

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, COUNTY

CIVIL DIVISION 2023 FEB 22 A 1:17

JURY TRIAL DEMAND
CLERK OF JUDICIAL
RECORDS CIVIL DIVISION

No.: 2021-CV-2195

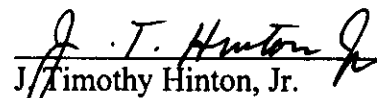
OBJECTIONS TO SUBPOENA PURSUANT TO RULE 4009.21

J. Timothy Hinton, Jr. objects to the proposed subpoena directed to him that is attached to these objections for the following reasons:

The subpoena requests documents, materials and information protected by the Attorney Work Product Privilege. See Levy v. Senate of Pa. (Levy III), 94 A.3d 430 (Pa. Cmwlth, 2014). Certain documents, materials and information are protected from disclosure by Pa.R.C.P. No. 4003.3. Also, the matters requested by Numbers 6 and 8 of the Subpoena are additionally protected by to Attorney-Client Privilege. Without waiving these objections, Attorney Hinton shall provide Plaintiff's counsel with any text messages or documents he sent to Brienna DuBorgel or that he received from Brienna DuBorgel in response to the proposed subpoena, except for limited redactions to text messages or documents sent by Attorney Hinton that are subject to the Attorney Work Product Privilege or are non-discoverable under Pa. P.C.P. 4003.3. Attorney Hinton shall provide all texts and documents in unredacted form that Brienna DuBorgel sent to Attorney Hinton.

Respectfully submitted:

Date: 2-22-2023



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, The Scranton Times, L.P. 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,	:	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 22 day of February 2023, I caused a true and correct copy of the foregoing Objections to Subpoena Pursuant to Rule 4009.21 to be served upon the following parties via electronic mail:

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

Respectfully submitted:

Date: 2-22-2023



 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, The Scranton Times, L.P. and
 Larry Holeva

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

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: **J. Timothy Hinton, Jr., Esquire**

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things:

See Exhibit 1 attached hereto for list.

at Kolman Law, PC, 414 Hulmeville Avenue, Penndel, PA 19047.

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

This subpoena was issued at the request of the following person:

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

DATE: _____

BY THE COURT:

Seal of the Court

By _____
(Prothonotary)

EXHIBIT 1 TO
SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

1. Any and all email communications between BD and you. These may be initially provided in searchable PDF format. You are advised to maintain the email in native format subject to further discovery.
2. Any and all text messages between BD and you. These may be delivered in jpg or similar image format. You are advised to maintain the text messages in native format pending further discovery.
3. Any and all drafts of the Affidavit of BD. These may be delivered in native format.
4. Any and all email communications between you and any other person whatsoever, with the exception of the defendants in this matter, referring and/or relating to BD. These may be initially provided in searchable PDF format. You are advised to maintain the email in native format subject to further discovery.
5. Any and all text messages between you and any other person whatsoever, with the exception of the defendants in this matter, referring and/or relating to BD. These may be delivered in jpg or similar image format. You are advised to maintain the text messages in native format pending further discovery.
6. Any and all notes, memoranda, or other documents of any description whatsoever, whether maintained electronically or otherwise, referring and/or relating to conversations, interviews, or other communications whatsoever between BD and you. These may be initially provided in searchable PDF format. You are advised to maintain the email in native format subject to further discovery.
7. Any and all notes, memoranda, or other documents of any description whatsoever, whether maintained electronically or otherwise, referring and/or relating to conversations, interviews, or other communications whatsoever between you and any other person whatsoever, with the exception of the defendants in this matter, referring and/or relating to BD. These may be initially provided in searchable PDF format. You are advised to maintain the email in native format subject to further discovery.
8. Logs, bills, or other records whatsoever showing the date, time and duration of each and every telephone conversation between BD and you. These may be initially provided in searchable PDF format. You are advised to maintain the email in native format subject to further discovery.