

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 2023 FEB 22 A 1:17

JURY TRIAL DEMANDED  
CLERK OF JUDICIAL  
RECORDS CIVIL DIVISION

No.: 2021-CV-2195


**OBJECTIONS TO SUBPOENA PURSUANT TO RULE 4009.21**

Haggerty Hinton & Cosgrove LLP objects to the proposed subpoena directed to the firm 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, Haggerty Hinton & Cosgrove LLP shall provide Plaintiff's counsel with any text messages or documents the firm sent to Brienna DuBorgel or that the firm 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. Haggerty Hinton & Cosgrove LLP shall provide all texts and documents in unredacted form that Brienna DuBorgel sent to Attorney Hinton or anybody at the firm.

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**

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Plaintiff

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Defendants.

: IN THE COURT OF COMMON PLEAS  
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: CIVIL DIVISION

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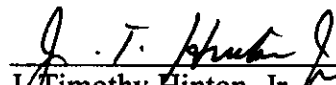
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**CERTIFICATE OF SERVICE**

I, **J. Timothy Hinton, Jr., Esquire**, certify that on this 22<sup>nd</sup> 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.  
Pennel, 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: Haggerty, Hinton & Cosgrove, LLP

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 any and all members, partners, associates, employees, and/or agents of Haggerty, Hinton & Cosgrove, LLP. 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 any and all members, partners, associates, employees, and/or agents of Haggerty, Hinton & Cosgrove, LLP. 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 any and all members, partners, associates, employees, and/or agents of Haggerty, Hinton & Cosgrove, LLP 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 any and all members, partners, associates, employees, and/or agents of Haggerty, Hinton & Cosgrove, LLP 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 any and all members, partners, associates, employees, and/or agents of Haggerty, Hinton & Cosgrove, LLP. 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 any and all members, partners, associates, employees, and/or agents of Haggerty, Hinton & Cosgrove, LLP 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 any and all members, partners, associates, employees, and/or agents of Haggerty, Hinton & Cosgrove, LLP. These may be initially provided

in searchable PDF format. You are advised to maintain the email in native format subject to further discovery.