.
3. The victim in that criminal case (B.D.) is now 29 years old.
4. Criminal charges were filed against Philip Godlewski in 2010 at Case No. 2010-CR-2613 for statutory sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, unlawful contact with a minor, intimidation of witnesses or victims, criminal use of a communication facility, corruption of a minor, and indecent assault involving a minor female in or before 2010.

14. Defense counsel previously served the Lackawanna County District Attorney Mark Powell with a Subpoena seeking his file in connection with Case No. 2010-CR-2613.

15. DA Powell has advised defense counsel that a revised Order of Court would be required in order for his office to release of the requested materials to counsel.

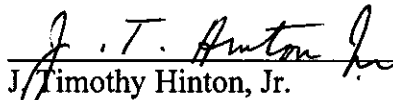
16. The text messages and phone records between Phillip Godlewski and the minor victim (she is now 29 years old) and the forensic report cannot be obtained from any source other than the LCDA.

17. Plaintiff concurs in the relief requested by this Motion.

WHEREFORE, Defendants, Chris Kelly, Times Shamrock Communications, The Scranton Times-Tribune and Larry Holeva, respectfully request that this Honorable Court enter an Order compelling the release of the specified records.

Date: 1/12/2023

Respectfully submitted,

  
\_\_\_\_\_  
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*

**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  
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Defendants.

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JURY TRIAL DEMANDED

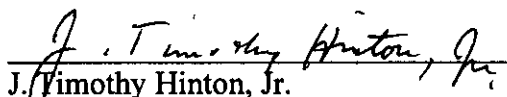
No.: 2021-CV-2195

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**CERTIFICATE OF CONCURRENCE**

I, J. Timothy Hinton, Jr., Esq., certify that I spoke with Lackawanna County District Attorney, Mark Powell and communicated with counsel for Plaintiff, Philip Godlewski, by email and they both concur in the relief sought by Defendants' Second Motion to Compel Subpoenaed material from the LCDAO.

Respectfully submitted,

Date: 1/13/2023

  
\_\_\_\_\_  
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*

**CERTIFICATE OF SERVICE**


I hereby certify that on this 12<sup>th</sup> day of January 2023, I caused to be served electronic mail, a true and correct copy of the foregoing Second Motion to Compel Subpoenaed Materials from the Lackawanna County District Attorney upon the following:

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

Mark Powell  
District Attorney of Lackawanna County  
135 Jefferson Ave.  
Scranton, PA 18503  
powellm@lackawannacounty.org

Respectfully submitted:

Date: 1-12-2023

  
\_\_\_\_\_  
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  
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PHILIP GODLEWSKI,  
Plaintiff

MAURI B. KELLY IN THE COURT OF COMMON PLEAS  
LACKAWANNA COUNTY OF LACKAWANNA COUNTY

*Notified 8/23/22*

v.

2022 AUG 23 : A 10: 83 CIVIL DIVISION

CHRIS KELLY, TIMES SHAMROCK OF JUDICIAL RECORDS CIVIL DIVISION JURY TRIAL DEMANDED  
COMMUNICATIONS, THE SCRANTON  
TIMES-TRIBUNE, LARRY HOLEVA  
Defendants, : No.: 2021-CV-2195

**ORDER**

AND NOW this 23<sup>rd</sup> day of August 2022, upon consideration of Defendants' Motion to Compel Subpoenaed Materials from the Lackawanna County District Attorney, it is hereby ORDERED that Defendants' Motion to Compel is GRANTED. The Lackawanna County District Attorney shall serve Defendants with all records sent by Verizon Wireless in response to Search Warrant(s) in Case No. 2010-CR-2613. Defendants shall provide a copy of the produced records to Plaintiff's counsel.

BY THE COURT:

*Ch. Maria*

Sr. J.

EXHIBIT  
"A"