

PHILIP GODLEWSKI

Plaintiff

v.

**CHRIS KELLY, TIMES SHAMROCK
COMMUNICATIONS, SCRANTON
TIMES-TRIBUNE, LARRY HOLEVA**

Defendants

**IN THE COURT
OF COMMON PLEASE
OF LACKAWANNA COUNTY**

CIVIL DIVISION

JURY TRIAL DEMANDED

NO. 2021 CV 2195

MAURICE J. KELLY
LACKAWANNA COUNTY
2023 JUL 19 A 10:17
CLERK OF JUDICIAL
SUPPORTS

*not filed
7-19-23*

ORDER

AND NOW TO WIT, this 17th day of July, 2023, after reading the

pleadings and briefs of both parties and after entertaining oral argument by both parties,

the following Order is hereby entered:

- (1) The Motion for Protective Order sought by the Plaintiff is **DENIED** in part and **GRANTED** in part.
- (2) The Motion for Protective Order in mass is **DENIED**.
- (3) The Protective Order as issued shall be limited to the areas referred to in the last paragraph of Defendants' supporting brief for Marie's Godlewski's deposition at page five and immediately before the conclusion and additionally all of the subject areas noted in the conclusion. These subject areas of the deposition noted in both areas shall also be areas limited in the deposition of Dorothea Godlewski . To wit: Plaintiff's education and work experience, the impact of the victim wherein Plaintiff entered a guilty plea to corrupting the morals of a minor in 2010-2011, Plaintiff's reason for pleading guilty, Plaintiff's resulting marital problems, as limited by spousal privilege, Philips's social media communications and followers, his reputation within the community, and Philip's alleged physical, psychological, mental anguish, mental emotional distress, Philip's baseline mental fitness, pre-article.
- (4) The five-step practical approach as suggested by Plaintiff's counsel per the attached email should be used as a guide.

IT IS SO ORDERED.

BY THE COURT:


_____, Sr.J.
Carmen D. Minora, Senior Judge

cc: *Written notice of the entry of the foregoing Order has been provided to each party pursuant to Pa. R.Civ.P. 236 (a)(2) by mailing time-stamped copies to:*

Timothy M. Kolman, Esquire
Kolman Law
tkolman@kolmanlaw.com

J. Timothy Hinton, Jr., Esquire
Haggerty Hinton & Cosgrove
timhinton@haggertylaw.net

Dina Brazil

From: Timothy Bowers, Esq. <TBowers@KolmanLaw.com>
Sent: Monday, July 17, 2023 2:14 PM
To: Tim Hinton; Discovery Motion
Cc: Timothy M. Kolman, Esq.; Kathleen A. Carrozza; Sarra Small; hhc@haggertylaw.net; 'John Notarianni'; Dina Brazil
Subject: Re: Godlewski v. Kelly et al - 2022-cv-2195

Everyone:

Tim Kolman and I have given careful consideration to this issue. Attorney Hinton wishes to depose Mr. Godlewski's former wife, Dorothea. We have raised an objection based on spousal privilege which covers communications between husband and wife even after divorce to the extent those communications were made during the course of the marriage.

It occurs to us that Attorney Hinton may wish to ask questions that are not covered by privilege as they may relate to communications that occurred prior to the marriage or after the divorce of Phil and Dorothea. It is also possible that Attorney Hinton may desire to ask questions about communications during the marriage that are covered by the privilege. As a final possible permutation, Attorney Hinton may wish to ask questions about transactions between Phil and Dorothea during the course of the marriage which may not be privileged as those transactions do not involve confidential communications. It is, of course, not possible to know exactly which questions will be asked until Attorney Hinton asks them.

We suggest the following as a practical approach: 1. convene the deposition as planned; 2. Attorney Hinton poses his questions; 3. we will assert spousal privilege to individual questions where we deem it applicable; 4. counsel will attempt in good faith to resolve the privilege issue for a particular question; 5. if counsel are unable to resolve the privilege question, no answer shall be given to the question and the lack of resolution can be noted of record for decision by the court at a later time if necessary.

This seems to be a reasonable approach as the deposition can go forward. Our concerns about privilege are preserved as are Attorney Hinton's assertions of entitlement to take the deposition. The court's time will not be needed unless there is an impasse on a particular question. In that event, the nature of the question will be concretely known and neither the court nor the parties will be required to speculate.

If this works, we will draft a quick stipulation to this effect.

Thanks,

Tim Bowers

Timothy Bowers, Esq.
p: +1 215-750-3134 | f: +1 215-750-3138
e: TBowers@KolmanLaw.com
414 Hulmeville Avenue