

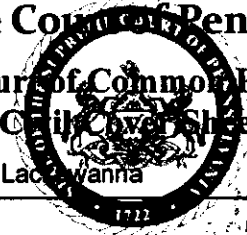
Supreme Court of Pennsylvania

Court of Common Pleas

Civil Cover Sheet

Lackawanna

County



For Prothonotary Use Only:

Docket No:

23-CV 1354

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- Complaint
- Writ of Summons
- Transfer from Another Jurisdiction
- Petition
- Declaration of Taking

Lead Plaintiff's Name:

Philip Godlewski

Lead Defendant's Name:

Brienna L. DuBorgel

Are money damages requested? Yes No

Dollar Amount Requested: within arbitration limits
 outside arbitration limits
(check one)

Is this a *Class Action Suit*? Yes No

Is this an *MDJ Appeal*? Yes No

Name of Plaintiff/Appellant's Attorney: Timothy M. Kolman, PA51982

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

TORT (do not include Mass Tort)

- Intentional
- Malicious Prosecution
- Motor Vehicle
- Nuisance
- Premises Liability
- Product Liability (does not include mass tort)
- Slander/Libel/ Defamation
- Other:

CONTRACT (do not include Judgments)

- Buyer Plaintiff
- Debt Collection: Credit Card
- Debt Collection: Other
- Employment Dispute: Discrimination
- Employment Dispute: Other
- Other:

CIVIL APPEALS

- Administrative Agencies
- Board of Assessment
- Board of Elections
- Dept. of Transportation
- Statutory Appeal: Other
- Zoning Board
- Other:

MASS TORT

- Asbestos
- Tobacco
- Toxic Tort - DES
- Toxic Tort - Implant
- Toxic Waste
- Other:

REAL PROPERTY

- Ejectment
- Eminent Domain/Condemnation
- Ground Rent
- Landlord/Tenant Dispute
- Mortgage Foreclosure: Residential
- Mortgage Foreclosure: Commercial
- Partition
- Quiet Title
- Other:

MISCELLANEOUS

- Common Law/Statutory Arbitration
- Declaratory Judgment
- Mandamus
- Non-Domestic Relations Restraining Order
- Quo Warranto
- Replevin
- Other:

PROFESSIONAL LIABILITY

- Dental
- Legal
- Medical
- Other Professional:

Court of Common Pleas of Lackawanna County

Civil Cover Sheet

FOR CLERK OF JUDICIAL RECORDS USE ONLY

MAURIE S. KELLY
LACKAWANNA COUNTY

Docket Number: CB-CV-1354

2023 MAR 27 P 2:05

Plaintiff's Name

Phillip Godlewski

Defendant's Name

Brienna L. DuBorgel

Plaintiff's Address

115 Huckberry Lane, Duryea, PA 18642

Defendant's Address

1101 Claire Drive, Taylor, PA 18517

Plaintiff's Name

Defendant's Name

Plaintiff's Address

Defendant's Address

Plaintiff's Name

Defendant's Name

Plaintiff's Address

Defendant's Address

Total Number of Plaintiffs

1

Total No. of Defendants

1

Commencement of Action

Complaint Petition Action Notice of Appeal
 Writ of Summons Transfer from other
Jurisdiction

Amount of Controversy

In Excess of Jurisdictional Amount?
Yes No

Court Programs

Arbitration Jury Non-Jury Petition Minor Court Appeal Statutory
Appeals Other

Case Type and Code (See Instructions)

TORT/LS

Statutory Basis for Cause of Action (See Instructions)

42 Pa.C.S.A. § 8341 et seq.

Remarks:

TO THE CLERK OF JUDICIAL RECORDS:

Please enter my appearance on behalf of Plaintiff.
Papers may be served at the address set forth below:

NAME OF PLAINTIFF'S ATTORNEY OR PRO SE PLAINTIFF

Timothy M. Kolman

ADDRESS

414 Hulmeville Avenue, Penndel, PA 19047

PHONE NUMBER

215-750-3134

FAX NUMBER

215-750-313 8

SUPREME COURT IDENTIFICATION NO.

51982

E-MAIL ADDRESS

TKolman@Kolmanlaw.com

SIGNATURE

DATE

PHILIP GODLEWSKI,

Plaintiff,

v.

BRIENNA L. DUBORGEL,

Defendant.

IN THE COURT OF COMMON PLEAS
of LACKAWANNA COUNTY

MAURI B. KELLY
LACKAWANNA COUNTY 1354

2023 MAR 27 CIVIL ACTION - LAW

CLERK OF JUDICIAL
RECORDS CIVIL DIVISION
JURY TRIAL DEMANDED

NOTICE TO DEFEND

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

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

MAURI B. KELLY
LACKAWANNA COUNTY

2023 MAR 27 P 2:05

PHILIP GODLEWSKI,

Plaintiff,

IN THE COURT OF COMMON PLEAS

LACKAWANNA COUNTY

v.

CV-2023- 1354

BRIENNA L. DUBORGEL,

Defendant.

CIVIL ACTION - LAW
JURY TRIAL DEMANDED

COMPLAINT

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

1. Plaintiff Philip Godlewski ("Godlewski") is an adult individual residing at 115 Huckberry Lane, Duryea, Lackawanna County, Pennsylvania 18642.
2. Defendant Brienna L. BuBorgel ("DuBorgel") is an adult individual residing at 1101 Claire Drive, Taylor, Lackawanna County Pennsylvania 18517.
3. Jurisdiction over this matter is conferred upon this Court pursuant 42 Pa.C.S.A. § 5301 *et seq.*
4. Venue is proper in Lackawanna County pursuant Pa.R.C.P. 1006(a) and Pa.R.C.P. 2179.

COUNT I - DEFAMATION - IMPUTATION OF CRIMES
VIOLATION OF UNIFORM SINGLE PUBLICATION ACT,
42 Pa.C.S.A. §8341 *et seq*

5. Paragraphs 1 through 4 of this Complaint are restated and reincorporated by reference as though fully set forth.

6. On October 31, 2022 DuBorgel signed an Affidavit prepared by, or at the direction of Attorney J. Timothy Hinton. See true and correct copy of Affidavit attached hereto as Exhibit 1.

7. In the Affidavit, DuBorgel alleges that she commenced a sexual relationship with Godlewski in late 2008 or early 2009 while DuBorgel was 15 years of age. See Exhibit 1, ¶¶ 3, 4 and 6.

8. In the Affidavit, DuBorgel asserts that Godlewski was ten years older than DuBorgel at the time DuBorgel alleges the sexual relationship began between the two. See Exhibit 1, ¶ 5.

9. DuBorgel asserts that Godlewski and DuBorgel "had sex multiple times while [DuBorgel] was ninth [sic] (9th) grade and tenth (10th) grade student at Riverside High School." Exhibit 1, ¶ 8.

10. DuBorgel asserts that "Godlewski was charged with crimes relating to our sexual relationship in July of 2010." See Exhibit 1, ¶ 9.

11. DuBorgel alleges that Godlewski and DuBorgel resumed a sexual relationship in 2014-2016. See Exhibit 1, ¶ 13.

12. Godlewski did not have a sexual relationship with DuBorgel while DuBorgel was a minor.

13. In the Affidavit, DuBorgel falsely accuses Godlewski of having a sexual relationship with DuBorgel while Godlewski was an adult and DuBorgel was a minor.

14. Godlewski has not be convicted of any sex offense with respect to DuBorgel.

15. By Information filed on November 16, 2020 at Lackawanna County Docket No. 10

COUNT 1: CORRUPTION OF MINORS

(18 C.P.S.A. Sec. 6301(a-1); Grade: Misdemeanor 1; \$10,000.00; 5 years;
unlawfully, being of the age of 18 years and upwards, corrupt or tend to corrupt the morals of any minor less than 18 years of age, or did aid, abet, entice or encourage any such minor in the commission of any crime, or did knowingly assist or encourage such minor in violating his or her parole or any order of court, to wit; the defendant did repeatedly have inappropriate text messages and contact with a minor.

CR 2613, Godlewski was charged with one count of corruption of minors, 18 Pa.C.S.A. § 6301

(a)(1) upon the following factual allegations:

See true and correct copy of Information attached hereto as Exhibit 2.

16. Godlewski has not been charged by Information with any sex offense with respect to DuBorgel.

17. Godlewski entered a plea of guilty, at Lackawanna County Docket No. 10 CR 2613, to the single count of Corruption of Minors set forth in the Information. See true and correct copy of Guilty Plea Colloquy attached hereto as Exhibit 3.

18. The Guilty Plea Colloquy does not set forth any facts contrary to the Information upon which the plea was based. See Exhibit 3, ¶ 17.

19. DuBorgel's Affidavit falsely implies that Godlewski was convicted of sex offenses with respect to DuBorgel.

20. DuBorgel's Affidavit is defamatory in that it accuses Godlewski of having a sexual relationship with a minor and implies that Godlewski was convicted of sex offenses.

21. DuBorgel published the Affidavit to Attorney J. Timothy Hinton ("Hinton") with the knowledge and intent that Hinton would re-publish the Affidavit in other litigation.

22. DuBorgel's Affidavit applies to Godlewski in that it specifically identifies Godlewski as the alleged perpetrator of sexual acts with a minor.

23. Any reasonable recipient of the Affidavit would understand the Affidavit to be defamatory as it accuses Godlewski of extreme moral turpitude and engaging in criminal acts by having sexual relations with a minor.

24. Any reasonable recipient of the Affidavit would understand the Affidavit as being intended to apply to Godlewski in that it specifically identifies Godlewski as the alleged perpetrator of sexual acts with a minor.

25. Godlewski has suffered special harm in the form of damage to Godlewski's reputation and character.

26. DuBorgel was not conditionally privileged to make the defamatory statements regarding Godlewski.

27. In the alternative, DuBorgel has abused any conditional privilege in that DuBorgel made the statements in the Affidavit from improper motive, in an improper manner and not based upon reasonable cause.

28. DuBorgel made the statements in the Affidavit knowing them to be false and with willful disregard of the truth of those statements.

29. DuBorgel made the statements in the Affidavit with reckless disregard for their veracity.

30. DuBorgel made the statements in the Affidavit with negligent disregard for their veracity.

31. DuBorgel made the statements in the Affidavit with actual malice.

32. The statements in DuBorgel's Affidavit are defamatory per se.

COUNT II - INVASION OF PRIVACY - FALSE LIGHT

33. Paragraphs 1 through 32 of this Complaint are restated and reincorporated by reference as though fully set forth.

34. The statements in DuBorgel's Affidavit placed Godlewski in a false light.

35. The statements in DuBorgel's Affidavit are highly offensive to a reasonable person.

36. The statements in DuBorgel's Affidavit contain major misrepresentations of Godlewski's character, history, activities and/or beliefs.

37. DuBorgel made the statements in the Affidavit knowing them to be false and with willful disregard of the truth of those statements.

38. DuBorgel made the statements in the Affidavit with reckless disregard for their veracity

39. DuBorgel made the statements in the Affidavit with negligent disregard for their veracity.

40. DuBorgel made the statements in the Affidavit with actual malice.

41. DuBorgel's conduct has invaded Godlewski's privacy by casting Godlewski in a false light to the public.

COUNT III - INVASION OF PRIVACY - PUBLICITY TO PRIVATE LIFE

42. Paragraphs 1 through 41 of this Complaint are restated and reincorporated by reference as though fully set forth.

43. The statements in DuBorgel's affidavit falsely allege that Godlewski engaged in a sexual relationship with DuBorgel while DuBorgel was a minor.

44. The statements in DuBorgel's affidavit assert that Godlewski and DuBorgel engaged in an consensual sexual relationship in 2014-2016 after DuBorgel attained the age majority.

45. DuBorgel's allegations of a fact relate to the private facts of Godlewski's life.

46. A reasonable person would be highly offended by disclosure of the private facts of one's sexual life.

47. The facts alleged in DuBorgel's Affidavit are not matters of legitimate public concern.

48. DuBorgel's conduct has invaded Godlewski's privacy by giving publicity to Godlewski's public life.

WHEREFORE, Plaintiff Philip Godlewski respectfully requests that the Honorable Court enter judgment in his favor and against Defendant Brienna L. DuBorgel providing the following relief:

- A. Compensatory damages in an amount in excess of the jurisdictional threshold requiring compulsory arbitration.
- B. Nominal damages.
- C. Punitive damages in an amount sufficient to deter similar future conduct by the Defendant.
- D. Equitable relief sufficient to prevent similar future conduct by the Defendant.
- E. Costs and Counsel Fees.

F. Such other relief as the Court may deem just.

Respectfully submitted,

KOLMAN LAW, P.C.

A handwritten signature in black ink, appearing to read 'T. Kolman', is written over a horizontal line.

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

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

JURY TRIAL DEMANDED

No.: 2021-CV-2195

.....
AFFIDAVIT

STATE OF PENNSYLVANIA

:

: ss.

COUNTY OF LACKAWANNA

:

I, Brienna L. DuBorgel, an adult individual who resides at 1101 Claire Drive, Taylor, PA 18517, being duly sworn according to law hereby swears and affirms as follows:

1. My date of birth is 9/8/1993. A copy of my driver's license is attached to this Affidavit.
2. I was the minor victim in the criminal case brought against Philip Godlewski in July 2010.
3. In September of 2008 I began ninth (9th) grade at Riverside High School at the age of 15 years old.
4. On November 10, 2008, my boyfriend, Joseph Strok, III, committed suicide. I was very upset by his death.
5. Shortly before Joseph Strok's death I met Philip Godlewski. I began communicating with him after Joseph's death. Philip Godlewski was 10 years older than me.
6. Within a couple of months after Joseph Strok's death I began having a sexual relationship with Philip Godlewski. I was fifteen (15) years old when we started our sexual relationship.
7. Philip Godlewski bought me gifts including jewelry, a hat and other items during the first few months of our relationship.

Exhibit

8. Philip Godlewski and I had sex multiple times while I was a ninth (9th) grade and tenth (10th) grade student at Riverside High School.
9. Philip Godlewski was charged with crimes relating to our sexual relationship in July of 2010.
10. Philip Godlewski and I continued to communicate with each other while the criminal case was pending against him.
11. After Philip Godlewski was arrested, he pleaded with me not to testify against him and said he would commit suicide if I testified against him.
12. In response to Philip Godlewski's pleas and just wanting the situation to end, I stopped cooperating with the District Attorney's office during the criminal case against him and I refused to testify against Philip Godlewski at the preliminary hearing in the criminal case.
13. Philip Godlewski and I continued our sexual relationship in the 2014-16 time period after his criminal case was over.

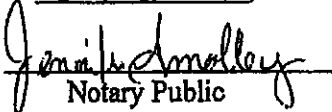
I, Brienna L. DuBorgel, do hereby swear and affirm that the statements made in this affidavit are true and correct to the best of my personal knowledge, information, and/or belief. I am of sound mind and I make this Affidavit of my own free will. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.


Brienna L. DuBorgel

Sworn to and Subscribed

before me this 31st day

of October, 2022.


Notary Public

Commonwealth of Pennsylvania - Notary Seal
Jennifer Smolley, Notary Public
Lackawanna County
My commission expires September 4, 2024
Commission number 1377297
Member, Pennsylvania Association of Notaries

INFORMATION
IN THE COURT OF COMMON PLEAS OF LACKAWANNA COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

Criminal Action No. 10 CR 2613

COMMONWEALTH OF PENNSYLVANIA

VS.

PHILIP GODLEWSKI

The District Attorney of Lackawanna County, by this Information charges that Between Tuesday, the 1st day of January, 2008, and Wednesday, the 7th day of July, 2010 in said County of Lackawanna, Philip Godlewski did commit the crime or crimes herein,

COUNT I: CORRUPTION OF MINORS

(18 C.P.S.A. Sec. 6301(a-1); Grade: Misdemeanor 1; \$10,000.00; 5 years;

unlawfully, being of the age of 18 years and upwards, corrupt or tend to corrupt the morals of any minor less than 18 years of age, or did aid, abet, entice or encourage any such minor in the commission of any crime, or did knowingly assist or encourage such minor in violating his or her parole or any order of court, to wit; the defendant did repeatedly have inappropriate text messages and contact with a minor.

MARY F. RINALDI
LACKAWANNA COUNTY
2010 NOV 16 A 9:06
CLERK OF
JUDICIAL RECORDS
CRIMINAL DIVISION

All of which is against the Acts of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.



District Attorney

Exhibit

ST 0588

Name:

Phillip Gailowski

Case No.

12 Cr 2613

GUILTY PLEA COLLOQUY

You are present before this Court because you or your lawyer has stated that you wish to plead guilty to some or all of the criminal offenses with which you have been charged. Please answer fully all of the questions on this document.

If you do not understand any question, do not answer that question. If you do understand the question, you should answer "yes" or "no", or fill in another appropriate answer.

This is a sworn statement. After you have finished reading this form and filling it out, you should sign it on the last page, on the line that says "Defendant." You should also initial each page at the bottom, but only if you have read and have understood that page. If there is anything that you do not understand, you should tell your lawyer and the judge who hears your case, so that they can explain it to you fully, to make sure you understand all of your rights.

Most of these questions can be answered "yes" or "no." Where general information is requested, please answer fully.

1. What is your full name? Phillip Gailowski
2. Do you wish to plead guilty to the charges of Coercion of Minors as laid out in criminal action _____? Yes
3. How old are you? 27
4. How far did you go in school? College grad.
5. Do you read and write the English language: Yes
- 5(a). Have you had an opportunity to read the charges pending against you? Yes
- 5(b). Therefore, do you know exactly what you are charged with and what you are pleading to? Yes
6. Have you ever been in a mental institution or received treatment for a mental disease? No
7. Have you had any alcoholic beverages or drugs within the last 24 hours? No
8. Have you fully discussed your case with your attorney and are you fully satisfied that he knows all the facts of your case and has had sufficient time to look into any questions either he or you may have about your case? Yes



Exhibit 3

ST 0584

8(a). Are you satisfied with your attorney? Yes.

9. Do you understand that even though you are guilty or may be guilty, you are presumed innocent and have a right to go to trial either before a judge or before a jury of 12 individuals and the Commonwealth must prove to the satisfaction of each and every one of the 12 jurors or to the satisfaction of the judge that you are guilty beyond a reasonable doubt? Yes.

9(a). Do you understand that you and your attorney have a right to participate in the selection of a jury? _____

10. Do you understand that if you want to go to trial your attorney will be permitted to cross-examine the Commonwealth's witnesses and to call witnesses on your behalf, but if you plead guilty, you will lose the right to call witnesses or to cross-examine the Commonwealth witnesses? Yes.

11. Do you understand that by pleading guilty you are admitting that you did things you are charged with and that if you plead not guilty, the Commonwealth cannot force you to take the stand and either admit or deny that you did the things you are charged with? Yes.

12. Do you understand that by pleading guilty you are giving up your right to appeal any question in this case except for those concerning the right of this court to try you (jurisdiction over the subject matter) or the legality or propriety of the sentence imposed? Yes.

13. State specifically in detail any plea agreement with the District Attorney:
Plea to Corporation of minors; Agreed sentence 3 months
Home Confinement to 23 months.
All other counts dismissed

13(a) Has the District Attorney made any other promises to you in exchange for your guilty plea other than what is mentioned above? No.

13(b) Have you been threatened or coerced in any manner to enter this guilty plea? No.

13(c) Are you entering this guilty plea of your own free will after discussing the merits of your case with your attorney? Yes.

14. Do you understand that the Court is not bound by the agreement you made with the District Attorney? Yes.

15. Do you understand that the maximum penalty to the charges you are pleading guilty to is

5 YRS / \$7,500.

15(a) If you are pleading guilty to more than one charge, do you understand that the judge may impose consecutive sentences? N/A

If the answer to the preceding question is "yes", state the mandatory sentence that may be imposed on you.

N/A

15(b) Do you understand that certain crimes carry mandatory minimum penalties? N/A

Did your attorney advise you that any mandatory penalties apply to your case? N/A

If you answered "yes", please state the mandatory provisions that apply to your case:

N/A

16. The elements of the crime charged are as follows:

Being of the age of 16 or older, by the act concepts of
hand to concept of the hands of a person

16(a) Do you understand these are the elements of the crimes charged that you are pleading to? Yes

17. The District Attorney indicates this is what you did on the date of the crime charged:

18. Do you admit that you did the above stated act? Yes

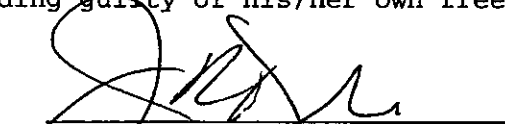
19. Understanding the full meaning of the plea of guilty as stated above, do you still wish to plead guilty? Yes

I affirm that I have read the above document in its entirety and have reviewed it with my attorney. I affirm that I am aware of the full implications of pleading guilty and nevertheless wish to plead to the specified offense(s). I further affirm that my signature on this Guilty Plea Colloquy and initials on each page of this document are true and correct.

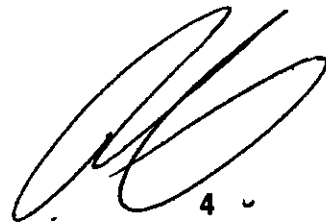
Phil Kalluski
DEFENDANT

I, Joseph R. D'Andrea, Esquire, attorney for

Phil Culluski, state that I have advised my
client of the contents and meanings of the document; it is
my belief that he/she fully comprehends the implication of
pleading guilty and is pleading guilty of his/her own free
will.


Joseph R. D'Andrea, Esquire,
Attorney for the Defendant

11/12/10
7


4

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: 3/21/2023

Phil Godlewski

Philip Godlewski