

✓

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

.....

DEFENDANTS' FOURTH MOTION FOR SANCTIONS

Defendants, Chris Kelly, The Scranton Times, L.P., and Larry Holeva, by and through their attorneys, Haggerty Hinton & Cosgrove LLP, file this Fourth Motion for Sanctions against Plaintiff:

1. On August 21, 2023, the Court entered an Order compelling Plaintiff to serve Defendants, within ten (10) days full and complete answers without objections, to Defendants' Requests for Production of Documents (Set VIII) and Defendants' Interrogatories (Set VIII).

2. Plaintiff responded to No. 15 (RFP Set VIII) on August 30, 2023 as follows:

DOCUMENT REQUEST NO. 15: Produce any and all letters or emails sent to you, your counsel or the Court (Judge Barrasse) in Case No. 20-CR-664 (Marriott Building Products case) in the Court of Common Pleas of Lackawanna County regarding your character or for purposes of deciding your sentencing.

ANSWER: I have a binder of hundreds of such letters which I can produce to the court if asked. These letters are very personal and would have to be returned immediately.

(A true and correct copy of Plaintiff's Response to Defendants' Requests for Production of Documents (Set VIII) is attached hereto as Exhibit "A".)

3. Plaintiff failed to produce the hundreds of letters he has from other people about his character.

4. This is a defamation case where Plaintiff's character and reputation are relevant.

5. Plaintiff's deposition was recorded on July 25, 2023. (A true and correct copy of Plaintiff's deposition is attached hereto and marked as Exhibit "B".)

COURT OF COMMON PLEAS
 LACKAWANNA COUNTY
 KELLY
 CIVIL DIVISION
 2023 SEP 20 P 3:37

6. Plaintiff testified at his deposition as follows:

Q. Okay. The bad check charge, did you have some people write character letters for you, Chip Littler and did Ondi [ph] write one too to the judge?

A. I don't know if Ondi did, but I know Chip did. I remember reading his. It was small and it was brief. But yeah, there were probably hundreds of them.

Q. Do you have copies of those?

A. Uh-huh.

Q. Can you give those to your lawyer?

A. I need them back.

Q. I just wants copies.

A. They're important to me. You could have -- oh, copies?

Q. Yeah, I want copies of them, please.

A. Can I just drop them off at your office and you can make copies?

MR. KOLMAN: You can give them to me, I'll make copies.

(Exhibit "B", p. 314.)

7. Defense counsel sent emails to Plaintiff's counsel on July 27, 2023 and September 6, 2023 requesting the character letters. Plaintiff's counsel made no response to these emails and failed to produce the character letters. (A true and correct copy of the emails sent to Plaintiff's counsel on July 27, 2023 and September 6, 2023 are attached hereto and marked as Exhibit "C".)

8. Plaintiff's Answer to Interrogatory No. 67 (Set VIII) served on August 23, 2023 is as follows:

67. Identify all people you sent refunds to who gave you donations for your legal fees in this lawsuit.

ANSWER: These refunds have not yet been processed due to logistical complications with GiveSendGo.com. Plaintiff is hoping to have this situation corrected in the very near future.

(A true and correct copy of Plaintiff's Response to Defendants' Interrogatories (Set VIII) is attached hereto as Exhibit "D".)

9. Plaintiff's answer does not address the interrogatory which ask him to identify people, rather than give an update on his refund process.

10. When Plaintiff commenced this lawsuit, he initiated a crowd funding campaign and raised an

excess of \$26,000.00 from many donors.

11. Plaintiff has made broadcasts on social media stating he is returning the donated amounts to the donors.

12. On pages 199-200 of Plaintiff's deposition, he testified as follows:

Q. Phil, when you started this lawsuit, you did a crowd-funding campaign, right?

A. Correct.

Q. You raised about \$40,000 altogether?

A. I think it was a little less than that, but yes.

Q. And do you have a list of all your donors that gave you money for that -- for this lawsuit?

A. Not all of the donors. A lot of them would choose to donate anonymously and they would only leave an e-mail address. Oftentimes, not even an e-mail address, it would just be an anonymous donation. That's the problem that I have now with those donations. I'm trying to refund all of them. The problem that I have is, I don't know where a lot of them came from. So we're working on that, myself and GiveSendGo.

Q. Do you have any paperwork indicating some of your donors that you could provide to me?

MR. KOLMAN: Objection.

THE WITNESS: I do have paperwork indicating the donors. Not all of them, as I said. But yes.

MR. KOLMAN: Why is that even relevant?

MR. HINTON: Well, what if they're witnesses in the case, Tim?

MR. KOLMAN: Well, if it is, what effect is this?

MR. HINTON: Discovery, Tim.

BY MR. HINTON:

Q. So could you give that list of donors --

A. Absolutely.

Q. -- that you have to your lawyer and we'll talk about whether he should produce those to me or not?

A. Sure.

(Exhibit "B", pages 199-200.)

13. Plaintiff has failed to provide Defendants with the identities, names, email addresses, and/or IP addresses of his donors that funded this lawsuit against Defendants.

14. This "paperwork" and list of donors Plaintiff admits he has is relevant to the trial issues in this case and it's foreseeable some of these people may even be witnesses at trial.

WHEREFORE, Defendants respectfully request the following sanctions to be ordered against

Plaintiff:

- (a) Plaintiff be ordered to produce the requested discovery within ten (10) days or have his case dismissed with prejudice; and
- (b) Defendants be awarded an amount from Plaintiff to compensate Defendants for all its reasonable counsel fees for litigating this matter.

RESPECTFULLY SUBMITTED,

HAGGERTY HINTON & COSGROVE LLP

Date: 9.20.2023

By: J. T. Hinton Jr.

J. Timothy Hinton, Jr., Esq.

1401 Monroe Ave., Suite 2

Dunmore, PA 18509

(570) 344-9845

timhinton@haggertylaw.net

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**

RECEIVED
JUL 20 P 3:37
JUDICIAL BRANCH
CIVIL DIVISION

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

.....
CERTIFICATE OF SERVICE

I hereby certify that on this th 2nd day of September 2023, I caused to be served by electronic mail, a true and correct copy of the foregoing Defendants' Fourth Motion for Sanctions upon the following:

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

RESPECTFULLY SUBMITTED,

HAGGERTY HINTON & COSGROVE LLP

By: *J. T. Hinton*
J. Timothy Hinton, Jr., Esq.
1401 Monroe Ave., Suite 2
Dunmore, PA 18509
(570) 344-9845
timhinton@haggertylaw.net
Attorneys for Defendants,
*Chris Kelly, Times Shamrock
Communications, The Scranton Times-
Tribune and Larry Holeva*

2023 SEP 20 10 33 37
KELLY
COUNTY

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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PLAINTIFFS' RESPONSE TO DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS (SET VIII)

Plaintiff, by and through undersigned counsel, responds to Defendant's Request for Production of Documents as follows:

DOCUMENTS REQUESTED

DOCUMENT REQUEST NO. 1: During the Telegram Voice Chat with SQvQge DQwg on November 26, 2021, you stated: "I still have texts, in fact. I have every one of them from my trial" and "[E]very single text message, I still have them." **Produce copies of all the text messages you referred to in the above statement which you made during this voice chat on November 26, 2021.**

ANSWER: See attached. (Godlewski v. Kelly et al – Plf. Response to Def. RPD (Set VIII) 0001-0022.

DOCUMENT REQUEST NO. 2: Provide any and all documents or evidence which support your contention that Brienna DuBorgel is lying about having a sexual relationship with you when she was a minor.

ANSWER: It is impossible to prove a negative with documents or evidence.

DOCUMENT REQUEST NO. 3: Produce copies of all your monthly phone bills for phone number 570-780-4567 from November 1, 2008 through June 30, 2010. (If you only have some of these phone bills, produce the ones you have.)

ANSWER: I no longer possess any bills from 15 years ago.

DOCUMENT REQUEST NO. 4: Produce any and all documents or evidence in your possession (or your attorney's possession) which tend to prove the purported text messages (ST 2790-2905) are not authentic.

ANSWER: None of the text messages in ST 2790-2905 appear on any Verizon phone bill which is linked to my cell phone number.



DOCUMENT REQUEST NO. 5: Produce any and all documents or evidence in your possession (or your attorney's possession) which tend to prove the phone records marked as ST 0515-0521 are not authentic.

ANSWER: I was not supplied with a copy of ST 0515-0521 to review.

DOCUMENT REQUEST NO. 6: Produce any and all documents or evidence in your possession (or your attorney's possession) which tend to prove the phone records marked as ST 3193-3247 are not authentic.

ANSWER: I believe these phone records are authentic.

DOCUMENT REQUEST NO. 7: Produce any and all documents or evidence in your possession (or your attorney's possession) which tend to prove the phone records marked as ST 3248-3290 are not authentic.

ANSWER: I believe these phone numbers are authentic.

DOCUMENT REQUEST NO. 8: Produce any and all documents or evidence in your possession (or your attorney's possession) which tend to prove the phone records marked as ST 3291-3332 are not authentic.

ANSWER: I believe these phone records are authentic.

DOCUMENT REQUEST NO. 9: Produce any and all documents or evidence in your possession (or your attorney's possession) which tend to prove the phone records marked as ST 3333-3375 are not authentic.

ANSWER: I believe these phone records are authentic.

DOCUMENT REQUEST NO. 10: Produce any and all documents or evidence in your possession (or your attorney's possession) which tend to prove the phone records marked as ST 3376-3418 are not authentic.

ANSWER: I believe these phone records are authentic.

DOCUMENT REQUEST NO. 11: Produce any and all documents or evidence in your possession (or your attorney's possession) which tend to prove the phone records marked as ST 3419-3499 are not authentic.

ANSWER: I believe these phone records are authentic.

DOCUMENT REQUEST NO. 12: Produce any and all documents (including screenshots) showing the number of paid subscribers you had each month in Locals (Locals.com) from the time you joined the Locals platform until the present date.

ANSWER: See attached. (Godlewski v. Kelly et al – Plf. Response to Def. RPD (Set VIII) 0023)

DOCUMENT REQUEST NO. 13: Produce any and all documents regarding any payments you made to Regent University or receipts for payments you made to Regent University/

ANSWER: Receipts would have been retrieved from my prior bank account which was closed in 2021 and no longer accessible.

DOCUMENT REQUEST NO. 14: Produce any and all documents regarding any payments you made to Harvard University or receipts for payments you made to Harvard University.

ANSWER: : Receipts would have been retrieved from my prior bank account which was closed in 2021 and no longer accessible.

DOCUMENT REQUEST NO. 15: Produce any and all letters or emails sent to you, your counsel or the Court (Judge Barrasse) in Case No. 20-CR-664 (Marriott Building Products case) in the Court of Common Pleas of Lackawanna County regarding your character or for purposes of deciding your sentencing.

ANSWER: I have a binder of hundreds of such letters which I can produce to the court if asked. These letters are very personal and would have to be returned immediately.

Respectfully submitted:

Date: 08/30/2023

/s/ Timothy M. Kolman

Timothy M. Kolman, Esquire.
Kolman Law, P.C.
PA I.D. No. 51982
414 Hulmeville Avenue
Pennel, Pennsylvania 19047
Tel. (215) 750-3134
tkolman@kolmanlaw.com
Attorney for Plaintiff

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

CERTIFICATE OF SERVICE

I, **Timothy M. Kolman, Esquire**, certify that on this 30th day of August 2023, I caused a true and correct copy of the foregoing *Plaintiff's Response to Defendants' Request for Production of Documents (Set VIII)*, to be served upon the following parties via E-mail:

J. Timothy Hinton, Jr., Esquire
Haggerty Hinton & Cosgrove LLP
1401 Monroe Avenue, Suite 2
Dunmore, Pennsylvania 18509
Attorney for Defendants

Respectfully submitted:

Date: 08/30/2023

/s/ Timothy M. Kolman
Timothy M. Kolman, Esquire.
Kolman Law, P.C.
PA I.D. No. 51982
414 Hulmeville Avenue
Pennel, Pennsylvania 19047
Tel. (215) 750-3134
tkolman@kolmanlaw.com
Attorney for Plaintiff

VERIFICATION

I, Philip Godlewski, verify that the statements made in *Plaintiff's Response to Defendants' Request for Production of Documents (Set VIII)*, are true and correct to the best of my knowledge and belief. I understand that false statements made herein are subject to the penalties of 18 PA. C.S., subsection 4904, relating to unsworn falsification to authorities.

Date: 08/01/2023

Philip Godlewski

Philip Godlewski

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY, PENNSYLVANIA

* * *

PHILIP GODLEWSKI, : CIVIL DIVISION
Plaintiff :

vs : JURY TRIAL DEMANDED

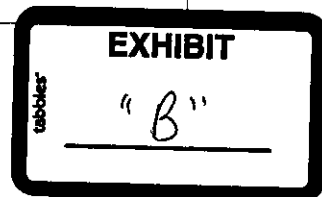
CHRIS KELLY, et al., :
Defendants : NO. 2021-CV-2195

* * *

Oral deposition of PHILIP GODLEWSKI,
taken at the Lackawanna County Bar Association, 233 Penn
Avenue, Scranton, Pennsylvania 18503, on Tuesday, July
25, 2023, beginning at 9:13 a.m. before Pamela Pratt,
Court Reporter and Notary Public in and for the
Commonwealth of Pennsylvania.

* * *

VERITEXT LEGAL SOLUTIONS
MID-ATLANTIC REGION
5100 Tilghman Street
Suite 205
Allentown, Pennsylvania 18104
(610) 434-8588



Page 2

1 APPEARANCES:

2

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TKolman@Kolmanlaw.com

6

7 -- Representing the Plaintiff

8

9

10 J. TIMOTHY HINTON, ESQUIRE
HAGGERTY HINTON & COSGROVE, LLP

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Dunmore, Pennsylvania 18509
(570)344-9845
timhinton@haggertylaw.net

16

17 -- Representing the Defendants

18

19

20

21

22

23 ALSO PRESENT:

24 Anthony Cutro - Videographer

25

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1 INDEX

2 * * *

3 WITNESS: Philip Godlewski

4 QUESTIONED BY: PAGE

5 Mr. Hinton

6

7 EXHIBITS

8 * * *

9 NUMBER DESCRIPTION REFERENCED

10 ST1562 Monica Stroz office notes 12

11 ST1567 Dr. Kuna's office notes 21

12 ST3721 - Chris Kelly Scranton Times 31

13 ST3723 Article

14 ST3815- Savage Dog chat transcript 39

15 3822

16 16 Video Clip 95

17 ST2790- Collective text messages 99

18 2905

19 ST2784- Texts 103

20 2785

21 ST1580 Real Phil Godlewski 3.0 121

22 Telegram post

23 ST3857 Counterclaim answer in DuBorgel 134

24 case

25 ST1829 Copy of certificate 142

ST512- Letter by DuBorgel family to 148

521 Principal Moceyunas

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2 * * *

3

4 NUMBER DESCRIPTION REFERENCED

5 42 Video clip 151

6 ST1556 List of videos 154

7 41 Video clip 155

8 ST3509 Open Letter to President 177

9 Donald J. Trump

10 ST3514 Q University with Phil 179

11 post

12 ST257 Telegram post 181

13 ST1569 Telegram Post 184

14 ST3547 George Magazine article 190

15 ST1061 Text messages November 2022 214

16 from Brie's phone

17 ST2805- 2010 Text messages 217

18 2010

19 ST295 Telegram post 223

20 ST479- Text between Mr. Kelly 225

21 485 and Mr. Godlewski

22 ST616 Charging document 227

23 ST20 Dennis O'Malley article 231

24 ST5184 Guilty plea colloquy 234

25 ST3577 Corruption statute 246

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ST2770 Photograph of Ed Hardy hat 266

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1 EXHIBITS

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3

4 NUMBER DESCRIPTION REFERENCED

5 2 Video clip 270

6 ST18- Packet sent to Lackawanna 271

7 19, 20 residents

8 804-805

9 49 Video clip 274

10 14 Video clip 276

11 ST540 Resume to Riverside 278

12 ST1803 Johnson College transcript 279

13 ST3544 Scranton Times February 28th 281

14 article

15 ST476 Telegram post - interviewing 285

16 law firms

17 ST1576 Affidavit of Probable Cause 288

18 firearms application

19

20

21

22

23

24

25 * Exhibits were retained by Attorney Hinton

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1 * * *

2 (It is hereby stipulated and agreed by

3 and among counsel for the respective parties that

4 sealing, certification, and filing are waived and that

5 all objections, except as to the form of the question,

6 are reserved until the time of trial.)

7 * * *

8 (Exhibit binder was marked for identification.)

9 THE VIDEOGRAPHER: Good morning. We are

10 going on the record. The time is 9:13 a.m. Today is

11 July 26th, 2023 --

12 MR. GODLEWSKI: 25th.

13 THE VIDEOGRAPHER: 25th? Oh, 25th.

14 Sorry. Please note that the microphones are sensitive

15 and may pick up whispering and private conversations.

16 Please mute your phones at this time. Audio and video

17 recording will continue to take place unless all parties

18 agree to go off the record.

19 This is Media Unit 1 of the

20 video-recorded deposition of Philip Godlewski taken by

21 counsel for the defendant in the matter of Godlewski,

22 Philip versus Kelly, Chris, et al., filed in the

23 Lackawanna County Court of Common Pleas. Case number is

24 2021-CV-2195. This is being -- taking place in person

25 at the Lackawanna Bar Association, 233 Penn Avenue,

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1 Scranton, PA, 18503.

2 My name is Anthony Cutro representing

3 Veritext and I am the videographer. The court reporter

4 is Pam Pratt. She's representing Veritext. I'm not

5 authorized to administer an oath. I am not related to

6 any party in this action, nor am I financially

7 interested in the outcome. If there are any objections

8 to proceeding, please state them at the time of your

9 appearance. Counsel and all present included remotely

10 will now state their appearance and affiliations for the

11 record beginning with the noticing attorney.

12 MR. HINTON: My name is Timothy Hinton.

13 I represent the defendants, Chris Kelly, Larry Holeva

14 and the Scranton Times, LP.

15 MR. KOLMAN: My name is Timothy Kolman

16 from Kolman Law, P.C. and I represent the plaintiff,

17 Philip Godlewski. And on my right is Tim Bowers from

18 the Bowers Law Office, also representing the plaintiff.

19 THE VIDEOGRAPHER: Can the court

20 reporter swear in the witness.

21 * * *

22 PHILIP GODLEWSKI,

23 having been first duly sworn, was

24 examined and testified as follows:

25 * * *

Page 8

1 EXAMINATION

2 * * *

3 BY MR. HINTON.

4 Q. Good morning, Phil.

5 A. Good morning, Tim.

6 Q. We've met before. My name is Timothy Hinton.

7 I represent the defendants in this case. Is it okay if

8 I call you Phil?

9 A. Yes.

10 Q. Phil, you've sat through all of the

11 depositions, I think, in this case so far and I think

12 you understand that this a question-and-answer session;

13 is that correct?

14 A. Yes. Correct.

15 Q. I would ask that you just answer the

16 questions that I ask you rather than go off on a

17 tangent, okay?

18 A. Yes.

19 Q. It'll make things a lot quicker. A couple of

20 the ground rules that apply to this, we can't talk over

21 top of each other. It'll make things very difficult for

22 Pam. So if you can let me get to the question mark in

23 my question before you begin talking to give an answer,

24 okay?

25 A. Got it.

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1 Q. If you're confused by any of my questions or

2 they're not -- it's not a good question or it's

3 confusing, would you let me know that?

4 A. Yes.

5 Q. Okay. If you do answer the question, can we

6 agree that you both heard and understood that question?

7 A. Yes.

8 Q. Thank you. Phil, if you need a break at any

9 time during the deposition, just let me know and we'll

10 take a break. I would only ask that you answer any

11 questions that are pending at that time.

12 A. Okay.

13 Q. Okay? Thank you.

14 MR. HINTON: Attorney Kolman, all

15 objections, except as to the form of the question, are

16 reserved until the time of trial?

17 MR. KOLMAN: Agreed.

18 MR. HINTON: And is the witness going to

19 waive the reading and signing of the transcript?

20 MR. KOLMAN: No, he's going to read it.

21 MR. HINTON: Okay. And Mr. Kolman, I'm

22 going to -- rather than mark a bunch of exhibits, I've

23 produced all of these records to you already and had

24 them marked with ST numbers. So I'd like to agree that

25 the ST numbers that I use will take the place of the

Page 10

1 exhibits. They'll be given to the court reporter, okay?

2 MR. KOLMAN: Okay.

3 MR. HINTON: Also, I'm going to be using

4 a number of videos that Phil produced and put on social

5 media during the deposition. And I'm going to refer to

6 clip number and I'll supply those clip numbers to the

7 court reporter electronically and she'll supply you

8 copies of those as well. Can we agree that those will

9 be used as exhibits during the deposition?

10 MR. KOLMAN: Yes.

11 MR. HINTON: Thank you.

12 BY MR. HINTON:

13 Q. Phil, have you ever given a deposition

14 before?

15 A. No.

16 Q. And you understand that you took an oath to

17 tell the truth and nothing but the truth just as if you

18 were in court?

19 A. Yes.

20 Q. And am I correct that your date of birth is

21 [REDACTED], 1983?

22 A. Yes.

23 Q. And the last four numbers of your Social

24 Security number are [REDACTED]?

25 A. Yes.

Page 11

1 Q. Have you ever gone by any other names other

2 than Phil or Philip Godlewski?

3 A. No.

4 Q. You don't have any aliases?

5 A. No.

6 Q. Have you ever served in the United States

7 military?

8 A. No.

9 Q. Are you feeling okay today?

10 A. Yes.

11 Q. You're in good health?

12 A. Yes.

13 Q. Clear-headed?

14 A. Yes.

15 Q. Are you under the influence of any

16 medication?

17 A. No.

18 Q. You've had no alcohol to drink?

19 A. Huh-uh. No.

20 MR. KOLMAN: Yes.

21 THE WITNESS: I know.

22 BY MR. HINTON:

23 Q. Do you have any conditions that would affect

24 your memory or your ability to understand my questions

25 today?

Page 12

1 A. No.

2 Q. Are you currently under the care of a doctor

3 for any conditions?

4 A. No.

5 Q. Now, there was a point in time that you were

6 treating at Dr. Berger's office; is that correct?

7 A. Correct.

8 Q. And you were treating for some anxiety and

9 depression?

10 A. Correct.

11 Q. And if we can turn in the notebook to ST1562,

12 I'm going to ask you some questions about those

13 documents. Do you have that page in front of you, Phil?

14 A. Yes.

15 Q. Okay. So this is a treatment with somebody

16 in Dr. Berger's office, Monica Stroz, S-T-R-O-Z; is that

17 correct?

18 A. Correct.

19 Q. And do you remember seeing Monica Stroz?

20 A. Yes. I believe I only saw Monica once. It

21 was through a telehealth meeting, conference, whatever

22 you want to call it, appointment, yeah.

23 Q. Because of COVID at the time?

24 A. Yeah. I believe it was because of COVID or

25 just because it was more convenient for both of us. I

Page 13

1 don't really recall. But shortly after I spoke to

2 Monica, she left the practice. So I only talked to her

3 one time.

4 Q. So on ST1562, there's a section in the

5 document entitled HPI. Do you see that?

6 A. Yes.

7 Q. That's, I believe, the history section that

8 the medical provider obtains from the patient. And I'm

9 going to refer to that section of it right from the

10 beginning. It reads, [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Did I read that correctly?

14 A. Yes.

15 Q. And that's true, right?

16 A. Yes.

17 Q. Next sentence reads, [REDACTED]

18 [REDACTED]

19 [REDACTED] Was that information that you

20 provided to Monica?

21 A. Yes.

22 Q. Reading on, it says, [REDACTED]

23 [REDACTED]

24 [REDACTED] is in quotes. Did I read that correctly?

25 A. Yes.

Page 14

1 Q. Is that information you provided to Monica?
 2 A. Yes.
 3 Q. [REDACTED]
 4 [REDACTED]
 5 [REDACTED] Was that information you provided to Monica?
 6 A. Yes.
 7 Q. [REDACTED]
 8 [REDACTED] Is that true
 9 information you gave to Monica?
 10 A. Yes.
 11 Q. [REDACTED]
 12 [REDACTED]
 13 [REDACTED] All true?
 14 A. I believe it says [REDACTED]
 15 [REDACTED] but -- you said has. But yes.
 16 Other than that, yes. Past tense.
 17 Q. Okay. Whether it's has or had, it's true,
 18 you had a good upbringing?
 19 A. Present tense/past tense. But yes, correct.
 20 Q. All right. It's a true statement?
 21 A. Yes.
 22 Q. You had a good upbringing from --
 23 A. Yes.
 24 Q. -- Marie and John?
 25 A. Yes.

Page 15

1 Q. [REDACTED]
 2 [REDACTED]
 3 [REDACTED] Did you tell that to Monica?
 4 A. Yes.
 5 Q. [REDACTED]
 6 [REDACTED] Is that correct?
 7 A. I believe that should read [REDACTED]
 8 [REDACTED] But yes, that is what I told her.
 9 Q. Okay. [REDACTED]
 10 [REDACTED]
 11 [REDACTED] correct?
 12 A. Correct.
 13 Q. [REDACTED]
 14 [REDACTED]
 15 [REDACTED] Is that what you told her?
 16 A. Correct.
 17 Q. So the problems for three years -- was that
 18 the three years before you had [REDACTED]
 19 MR. KOLMAN: Objection.
 20 THE WITNESS: The problems that I was
 21 referring to to Monica, I believe, started to happen
 22 around the time that my ex-wife Dori was pregnant with
 23 [REDACTED]. So that would have been at some point in 2016.
 24 Those problems continued on throughout Dori's pregnancy

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1 as well as after the birth of [REDACTED]. And,
 2 simultaneously, the problems that I was referring to
 3 didn't just have to do with "marriage problems," but
 4 they also had to do with high stress levels and anxiety
 5 levels that I was having because I was, as it says in
 6 the document, running multiple businesses at the time.
 7 So there was a lot of people that depended on me, a lot
 8 of families that depended on me for their success and I
 9 felt an overwhelming feeling of responsibility not only
 10 to my family which was going through obvious changes for
 11 the first time having a baby, we had an infant and now
 12 we're having another one, but also to the people that
 13 relied upon me for the businesses that I was running.
 14 Q. Thank you. I want to go down a few lines in
 15 the report from Monica to the line that reads [REDACTED]
 16 [REDACTED] Do you
 17 see that line?
 18 A. Yes.
 19 Q. And was that when you had an affair with
 20 Miranda Polidori or was that some other girl?
 21 A. That -- 2017. I'm unsure of the year, but I
 22 was referring to Miranda. I just don't know if I told
 23 her the right year.
 24 Q. Reading on, it says, [REDACTED]
 25 [REDACTED]

Page 17

1 [REDACTED] Is
 2 that what you told Monica?
 3 A. Yes.
 4 Q. [REDACTED]
 5 [REDACTED] What are
 6 you referring to there? If you remember.
 7 A. I do remember. It's a little bit of a story,
 8 but I'll try to keep it short. I got a call one day
 9 while I was at the office at the agency from a homeowner
 10 that lived in Highland -- Highland Park, I believe, or
 11 Highland Hills in Pittston to come look at her property
 12 and value it. That type of thing happened regularly
 13 as a real estate broker. So either that day or the next
 14 day or within the next few days, I went down to look at
 15 the property and met with the husband and the wife. And
 16 when I walked in, I thought it was the most beautiful
 17 home to that point in my career, which was probably 14
 18 or 15 years, that I had ever been in. Knowing the
 19 problems that Dori and I were having, I always try to
 20 find a reset button for a situation to try to make the
 21 situation better, whatever it may be. And I thought, if
 22 I were to buy this house, maybe it was a reset for the
 23 problems that we were having in my marriage. So --
 24 Q. Let me stop you there, Phil.
 25 A. Sure.

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1 Q. I don't want to get bogged down on this
2 because it's not -- I want to move on a little bit.
3 A. Long story short, I ended up writing an offer
4 without Dori knowing that I wrote the offer for the
5 property and I was going to surprise her with the
6 closing of the house. But it was secretive and I didn't
7 want her to know that I was doing it because I thought
8 her state of mind would have prevented it from actually
9 happening.
10 Q. Reading on in Monica's record, she writes,
11 [REDACTED]
12 [REDACTED] Is that true?
14 A. Yes.
15 Q. [REDACTED]
16 [REDACTED] True?
18 A. Yes.
19 Q. [REDACTED] Is
20 [REDACTED] that true?
22 A. Yes.
23 Q. And is that Miranda you're referring to
24 there?
25 A. Yes.

Page 19

1 Q. And she worked for you at the agency?
2 A. Yes.
3 Q. [REDACTED] True?
5 A. Yes.
6 Q. [REDACTED] True?
8 A. Yes.
9 Q. [REDACTED]
10 [REDACTED]
11 [REDACTED] True?
14 A. Yes.
15 Q. [REDACTED] correct?
17 A. Yes.
18 Q. [REDACTED]
19 correct?
20 A. Yes. I'm -- just to -- I don't know if it
21 was 2018. Might have been 2017. I don't remember when
22 I started. But yes, it's a true statement.
23 Q. Okay. Do you still take [REDACTED]?
24 A. Yes.
25 Q. Have you taken it continuously from the time

Page 20

1 you started it?
2 A. Yep. Never miss a day.
3 Q. The dosage the same?
4 A. I think they started me at 50 milligrams. It
5 was effective, but I knew friends of mine -- agents of
6 mine that worked for me at the time that were also
7 taking it and they were on a hundred milligrams. So I
8 went back to my primary care provider and asked if it
9 would be reasonable for me to go to a hundred
10 milligrams. That was only with -- probably within the
11 first two or three months of being prescribed the
12 medication. So I've been on a hundred milligrams ever
13 since.
14 Q. Since, like, 2018?
15 A. Yeah.
16 Q. [REDACTED]
17 [REDACTED] True?
19 A. Yes.
20 Q. And you're doing well on the [REDACTED] now?
21 A. Yep.
22 Q. Keeps you in a good place?
23 A. It does, yeah.
24 Q. [REDACTED] True?

Page 21

1 A. Yes.
2 Q. [REDACTED]
3 [REDACTED] Is that correct?
4 Is that correct?
5 A. That is what I believed at the time, yes.
6 Q. Okay. Thank you. Are you -- I don't have
7 any records of you getting mental health treatment since
8 June of 2021. Have you had any treatment since that
9 time?
10 A. I don't believe so. I have some -- not on
11 record, anyway. I do have some friends that are doctors
12 that I speak to confidentially and off the record about
13 certain things, but I don't -- I have never been to
14 treatment since I was at -- I believe it was Dr. Kuna's
15 office.
16 Q. I have two visits with Dr. Kuna. You can see
17 them. Go to ST1567. You'll see a visit on May 16th,
18 2021 [REDACTED] Did I read that correct?
20 A. Yes. Correct.
21 Q. Okay. And those are the issues you talked to
22 John Kuna about on that date?
23 A. It wasn't John Kuna. It was one of his -- I
24 don't remember her name, but it was a female PA.
25 Q. Okay. Am I correct that the following month

1 in June, you were facing a sentencing hearing with Judge
 2 Barrasse regarding the bad check and doctoring bank
 3 records charge?
 4 A. Correct. You were there for that.
 5 Q. Well, it was on Zoom.
 6 A. Right.
 7 Q. I watched it on Zoom.
 8 A. Uh-huh.
 9 Q. And you went to jail for 30 days for that
 10 charge; is that correct?
 11 A. Correct.
 12 Q. And you were feeling some stress over that
 13 upcoming hearing coming up?
 14 A. Yes.
 15 Q. And then you saw somebody in John Kuna's
 16 office next on June 8th, 2021 regarding [REDACTED]
 17 [REDACTED] ?
 18 A. My sentence started June 22. So that June
 19 8th appointment that you're referencing would have been
 20 before the sentence. But yes.
 21 Q. Now, do you take a drug called Sertraline?
 22 A. Sertraline is the generic form of [REDACTED] but
 23 it's the same drug that you were referencing in the last
 24 document.
 25 Q. Okay. And you take sildenafil for --

1 A. Occasionally.
 2 Q. Okay. Prior to sex, correct?
 3 A. Yeah.
 4 Q. Now, looking at Page 16 -- I'm sorry, 1563
 5 under the section entitled Marital, do you see that
 6 about in the middle of the page?
 7 A. And then it says [REDACTED] ?
 8 Q. Yes.
 9 A. Yes.
 10 Q. Let's focus on that paragraph. You get to
 11 the section on education and the -- Monica Stroz from
 12 Dr. Berger's office wrote [REDACTED]
 13 [REDACTED] Do you see that?
 14 A. Yes.
 15 Q. Is that information you gave Monica?
 16 A. I'm unsure what college credit total means.
 17 Q. How about it's -- you've got five years worth
 18 of credits but no degree, is that what you meant?
 19 A. To be honest with you, I don't remember
 20 exactly what I said to Monica. I was in school four or
 21 five years, although they were not five full years and
 22 they were separated in some cases by either months or
 23 years in between. I don't believe I would have said
 24 that I had a total of five years of college credits. I
 25 don't think that's something I would have said because

1 it's not true.
 2 Q. Under this section of ST1563, it says,
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED] Is that information that you gave
 6 to Monica?
 7 A. Half of that is true. I don't have a
 8 master's degree. That's a completely different thing
 9 than Master's of the Arts. Master's of the Arts, I
 10 believe, is an associate's degree or maybe even less
 11 than that. So she may have taken what I said maybe out
 12 of confusion and she wrote master's degree. But I,
 13 obviously, don't have a master's degree.
 14 Q. Did you tell her that you attended Regent
 15 University?
 16 A. I don't know if I had told her that I
 17 attended -- what date was this? I don't remember if I
 18 told her that I attended or was planning on attending.
 19 But I know I mentioned it to her for sure.
 20 Q. Okay. Then reading on, on ST1563 it says,
 21 [REDACTED] Did you
 22 tell Monica Stroz on May the 3rd, 2021 that you attended
 23 a program at Harvard Business School on negotiation
 24 mastery?
 25 A. Same answer as to the last one. I don't know

1 if I told her that I did attend or I planned on
 2 attending. I can't remember exactly what I told her.
 3 And this is, obviously, very vague, so I'm not sure.
 4 Q. Is it your testimony here today, Phil, that
 5 you never attended Regent University or any programs at
 6 Regent University?
 7 A. It's a complicated answer because I thought I
 8 did until you did discovery.
 9 Q. Okay. Well, Phil, I supplied you with a
 10 letter and e-mails from Regent University that they
 11 don't have your name or any variation of your name in
 12 their records that you ever attended any program there.
 13 You saw that record, right?
 14 A. I saw that as well as the one from Harvard
 15 which caused me to answer the last question that you
 16 asked as the way I answered it. I had been under the
 17 impression, since I signed up for those courses, that I
 18 did attend and I did take those courses as I intended.
 19 Apparently -- and I took a course. Apparently, I did
 20 not take a course at the institutions that I thought I
 21 did. I think your records in discovery actually showed
 22 that I did register with one or both of the schools. I
 23 was registered to take the course, but I never completed
 24 the course. So somewhere along the line, I think I got
 25 duped.

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1 Q. Phil, I haven't supplied any records in this
2 case that you registered for a course at Regent
3 University.
4 A. I thought we were talking about Harvard and
5 Regent. But Harvard definitely had the registration. I
6 remember seeing it from your paperwork. I don't
7 remember seeing anything from Regent, you're right.
8 Q. So during the deposition of the two Harvard
9 designees that they supplied, one from Harvard
10 University and one from the business school, all they
11 had from you was an inquiry online about attending a
12 program there.
13 A. Right.
14 Q. And I think it was from maybe August or
15 September of --
16 A. 2020.
17 Q. -- 2020.
18 MR. KOLMAN: Objection.
19 BY MR. HINTON:
20 Q. But have you seen any records that you
21 actually registered for a program at Harvard?
22 A. I -- here's what happened. And I wish I had
23 a better explanation.
24 Q. Well, let's get a yes or no to the first
25 question.

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1 A. No.
2 MR. KOLMAN: Objection.
3 BY MR. HINTON:
4 Q. You haven't seen any records?
5 A. Not from Harvard or Regent. I have seen
6 certificates that say I completed the course. But,
7 again, I think I was scammed or maybe through my -- I
8 think I was trying to -- I don't want to get into that.
9 But I think I was excited about taking the course and
10 getting the course and I overlooked -- and getting the
11 certificates and I overlooked various details that I
12 normally would not overlook.
13 Q. Phil, these courses would have been online
14 courses?
15 A. Yes.
16 Q. Okay. You never went to the actual campus of
17 Harvard University?
18 A. I've been to the campus of Harvard
19 University, yes.
20 Q. But you didn't --
21 A. You don't take the course there, no.
22 Q. Okay. So you weren't actually in a classroom
23 for a Harvard program?
24 A. No.
25 Q. And you weren't actually in a classroom for a

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1 Regent University program?
2 A. No. As far as I know, Regent is only an
3 online academy.
4 Q. And in order to sign up for any of these
5 programs, you'd have to pay money, correct?
6 A. Yes.
7 Q. And have you searched for any records showing
8 a credit card payment or a canceled check or anything to
9 Harvard University or Regent University?
10 A. I was actually very excited to search for the
11 receipts that I had for these universities because of
12 your inquiries into them for the last several months or
13 for the last year. The problem is, in the last year or
14 two, mainly within the last year, I have switched bank
15 accounts six or seven times and communicating with my
16 old banks is impossible, to try to get statements, to
17 try to get anything at all. I don't have those records
18 anymore. I don't have an online log-in anymore. I
19 don't have the statements. I always did electronic
20 statements. I just don't have them. I would love to
21 show you the fact that I paid someone something for what
22 I thought was an invoice for the certificates that I
23 think that I got.
24 Q. Well, do you have a memory of how you paid
25 these educational institutions?

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1 A. It would have been online.
2 Q. With which credit card?
3 A. It would have been a bank card.
4 Q. From which bank?
5 A. I don't -- I don't -- at the time, it
6 probably would have been -- I don't remember, honestly,
7 Tim. It could have been Wells Fargo, Ally, Blue Vine,
8 Charles Schwab, Chase or Citi.
9 Q. So, Phil, I've never seen a certificate that
10 you, you know, purport to have from Regent University.
11 You haven't produced one of those; have you?
12 A. No.
13 Q. And you don't have one; do you?
14 A. No. Unfortunately, there was one box that in
15 my move in November of 2022 from Duryea to Shavertown,
16 my current residence in PA, that was lost and not only
17 contained my Harvard certificate that I allegedly
18 thought I had, but also contained my Regent one and
19 other certificates that I had from high school, my high
20 school diploma, high school awards that I got for
21 baseball and I lost the entire box, which I'm pretty
22 unhappy with. But no, I don't have anything to produce
23 for that. I wish I did.
24 Q. And the Harvard certificate, we've seen that
25 in your videos; is that correct? It's hanging on the

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1 wall?
2 A. It was hanging on the wall, yes.
3 Q. And I produced a copy of that captured from
4 your video images.
5 A. I believe you did, yes.
6 Q. Is that the Harvard certificate you claimed
7 you received from Harvard University?
8 A. I believe it was.
9 Q. Okay. And did you read the Harvard
10 designee's depositions to say they don't issue
11 certificates like that?
12 A. I did.
13 Q. And what was your reaction to that?
14 A. Well, shit. Somebody --
15 Q. You got -- scammed you?
16 A. Yeah.
17 Q. Okay.
18 A. Somebody got one over on me. And if I were
19 in different circumstances, I would probably look into
20 that a little bit more and try to figure out exactly
21 what happened. But I don't care. I felt like -- the
22 course that I took, I felt like it did actually have
23 some pretty good content. And the reason that I took
24 the course at the time, especially the Harvard one, the
25 negotiation mastery, was because at the time, I was

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1 still involved in real estate and negotiation in real
2 estate comes into play daily. So I did feel like I
3 picked up some good information on that but, apparently,
4 it just wasn't from the place that I thought I was
5 getting it from, unfortunately.
6 Q. Phil, I will be referring to the article in
7 this case. And can we agree that when I just say "the
8 article" and put it in that way, that I'm talking about
9 the Chris Kelly article on February 14th, 2021?
10 A. Yes.
11 Q. Okay. I don't want to have to say that every
12 time.
13 A. Yeah. Yeah.
14 Q. All right? That article is marked in here as
15 3721.
16 A. Okay.
17 Q. Okay? So whenever I refer -- if you look to
18 the 3721 through 3723, I'm talking about the Chris Kelly
19 article, okay?
20 A. Got it.
21 Q. So looking at that -- just keep that open for
22 now, 3721. You're familiar with the article, correct?
23 A. (Witness nods head.)
24 Q. That's why we're here.
25 A. Yes.

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1 Q. And what's false and defamatory about the
2 article?
3 MR. KOLMAN: Objection.
4 BY MR. HINTON:
5 Q. You can answer.
6 A. I don't know where I begin on this, Tim.
7 Q. Are you saying the whole thing is false and
8 defamatory?
9 A. I would have to read the whole thing to see
10 if -- the whole thing, so I'm not going to say that.
11 But just to highlight some things off the top of my
12 head, Chris Kelly and the Scranton Times very clearly
13 say on a number of occasions that I slept with a minor;
14 or in some form of words they say that, or directly.
15 Also, they say that somehow my profession at the time
16 was tied to my personal beliefs in politics or, you
17 know, a certain political belief or agenda or certain
18 facts or certain fiction. They tried to make -- I think
19 they tried to make it seem like my association with
20 those beliefs somehow made it a negative factor in my
21 profession. That's number two. And number three,
22 again, in a certain amount of words, they essentially
23 called me a terrorist and said I was responsible for the
24 insurrection on January 6th Capitol debacle as well as
25 even went further than that and said that I was

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1 responsible for -- and I believe the words were "called
2 the cadence" of the insurrection that day. All of those
3 things are completely untrue.
4 Q. Okay. The article also says that you traffic
5 in lies; doesn't it?
6 A. I -- can you --
7 Q. Yeah. If we look at Paragraph 29 -- do you
8 see the numbers next to each paragraph?
9 A. Yes.
10 Q. It begins, "Karma is easy to see." Do you
11 see that paragraph?
12 A. Yes.
13 Q. In the bottom of that paragraph it said,
14 "Godlewski is spreading lies across the planet." Is
15 that false and defamatory?
16 A. It's certainly false. I don't know if it
17 meets the definition of defamatory, but it's absolutely
18 false, yes.
19 Q. Well, he's calling you a liar.
20 A. Yes.
21 Q. And then if you look at Paragraph 35, he says
22 that -- the paragraph begins "And if you hold yourself
23 up as a patriot reporter who tells truths that can't be
24 found anywhere else, don't traffic in lies." So he's --
25 Chris Kelly's saying you traffic in lies; is that

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1 correct?

2 A. That is what he's saying, yes.

3 Q. Is that false?

4 A. Yeah, especially the part where he says "that
5 can't be found anywhere else." I think that shows a
6 lack of research and due diligence on his part. The
7 things that I talk about -- I don't actually know what
8 he's referring to in terms of the whole category of
9 traffic in lies. He was never really specific, I don't
10 think, in this article. I think he's just generally
11 calling me a liar and saying that everything I say is a
12 lie.

13 Q. Did you find that offensive, that Chris would
14 say that about you?

15 A. No. I think Chris is entitled to his opinion
16 on certain things like that. I don't think that Chris
17 has to believe in the things that I believe in, nor do I
18 have to believe the things that Chris believes in.
19 We're free to believe in what we want to believe in.
20 The problem I had with the article are the three things
21 that I mentioned earlier.

22 Q. You didn't have any problem with him saying
23 you traffic in lies?

24 A. I didn't say that. I wouldn't say that I
25 didn't have a problem with it. I did have a problem

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1 with it, but that, in itself, is not a litigatable
2 offense. But by Chris Kelly, that's his opinion. He's
3 allowed to have an opinion; everybody is. I think we
4 live in a day and age now where people forget that
5 everybody could have their own opinion and somebody's
6 opinion is not -- does not make them a bad person. So
7 if Chris thinks that I lie all the time, he could have
8 that opinion. But if he puts it in an article for
9 millions and millions of people to see, both in print
10 and digitally, I think he has to, in this particular
11 lawsuit, prove what he's saying is accurate.

12 Q. Was he saying in this article that QAnon or
13 the Q movement -- I know you take issue with the term
14 "QAnon," I've seen it in your shows. But if I refer to
15 it as the Q movement, you're okay with that?

16 A. I'm okay with that.

17 Q. And you're a proponent of the Q movement?

18 MR. KOLMAN: Objection.

19 BY MR. HINTON:

20 Q. Right?

21 A. I don't like to generalize the Q movement.

22 Q. Well, Phil, let me stop you. Haven't you
23 reported that you're one of the highest Anons out there?

24 A. Yes.

25 Q. And what does that mean to be one of the

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1 highest Anons?

2 A. The Q movement started in 2017 -- in October
3 of 2017 and that's when the entity known as Q, who
4 claimed to have high-level military intelligence
5 knowledge, started making public posts on forums. It
6 started with a certain forum that moved to another
7 forum -- irrelevant. But when I say highest-ranked
8 Anon -- first of all, you could be an Anon, the Tims
9 over here could be Anons. Anthony could be Anon,
10 anybody could be an Anon. It just refers to somebody
11 that follows those postings or is a member of those
12 forums.

13 When you talk about highest-ranking, it
14 would, kind of, be similar to if you were a member of a
15 different forum such as a Corvette forum for cars or a
16 real estate forum. I'm just making these up. But if
17 you were around from the beginning and you were one of
18 the original members or posters or one of those that
19 were involved from the very beginning, we refer to it,
20 just our terminology, as highest-ranked. That's what
21 I'm referring to.

22 Q. You heard your ex-wife, Dori, testify the
23 other day that she felt QAnon or the Q movement was a
24 cult. Did you hear that?

25 A. I did.

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1 Q. And do you agree that it's a cult?

2 A. No.

3 Q. Okay. And she told you when you were living
4 together she felt it was a cult?

5 A. I know she testified to that. But no, that
6 conversation between me and her and especially that
7 phrase or those amount of words were never relayed to
8 me. And the reason I know that is because I would have
9 addressed that with her specifically and I would have
10 showed her certain things that made her think
11 otherwise -- not made her think otherwise, but would
12 have brought her attention to see things the way that I
13 was seeing things. We very, very rarely, if ever,
14 discussed the details about Q or my involvement or any
15 of that.

16 Q. Well, she testified the other day she asked
17 you to stop doing the videos.

18 A. That's correct.

19 Q. Did she do that?

20 A. Yes.

21 Q. And you continued to do the videos?

22 A. No.

23 Q. You stopped the videos because of her
24 request?

25 A. Partially because of her request. I

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1 didn't -- as I testified to earlier, I was -- and as
2 Dori testified to, I was very desperately trying to save
3 my marriage. So if she said sleep on the couch tonight,
4 that's what I did. If she said stop doing videos, do
5 it. And in that period of time, I did stop doing
6 videos.

7 Q. Did she tell you she thought you were
8 misleading people in the videos?

9 A. No, she never told me until I heard it that
10 day when she testified that she thought I was misleading
11 anyone.

12 Q. Let's take a look at -- it's one of the tabs
13 in the notebook -- the Answers to Request For
14 Admissions, Set 3. So --

15 A. I've got it.

16 Q. Now, if you look at number five --

17 A. One second, Tim. I don't know -- if I flip
18 to Set 3 by doing this, there's nothing there. It goes
19 immediately to Set 7.

20 Q. Let me show it to you.

21 A. Okay.

22 Q. Go to number five of the Request For
23 Admissions.

24 A. Yes.

25 Q. And do I ask you to admit whether or not your

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1 Telegram chat with Savage Dog is -- the transcript of
2 that is true and accurate? And did you admit that
3 admission?

4 A. Yes.

5 Q. Okay. Let me have that back, Phil. We're
6 going to talk about the transcript a little bit. If you
7 could go to 3815. You're familiar with the
8 transcription we did of your chat with Savage Dog on
9 November 26, 2021?

10 A. Yes.

11 Q. You've read through that?

12 A. Yes.

13 Q. Did you read that to prepare for today's
14 deposition?

15 A. No.

16 Q. So, Phil, in this chat you had with Savage
17 Dog, about seven lines into the chat, there's a
18 statement by you "We were in kindergarten, first grade,
19 second grade, we were in all the same, you know,
20 classes. We played outdoors, all that stuff." Did I
21 read that correctly?

22 A. Yes.

23 Q. And you're referring to you and Joe Strok in
24 this part of the interview with Savage Dog, correct?

25 A. Yes.

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1 Q. And then go down a few lines. It reads, "We
2 were always good friends, always up to that point. But
3 as happens with college and you get older, you just,
4 kind of, lose touch." And that's what you told Savage
5 Dog on that day?

6 A. Yes.

7 Q. Going down further, it says -- I'm going to
8 focus on the line "that he killed himself." Do you see
9 that line?

10 A. Yes.

11 Q. "I was just dumbfounded, so I ended up coming
12 back in about -- probably six months later is when I
13 decided to stay within, you know, the community that I
14 grew up in." Had you been out of the community in 2008
15 for any period of time?

16 MR. KOLMAN: Objection.

17 BY MR. HINTON:

18 Q. Let's focus between the time you graduated
19 high school in 2002 up until Joe Strok dying in November
20 of 2008. Had you been anywhere else other than Duquesne
21 University for a year and then coming back home and
22 going to the University of Scranton, going to Johnson
23 College and working at your grandfather's gas station
24 and doing real estate work in Lackawanna? Had you been
25 anywhere else?

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1 A. Yes.

2 Q. Where?

3 A. I worked in some private contracting jobs --

4 Q. Bartending?

5 A. -- in various different places.

6 Q. Bartending?

7 A. No. I did work in bartending as well, but
8 that was while I was at Duquesne. That's not what I'm
9 referring to. Various private contracting jobs.

10 Q. Okay. For who? What are their names?

11 A. I signed a nondisclosure agreement with more
12 than one company on these things, so I'm not going to be
13 able to discuss those today.

14 Q. Are you -- you're under oath here. Do you
15 have a security clearance, Phil?

16 A. No.

17 Q. Have you ever had a security clearance, Phil?

18 A. Security clearance for what?

19 Q. Issued by the United States government.

20 A. No.

21 Q. Okay. So what kind of work were you doing as
22 a private contractor?

23 A. I think I asked -- I answered that just now.

24 The terms of what I did as a private contractor can't be
25 discussed per the agreement of the nondisclosure form

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1 that I signed.
2 Q. With a private company?
3 A. Yes.
4 Q. Or else what will happen, they'll sue you?
5 MR. KOLMAN: Objection.
6 THE WITNESS: I have no idea what
7 they'll do. They could sue me. They could -- I don't
8 know if it's a criminal offense for violating it. I
9 have no idea, to be honest with you. All I know is I
10 can't talk about it.
11 BY MR. HINTON:
12 Q. What period of time are you stating you
13 worked as a private contractor?
14 A. The period of time you just asked me about,
15 which is why I brought it up. So it would have been
16 after 2002 and before 2008 or -- I don't know if what I
17 said to Savage was a hundred percent accurate about the
18 year, but around that time. The problem that I have
19 with the transcript is not the fact that it's inaccurate
20 in the way that it's written because those are the words
21 that came out of my mouth in that particular -- this was
22 an audio session. Obviously, this wasn't a text message
23 or e-mail or something that was reduced to writing.
24 This was audio. So when you transcribe audio, you don't
25 get the full effect of the insinuations that I was

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1 making in the actual audio. You can't do that when it's
2 reduced to text. So -- and another thing about this
3 particular session is, some things I think I got wrong
4 when I said them in terms of years and in terms of
5 particular areas of certain topics, certain subjects.
6 Q. Did you ever graduate high school with Joe
7 Strok?
8 A. No. Joe was younger than me.
9 Q. Four years younger, right?
10 A. Yeah.
11 Q. You didn't go to kindergarten, first grade
12 and second grade with Joe Strok?
13 A. No.
14 Q. And he wasn't your close childhood friend;
15 was he?
16 A. Yes, he was.
17 Q. Where did you live when he was your close
18 childhood friend?
19 A. I lived on Pond Street in Taylor.
20 Q. And where did he live?
21 A. Joe lived in various places in his childhood.
22 I think he lived on Ridge Street at one point. Ridge
23 Street was only one street parallel to Pond Street, so
24 it was literally in my backyard. And Pond Street, you
25 go up a hill and then you're on Ridge Street. He lived

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1 there for a while. Then he was somewhere else in
2 Taylor. This was at a very young age, so I don't
3 remember the exact areas he lived in. When you're a
4 young kid like that, if you lived in Taylor, you lived
5 in Taylor, you're from Taylor. Taylor, to me, was tiny.
6 You know, if wasn't all the way up by the Little League
7 field and all the way down to Old Forge. That's not how
8 it worked.
9 Q. Are you testifying that Joe Strok was your
10 close friend in high school?
11 MR. KOLMAN: Objection.
12 BY MR. HINTON:
13 Q. When you were in high school.
14 A. That's not what I said at all.
15 Q. I'm asking a question.
16 A. No.
17 Q. He was not your close friend when you were in
18 high school?
19 A. No. When I was in high school -- ninth to
20 twelfth grade, even when I was in twelfth grade, I
21 believe Joe was a freshman.
22 Q. When you were in twelfth grade, he was in
23 eighth grade.
24 MR. KOLMAN: Objection.
25 THE WITNESS: Yeah, eighth grade. So he

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1 was quite younger than me. When we were younger, when
2 you had a group of kids from Taylor that -- is it okay
3 if I try to paint the picture of what my childhood was
4 like in my mind when it comes to Joe?
5 BY MR. HINTON:
6 Q. Let me move on. I don't want to --
7 A. Okay.
8 Q. I don't want to get bogged down now.
9 A. Uh-huh.
10 Q. How long a period of time did you act as a
11 private contractor?
12 A. On and off for five years; less, more, plus
13 or minus.
14 Q. Give me the range, the four or five years.
15 A. What do you mean "the range"?
16 Q. When did you start doing private contractor
17 work?
18 A. Well, it would have been after high school
19 so --
20 Q. Well, the year you spent at Duquesne, were
21 you doing private contractor work then?
22 A. In the midst of the year that I was at
23 Duquesne is when it started.
24 Q. Well, you would have left for Pittsburgh
25 towards the end of August of 2002, right?

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1 A. A little earlier, I believe, through the
2 baseball. But yes.
3 Q. Okay. And then you came back from Duquesne
4 in May of 2003.
5 A. Uh-huh.
6 Q. During that period of time, did you work as a
7 private contractor?
8 A. Work as? No. But I started to get involved.
9 Q. Okay. Investigating 9-11?
10 A. I did investigate 9-11.
11 Q. Okay. And you were handing out CDs to people
12 about your investigation work into 9-11; is that right?
13 A. DVDs.
14 Q. DVDs. Okay. And you did a whole video on
15 that.
16 A. Uh-huh. Yes.
17 Q. Was that subject to your nondisclosure
18 agreement that you were disclosing all this information
19 about your DVDs you were handing out?
20 A. No.
21 Q. You were saying that 9-11 was not done by the
22 Saudis and Al-Qaeda, it was all a hoax. Is that what
23 you're saying?
24 MR. KOLMAN: Objection.
25 THE WITNESS: No, I'm not saying it was

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1 a hoax.
2 BY MR. HINTON:
3 Q. 9-11 wasn't as it was purported to be?
4 A. Absolutely.
5 Q. And you were handing out CDs to people with
6 your theories about what 9-11 was about?
7 A. I wouldn't say I was handing out DVDs to
8 people with my theories. I was handing out DVDs to
9 everyone that would take one with proof.
10 Q. Okay. And that was your private contractor
11 work?
12 A. No.
13 Q. That wasn't?
14 A. No.
15 Q. Okay. Who were you doing that with?
16 A. Third time I'll answer this now. I cannot
17 answer that question because of the nondisclosure
18 agreement that I have signed for fear of prosecution or
19 worse.
20 Q. The DVD work you did?
21 A. No. I already answered that, too.
22 Q. No. Who were you doing the DVD work -- is
23 there an NDA on that, too?
24 A. Oh, no. No. I'm sorry. You said who was I
25 doing the private contractor work with. That's what you

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1 asked me?
2 Q. Yeah.
3 A. Yeah. I can't answer that. I'm under an NDA
4 for that.
5 Q. I'm talking about the DVDs right now.
6 A. All right. Well, you said private
7 contractor. I'm just saying what you asked me.
8 Q. Who was your boss that you were handing out
9 DVDs for?
10 A. I didn't have a boss.
11 Q. Who was making the DVDs?
12 A. I had several partners -- well, I made some
13 of the DVDs. Back then, we had DVD burners on our
14 computers and our devices. DVD burners were very
15 popular back then. So we would take a video file, an
16 MP4, an MP3 -- some of the DVDs were audio only without
17 any sort of visual to them, they would just -- well,
18 they had visual, but it would just be captions of the
19 words that were on there. So me and several others were
20 distributing them as much as we could.
21 Q. Can you give the names of the people you
22 worked with? Was Andrew Torba one of them?
23 A. Andrew Torba?
24 Q. Yeah.
25 A. No.

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1 Q. Okay. Who did you do this DVD stuff with?
2 A. We always tried to stay discreet in our
3 personal affairs. We didn't like giving out our real
4 names, our real -- you know, where we lived
5 specifically. We always went by -- handles, we call
6 them. Modern-day people would call them user names. We
7 did the same thing with our Q following, we would go by
8 Anon, you know, anonymous. So back then, I didn't know
9 specifically individual names of people that I was
10 working with. All I knew was that they had a
11 like-minded cause and they saw what I saw and we wanted
12 everyone to know the truth about what happened that day.
13 Q. At 9-11?
14 A. Yes.
15 Q. I asked for the names. Can you recall the
16 names of the people that you were doing this endeavor
17 with?
18 A. As I sit here right now, no, I cannot.
19 Q. Okay. Now, in terms of the other private
20 contractor work that you're subject to an NDA with, do
21 you have the NDA agreement still?
22 A. Oof. I don't know. Someone has them
23 somewhere.
24 Q. Would you tell me where I could look to to
25 send a subpoena to get those NDAs?

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1 A. That alone would be a violation of the NDA.
2 Q. Okay. Is it more than one company or just
3 one company?
4 A. More than one.
5 Q. And what was your skill that you did for
6 these private companies or private contractors?
7 A. What was my skill?
8 Q. Yeah.
9 A. Cyber, all aspects of cyber communication and
10 dissemination, some computer work, some computer
11 forensics, connectivity of -- I don't want to get too
12 specific, but connectivity of networks, networking. And
13 that's about all I'm prepared to say.
14 Q. And did you work from your home for these
15 companies? Did you work at home in Taylor, Avoca,
16 Dupont, wherever you lived?
17 A. No.
18 Q. So you moved out of town?
19 A. I wouldn't say moved. We moved often.
20 Q. Did you stay in hotels?
21 A. Yes.
22 Q. Okay. So you never went and got an apartment
23 somewhere else?
24 A. Yes.
25 Q. You did? Can you tell me what city you were

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1 in?
2 A. No.
3 Q. Okay. It's top secret?
4 A. I wouldn't say it's top secret.
5 MR. KOLMAN: Objection.
6 BY MR. HINTON:
7 Q. What is it?
8 A. It's subject to an NDA. I'm sure you know
9 what an NDA is.
10 Q. Nondisclosure agreement.
11 A. That's right. Which means you can't
12 disclose.
13 Q. Well, if we could see the nondisclosure
14 agreements, we could see what areas you could talk about
15 and which ones you can't talk about.
16 A. You understand in seeing that the
17 nondisclosure -- in seeing -- if you were to see it, the
18 nondisclosure agreement, you would see what I'm unable
19 to talk about, correct?
20 Q. So, Phil, your nondisclosure agreements are
21 with a private company?
22 A. Yes.
23 Q. Okay. None of them are with the United
24 States government?
25 A. No.

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1 Q. None of them are with the CIA, the NSA, the
2 FBI, none of them are with those organizations?
3 A. No.
4 Q. And you never worked for a three-letter
5 organization; is that correct?
6 A. No.
7 Q. You never did --
8 A. Yes, that is correct.
9 Q. Okay. Have you ever done consulting work for
10 any United States governmental agency or a three-letter
11 agency?
12 A. Consulting work?
13 Q. Yes.
14 A. No.
15 Q. In this transcription from the Savage Dog
16 interview that we've marked as ST3815 through 3822 --
17 23, actually, did you lie at all in that interview with
18 Savage Dog?
19 A. Not that I'm aware of.
20 Q. And you've read the transcription in order to
21 approve the admission of your Request For Admissions
22 that it's what you said?
23 A. Yes.
24 Q. Okay. And if there are any lies in that
25 transcription, you would point that out to me; wouldn't

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1 you?
2 MR. KOLMAN: Objection.
3 BY MR. HINTON:
4 Q. You can answer.
5 A. Absolutely.
6 Q. Okay. And you're not aware of any lies in
7 that transcription?
8 MR. KOLMAN: Asked and answered.
9 THE COURT REPORTER: I'm sorry?
10 BY MR. HINTON:
11 Q. You can answer.
12 MR. KOLMAN: Asked and answered.
13 BY MR. HINTON:
14 Q. You can answer, Phil.
15 A. I wouldn't say -- I am aware of some
16 embellishing.
17 Q. Okay. Give me an example.
18 A. I'm going to call it -- I don't know. I
19 remember reading this a while and, as I said, I didn't
20 read it coming into today. If you want to point to
21 something, I would tell you what I said, why I said it
22 and what was going through my mind when I said it. I
23 want to preface, if I could, that this was a
24 conversation with a hate group that really despises me.
25 Q. Well, no, Savage Dog wasn't a hate group.

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1 The other interview on May 3rd may have been a hate
2 group.
3 A. But of lot of those people from the May 3rd
4 interview, which I know which one you're talking about,
5 were in this chat. When somebody knows that I'm in a
6 chat, shrrp, flood gates open.
7 Q. But Savage Dog was a friendly interviewer to
8 you.
9 A. As a moderator, yes, he was.
10 Q. Okay.
11 A. The audience, though, were not.
12 Q. Okay. So when you said you graduated high
13 school with Joe Strok, was that an embellishment?
14 A. Can you show me?
15 Q. Sure. Go to the first page, 3815, second
16 line from the bottom, "We graduated together. We were
17 in the same grade. We were in the same classes, all
18 that kind of stuff."
19 A. This is kind of what I was talking about
20 before when you take an audio and turn it into -- and
21 reduce it to writing such as this. When I say we
22 graduated together, I absolutely do not mean the same
23 year. It's obvious that we didn't graduate together,
24 everybody knows that. We graduated from the same
25 school.

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1 Q. Well, in the seventh line of the interview --
2 seventh line on Page 3815 you said, "We were in
3 kindergarten, first grade, second grade, we were in all
4 the same, you know, classes. We played outdoors, all
5 that stuff." Are you embellishing there?
6 A. No. When I say we're in the same, you know,
7 classes, we had the same teachers.
8 Q. That's what you meant?
9 A. Uh-huh.
10 Q. You have to say yes.
11 A. Yes.
12 Q. You're sure you're not lying here?
13 MR. KOLMAN: Objection. Asked and
14 answered. Don't answer that.
15 THE WITNESS: No, I remember myself and
16 I believe it was Dave Walters for several years
17 straight -- now, Dave was in my grade -- but for several
18 years straight, we had the same teachers. I think it
19 was all the way up to fourth or fifth grade. The same
20 exact thing happened with Joe. Now, Joe was several
21 years behind us, but I remember talking to Joe about the
22 teachers that I had that he had. And it wasn't every
23 single teacher that I had he had, but it was something
24 that we had in common which, I think, again, at that age
25 for a small town like Taylor -- what I believed was a

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1 small town at the time, it was my universe, I believed
2 that that was something that made us even more in touch
3 with each other, so to speak.
4 Q. Okay. Let's look at the next page, 3816. In
5 the middle of the page, almost dead center, there's a
6 sentence that reads, "So my first mistake was reaching
7 out to the girl..." you're referring to Brie "...Brienna
8 DuBorgel."
9 A. I don't have it. 30 --
10 Q. Middle of the page where you see "Joe was 22.
11 I was 24."
12 A. Yes.
13 Q. Okay. The next sentence on Page ST3816, "So
14 my first mistake was reaching out to the girl." You're
15 referring to Brienna DuBorgel, correct?
16 A. Yes.
17 Q. Okay. I'm going to call her Brie for short.
18 Is that okay?
19 A. Yes.
20 Q. "...and saying, you know, are you okay? If
21 you need anything, you know, I'm here. I'm going
22 through the same thing you are because Joe and I were so
23 close. So she does reach out to me. That was a
24 mistake. I shouldn't have done that. Now I take full
25 responsibility for everything that happened thereafter

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1 because that was my choice to reach out to that girl. I
2 didn't know she was a lunatic, but we'll get to that in
3 a second. But I shouldn't have done that." Did I read
4 that correctly?
5 A. Yes.
6 Q. And that's the truth, right?
7 A. All of that is the truth except I was 24 and
8 Joe was 22. I think those years -- those ages are
9 wrong. But yes.
10 Q. That's another mistake you made in your
11 interview?
12 A. I wouldn't say it was a mistake. But, again,
13 this is a three-hour-long conversation that I was having
14 audio only while I was being distracted by other events
15 that were going on around me in the room. This was
16 during, I think -- the 7K convention in Las Vegas, I
17 believe it was. So I wouldn't say I was purposely
18 misleading by misstating the ages, but I would say that
19 I did make a mistake possibly due to a number of
20 factors.
21 Q. Okay. But you did call Brie a lunatic?
22 A. Oh, yes.
23 Q. Okay. And that's what you thought of her was
24 a lunatic?
25 A. Not at the time; that's what I think of her

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1 now.

2 Q. Okay. But when -- you didn't realize when

3 she said she wanted you to leave your wife and stay with

4 her, that she was a lunatic?

5 A. Oh, yeah.

6 Q. Okay. So you knew it back then when you were

7 communicating with her?

8 A. After that point --

9 Q. Okay.

10 A. -- yes.

11 Q. All right. So on that same page, you tell

12 Savage Dog and the audience, a couples of lines down,

13 "It was only texting, nothing else. Uhm, there was no

14 phone conversations, there was no -- I never saw her in

15 person, you know. Again, after that date -- "

16 A. I'm sorry, Tim. I don't want to interrupt

17 you. I can't find it and I want to read along. Can

18 you --

19 Q. Okay. Let's find it. If you go a little bit

20 below the middle of the page, you'll see a sentence that

21 says, "I deserved the misdemeanor..."

22 A. I see it.

23 Q. "...that I ended up getting."

24 A. Yep.

25 Q. "But we'll get to that in a second. So

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1 anyways, we exchanged numbers through Facebook Messenger

2 thing and I -- in a second..." I think you were talking

3 to one of your kids there. You weren't at the

4 convention, I think one of your kids was in the

5 background.

6 A. It's possible.

7 Q. "So anyways, we exchanged -- we exchanged

8 numbers through Facebook Messenger thing." That's true

9 and correct, right? That's you and Brie?

10 A. That's me and Brie, yes.

11 Q. You first reached out to her, correct?

12 A. Yes, but could I tell --

13 Q. No. Just yes or no.

14 A. Yes.

15 Q. I want to get done today.

16 A. Gotcha.

17 MR. KOLMAN: Objection.

18 BY MR. HINTON:

19 Q. "Uhm, there was no phone conversations." So

20 you never had phone conversations with Brie before you

21 were charged with crimes on July 9th, 2010?

22 A. No, that's not what that means. That means

23 that originally when I first reached out to her through

24 Messenger, there was no phone conversations or anything

25 like that."

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1 Q. Okay. "There was no -- I never saw her in

2 person." Is that true?

3 A. It's untrue because I did see her in person,

4 but not in the vein that this conversation was taking

5 place. I didn't see her in person alone. We didn't go

6 out together. We didn't hang out together or anything

7 like that. The reason that I reached out to her through

8 Messenger was to get her and her friends to come to a

9 car wash that I was holding for my JV team.

10 Q. Okay.

11 A. So Brie -- that was the first time I -- well,

12 I saw her in person prior to that at games and stuff

13 like that, but that was the first time I reached out to

14 her privately. And she was among several other students

15 and girls that I reached out to to promote the car wash.

16 We needed fund-raising for the car wash, so I thought

17 having a group of students holding up signs car wash

18 this way, whatever, would help getting people to the car

19 wash.

20 Q. Okay. And continuing on your interview, "We

21 start texting back and forth. It was only texting,

22 nothing else. Uhm, there were no phone conversations.

23 There was -- I never saw her in person, you know, again,

24 after that day, nothing." So this -- at this point,

25 uhm, I'm engaged to my eventual wife. My wife sees the

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1 text messages in my phone between me and this

2 17-year-old girl. She said, what's -- what's this."

3 Did I read that correctly?

4 A. Yes.

5 Q. And is that all truthful information?

6 A. I don't believe Brie was 17 at the time. But

7 yes, Dori did see text messages in my phone between me

8 and another female which she objected to.

9 Q. So let's go to the next page, 3817. About

10 two-thirds of the way down the bottom, there's a

11 sentence from you that reads -- do you see where you say

12 I'll, I apostrophe L-L three times and it says --

13 A. Yeah. Yeah. Yep.

14 Q. -- so I go back to her.

15 A. Uh-huh.

16 Q. I'm going to start with that sentence. "So I

17 go back to her, meaning Brie, to the girl, the

18 17-year-old." She's actually 15, correct?

19 A. Or 16. I don't know what I'm talking about

20 here because there's no context but --

21 Q. Well, let's read on.

22 A. Okay.

23 Q. "And say, uhm, hey, this is a little bit more

24 serious than I thought now. I'm -- we've been speaking

25 now for a month or, you know -- or over a month and, uh,

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1 this has to stop. My fiancée's getting a little upset.
2 She thinks that things are going on. And this is all a
3 text message, guys. This isn't like -- I still have the
4 texts, in fact. I have every one of them from my
5 trial." Do you see where you say that?
6 A. Yes.
7 Q. And you're referring to the actual text
8 messages you had with Brie back when this was going on
9 after Joe's death, right? Not some fabricated text
10 messages, these were your text messages from your phone?
11 A. So the text messages that I'm referring to
12 are the ones that Dori -- that I reference above, the
13 ones that Dori saw.
14 Q. On your phone?
15 A. In my phone.
16 Q. Okay. So they're actual authentic text
17 messages?
18 A. Yes.
19 Q. Okay.
20 A. The ones that Dori saw.
21 Q. And you told Savage Dog you had those text
22 messages on November 26th, 2021 correct?
23 A. I could see how -- and, again, this is the
24 problem that I have with this entire -- you know, this
25 is discovery.

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1 Q. Interview.
2 A. With the interview -- well, not with the
3 interview. I don't have a problem with the interview.
4 The way that it's transcribed, you're not getting -- if
5 you could play it, it would be totally different, but
6 you're not getting the sense of what I was talking about
7 and what I was referencing because of this put in text.
8 You could put any context you want into texts like this.
9 You could read it the way that you're reading it. It's
10 not the vein that meant what I was saying. When I said
11 I have every one of them from my trial, what I had from
12 the trial is exactly what you have. There's no -- if
13 anybody would have the text messages from the trial, it
14 would be the district attorney's office because they
15 were the ones to attempt to prosecute me. There was
16 nothing else that I didn't have. When they were
17 acquiring their evidence, they went through Brie's
18 phone, Brie's computer, my phone, my computer, Dori's,
19 Dori's computer, several different things. Everything
20 they collected is what they had. I didn't have anything
21 other than that. So when I said I have every one of
22 them from my trial, I was referring to the time period
23 of my trial and the fact that Dori was reading those in
24 that particular set of time, in that particular point in
25 time.

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1 Q. From your phone?
2 A. From my phone.
3 Q. Okay.
4 A. So Dori saw everything that I --
5 Q. Where are those text messages now from your
6 phone?
7 A. Tim, I would love to have them because this
8 case would be over.
9 Q. Did you have them on November 26th, 2021?
10 A. No.
11 Q. Okay.
12 A. I wish.
13 Q. But you told Savage Dog you did have them.
14 A. No, I didn't. That's what I was just trying
15 to explain.
16 Q. So you're denying that you told him that you
17 had them?
18 MR. KOLMAN: Objection.
19 BY MR. HINTON:
20 Q. You can answer.
21 MR. HINTON: Your objection's noted.
22 THE WITNESS: I'm denying the way that
23 you're reading this particular passage. I'm trying to
24 tell you how it was meant. I could explain it again;
25 maybe I'll explain it better.

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1 BY MR. HINTON:
2 Q. That's okay. No. Let's move on.
3 A. Okay.
4 Q. So you're -- before Dori got upset with you
5 and said this has got to stop, you communicating with
6 this girl who's in high school, how long had you been
7 communicating with her -- what period of time, a month,
8 two months, before she said this has got to stop?
9 A. Well, this says a month. That's not
10 accurate. So the time period that the communication was
11 happening between me and Brie -- Dori found out about
12 the first -- I'm going to say the first because it's a
13 period of time versus the second, then, ultimately, the
14 third. The first period of time that Dori found out
15 about the text messaging going back and forth between me
16 and Brie, that was probably about 30 to 60 days worth of
17 text messaging, the first period.
18 Q. Was that right after Joe died?
19 A. Yes. Or about, yes.
20 Q. Okay. So you've got 30 to 60 days of text
21 messaging right after Joe died?
22 A. Yes.
23 Q. Okay. And then Joe Moceyunas, the principal,
24 calls you and says, don't have any more contact with
25 this girl on January 8th, 2009, correct? You've seen

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1 his memo. You've seen it.
2 A. I've seen his memo. I don't believe he says
3 don't have any more contact with this girl. I believe
4 he -- I believe I said to him --
5 Q. You were done?
6 A. -- in that conver -- what's that?
7 Q. You said you wouldn't have any more contact
8 with Brie.
9 A. I said maybe it's best -- actually, I said
10 that I haven't communicated with her because of the
11 rumors that I was hearing as well.
12 Q. That you were involved with her?
13 MR. KOLMAN: Objection.
14 BY MR. HINTON:
15 Q. That was the rumor, that you were having an
16 inappropriate relationship with Brie?
17 A. Correct.
18 Q. So you cut it off with her because of those
19 rumors?
20 A. Yes.
21 Q. Okay. Weeks before Joe Moceyunas told you it
22 would be best if you had no more contact with her?
23 A. I don't remember if it was weeks before. I
24 don't know. But I know it was before -- before Mr.
25 Moe -- Joe Moceyunas and I had that conversation, I had

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1 already stopped communicating with Brie.
2 Q. Okay.
3 A. Because, again, I was coaching JV boys
4 baseball team at the time, so they were telling me
5 things that they were hearing passing around the school
6 and, I'm like -- around the same exact time also was
7 when Dori found -- not found -- but when Dori read the
8 texts messages between Brie and I, which, I believe,
9 Dori testified to the other day that there was no
10 inappropriate nature involved in those text
11 conversations.
12 Q. Okay. What happened to your -- okay. Strike
13 that.
14 You said there's another phase -- a
15 second phase. What's that?
16 A. Aye. Aye. Aye. Aye. Aye. Brie contacted
17 me again after I had stopped speaking to her and --
18 Q. How much time had gone by before she
19 contacted you again?
20 A. I wish I could tell you, Tim.
21 Q. Months, years?
22 A. No. No.
23 Q. Weeks?
24 A. Probably weeks. I wouldn't say months.
25 Maybe 30 days or under, possibly over. I don't

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1 remember.
2 Q. Okay. Let's put it in context. How about
3 after you were no longer the baseball coach at
4 Riverside?
5 A. Oh, yeah, it was after that.
6 Q. Okay. So --
7 A. Because the conversation that I had with Mr.
8 Mo, I had resigned almost immediately following that
9 conversation; I believe within -- probably within days.
10 Q. Okay. So when you had the conversation with
11 Principal Moceyunas, you had already cut off
12 communication with Brie?
13 A. I don't believe Mr. Mo was the principal at
14 the time, but yes.
15 Q. Okay. And then -- so that's January 8th.
16 Your resignation as the baseball coach is February 4th,
17 I believe.
18 A. I don't know if it's January 8th or February
19 4th. You're saying dates, but I don't know.
20 Q. So you're not talking to Brie at all during
21 that period of time? The conversation with Moceyunas,
22 you resign as the baseball coach.
23 A. I may have been talking to Brie immediately
24 following my resignation or immediately following the
25 conversation with Mr. Mo. What I testified to today was

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1 before that conversation, I was no longer talking to
2 Brie.
3 Q. Before the conversation with Principal
4 Moceyunas?
5 A. Yes. And I don't believe he was principal at
6 the time.
7 Q. And Brie's mother produced phone records from
8 the day you had the phone conversation with Moceyunas or
9 the next day where there was, like, hundreds of text
10 messages with Brie that day.
11 A. I don't --
12 Q. Is that true or not true?
13 A. Not that I -- not that I remember. If you
14 could show me the text message and line them up with the
15 dates, I'd be happy to answer that. What I'm testifying
16 to today is what I'm testifying to.
17 Q. Why did you call Brie a lunatic?
18 MR. KOLMAN: Objection. Asked and
19 answered.
20 THE WITNESS: Because she's a lunatic.
21 BY MR. HINTON:
22 Q. And so when Brie told you to leave your
23 fiancée and be with her instead, it was at that point
24 that you said, you're a lunatic?
25 A. Yeah.

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1 Q. And that's when you determined she was a
2 lunatic?
3 A. Yes.
4 Q. Okay. And then after that point in time, did
5 you begin communicating with her again?
6 A. Yes.
7 Q. When was that?
8 A. She threatened to kill herself.
9 Q. Okay. What year was that?
10 A. It was right after the -- the -- so, again, I
11 described my communication with Brie in three different
12 phases. The first phase was during Joe's death and all
13 of that. Dori finds out about that, says, hey, this is
14 inappropriate, you have to stop. I go back to Brie and
15 I say, hey, I'm, you know, resigning from Riverside as
16 the coach. Things are getting out of hand here. Dori
17 found our communications, doesn't like them, and -- you
18 know --
19 Q. You were hiding them from Dori; were you?
20 MR. KOLMAN: Objection. Can he finish
21 his answer?
22 MR. HINTON: Uh-huh.
23 MR. KOLMAN: Thank you.
24 THE WITNESS: And -- I will answer that
25 question. But -- and as I communicated those feelings

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1 to Brie is when she threatened suicide. And between you
2 and I, I totally -- well, it's not you and I, I guess,
3 anymore. But I totally believed her.
4 BY MR. HINTON:
5 Q. Well, were you keeping your text messages
6 with Brie a secret from Dori?
7 A. Not the -- not through that first round when
8 Dori found them, no. Dori had full access to my phone
9 at all times. That's how she found them to begin with.
10 The second time after I started
11 recommunicating with Brie when she threatened suicide, I
12 felt like if -- I felt like I was betraying Dori --
13 Dori's trust telling her that, okay, I'll stop talking
14 to her. And I felt like if Dori found me talking to her
15 again, she would have assumed something was happening
16 that wasn't. I truly felt at the time that if -- after
17 Brie said that to me -- I had a choice at that time. Go
18 to the police, go to her counselor or talk to her and
19 wait it out. Try to tell her how good her life is and
20 be the person that could ultimately help change her
21 mental state.
22 Q. Did you feel she was a lunatic at that stage
23 too?
24 MR. KOLMAN: Asked and answered. You
25 can answer it for the third time.

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1 MR. HINTON: I'm breaking it into stages
2 here.
3 THE WITNESS: When somebody says to you,
4 I'm going to tell your wife a lie so that she'll break
5 up with you and I could be with you, anything they say
6 after that point to me, yes, I think you're a lunatic.
7 For you to even put that into words let alone think
8 it -- for you to even put that into words, you've
9 changed my opinion about you forever. So yes, I
10 believed Brie was a lunatic then. I believe she's still
11 a lunatic today. That -- my opinion on that has not
12 changed. In fact, it's gotten worse.
13 BY MR. HINTON:
14 Q. And the second phase where you reconnected
15 with Brie, how did that end, that phase of your
16 relationship?
17 A. Poorly.
18 Q. Okay. It wasn't -- it ended before you were
19 charged with crimes on July 9th, 2010, right?
20 A. Yeah.
21 Q. Okay. How long before you were charged with
22 crimes did it end?
23 A. I don't know how long before. I could tell
24 you when it ended and how -- the circumstances. But
25 dates, I don't remember how long before it would have

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1 been.
2 Q. How did it end?
3 A. I, again -- Dori, for the second time, found
4 me speaking to Brie. And now this time she's not as
5 nice about it. She's actually pissed. And she demanded
6 that I stop because now, as I mentioned before, just as
7 I thought, she thought something in addition to me
8 being -- and I showed it to her. I showed all the text
9 messages. So she knew, but she didn't care anymore.
10 She took me telling her that I stopped talking to her as
11 truth and I violated that trust by talking to Brie
12 again. So it doesn't matter what the contents of the
13 conversation was, which Dori knew about which she
14 testified to last week. But --
15 Q. Were you meeting her in person as well?
16 A. Let me finish. But the way that it ended
17 with Brie in that second phase was me telling Brie that
18 Dori found out again, now she's threatening to leave me
19 and I'm not going to let that happen. So I need to stop
20 talking to you. That's when Brie threatened to go to
21 the police. And I said, the police? For what? And she
22 told me what. I believe I still have an old Instant
23 Messenger conversation saved with that particular
24 conversation. It wasn't very long, but this was through
25 writing -- or reduced to writing in the form of Instant

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1 Messenger or AIM, whatever it's called.
 2 Q. You haven't produced that in discovery yet?
 3 A. Not yet.
 4 Q. Why not?
 5 A. I wasn't asked to.
 6 Q. I've asked you for all communications with
 7 Brie.
 8 A. You asked me for text messages with Brie.
 9 Q. And you remember Judge Minora talking to you
 10 about electronic communications during the hearing and
 11 then you produced the message from your computer?
 12 A. Ongoing, yeah.
 13 Q. Where is this Instant Messenger conversation
 14 kept?
 15 A. This was something that I got probably
 16 recently, within the last couple weeks.
 17 Q. Where did you get it from?
 18 A. It was at my old house in a box.
 19 Q. Which old house?
 20 A. Huckleberry.
 21 Q. Okay.
 22 A. When I moved out of -- I wasn't done
 23 answering the previous question. After she said that
 24 I'm going to the police, I lost it. I was very angry.
 25 And I didn't care at that point what she did to herself

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1 or otherwise. If she's going to try to do that to me,
 2 frame me is what I thought at the time, that's the first
 3 thing that went into my mind, screw her. And I told her
 4 that in a matter of words. I said, go ahead, do it. I
 5 said, I'll fight and I'll win. And that's what I did.
 6 Q. Did she go to the police?
 7 A. Yes.
 8 Q. What do you know about that, her going to the
 9 police?
 10 A. I don't know -- I wasn't there when it
 11 happened. I only know what I've been told. But what
 12 I've been told was that Linda, Brie's mother, was the
 13 driving force into going to the police. Brie didn't
 14 really want to do it. Looking back at it now, I don't
 15 believe that. I believe Brie did want to do it and
 16 that's why it happened. Otherwise, Brie wouldn't have
 17 done it.
 18 Q. Did you have some animosity towards Brie for
 19 doing that?
 20 A. For telling the police of bunch of lies?
 21 Q. Yeah.
 22 A. Yeah, I had some animosity towards Brie.
 23 Q. Did you hate her?
 24 A. I don't hate anyone. Jesus doesn't allow
 25 anyone to hate. But I would never -- I would never

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1 allow myself to get past a certain point with Brie on
 2 that level as I did before ever again.
 3 Q. There was no trust there anymore?
 4 A. No.
 5 Q. Okay. And before she had told the police of
 6 a sexual relationship between you and her, you trusted
 7 her?
 8 A. That's not what I said.
 9 Q. Okay.
 10 A. What I said was, I trusted her before she
 11 told me to leave Dori. That's when everything changed
 12 for me. That's when the term lunatic came up -- well,
 13 that's when we put that term lunatic, after that point.
 14 Q. And has your opinion of her -- from when you
 15 first thought she was a lunatic, has that remained the
 16 same since then?
 17 MR. KOLMAN: Asked and answered. You
 18 can answer it again.
 19 THE WITNESS: I could answer it again?
 20 MR. KOLMAN: Yes.
 21 THE WITNESS: No. It's gotten way worse
 22 than lunatic.
 23 BY MR. HINTON:
 24 Q. What do you feel about her now?
 25 A. I think Brie is and was, for many years,

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1 suffering from some sort of mental -- it was obvious she
 2 had mental -- it was obvious she had tragedies in her
 3 life. Brie told me she was raped, she told me who raped
 4 her. And it wasn't only on one occasion. Then when she
 5 was a teenager, the individual she was in love with hung
 6 himself. And Brie told me she thinks he hung himself
 7 because she was about to break up with him because he
 8 had just impregnated another girl while in a
 9 relationship with Brie. So knowing Brie and knowing
 10 what I know about Brie -- and this is just me speaking,
 11 not fact -- but knowing Brie, knowing how Brie takes
 12 situations to Level 100 immediately with no filter and
 13 no distinguishing fact from fiction, her emotions get
 14 extraordinarily high very, very quick and she makes
 15 terrible decisions because of that. Now, I'm not a
 16 psychiatrist, but I think a psychiatrist would say that
 17 she is extraordinarily impulsive and her decisions are
 18 very, very self-damaging. So when Joe killed himself, I
 19 believe Brie blamed herself because of the conversations
 20 that she had immediately before the death. And I only
 21 know of that because Brie told me that. I wasn't there
 22 to witness it, but I'm just --
 23 Q. Before -- are you done?
 24 A. Yes.
 25 Q. Before you were arrested on July 9th, 2010,

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1 were you ever alone with Brie in person?
 2 A. No.
 3 Q. Did you and Brie chat a lot by phone, not
 4 text messages, verbal phone conversations?
 5 A. No. I believe there were one or two
 6 occasions where a drunken Brie would call me at what
 7 sounded like a party in the background, it was very
 8 loud, lot of voices, a lot of music, and asked me to
 9 purchase her alcohol.
 10 Q. And did you?
 11 A. No.
 12 Q. Did you ever meet her at Amanda Turoni's
 13 house before you were arrested?
 14 A. I have been with Brie at Amanda Turoni's
 15 house, yes, but I never met Brie at Amanda Turoni's
 16 house.
 17 Q. What was the occasion you were with Brie at
 18 Amanda Turoni's house before you were arrested?
 19 A. Christine Turoni, Amanda's mother, and Sam
 20 Turoni were good friends with my parents growing up.
 21 Again, all from Taylor. And I believe we were either
 22 listing -- I was a Realtor at the time. We were either
 23 listing or talking about listing their house on Claire
 24 Drive. But I don't remember if that predated my
 25 conversations through text with Brie or if it was

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1 afterwards. I don't remember the year that that all
 2 happened.
 3 Q. Is that the only time you were at Amanda's
 4 house?
 5 A. No, I've been at Amanda's house dozens of
 6 times.
 7 Q. Because of the --
 8 A. We were friends.
 9 Q. Your parents were friends with her parents?
 10 A. Uh-huh.
 11 Q. Correct?
 12 A. Yes. Sorry.
 13 Q. Amanda would be nine years younger than you,
 14 right?
 15 A. Uh-huh. Correct.
 16 Q. So you weren't friends with Amanda in high
 17 school; were you?
 18 A. No. No. Amanda was too young for me to
 19 be --
 20 Q. Friends with?
 21 A. -- friends with at the time. I mean, we're
 22 good friends now. But Nikki Turoni was Amanda's
 23 sister -- older sister. I wouldn't say we were friends,
 24 either, but we were more of the same age. I think Nikki
 25 was two years younger than me -- grades younger than me.

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1 Q. Were you ever at Amanda's house that Brie was
 2 there?
 3 MR. KOLMAN: Asked and answered. You
 4 can answer it again.
 5 THE WITNESS: Asked and answered. Yes.
 6 MR. HINTON: I don't recall an answer.
 7 MR. KOLMAN: He did. He said he was
 8 there.
 9 BY MR. HINTON:
 10 Q. You were there, but --
 11 A. Brie was there when I was attempting to list
 12 or listing Amanda's home for sale -- Christine's home
 13 for sale.
 14 Q. So you weren't alone with Brie on that
 15 occasion, there were other people there?
 16 A. Yes.
 17 Q. Okay. Other than that time with Brie and
 18 other people being present, were you ever personally
 19 with Brie anywhere?
 20 A. No. Not that I recall, no.
 21 Q. You never took her to houses that were -- you
 22 had listed for sale?
 23 A. Absolutely not.
 24 Q. You were never in a car with her before you
 25 were arrested on July 9th, 2010?

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1 A. I was in a car with her, yes, with Amanda and
 2 Christine.
 3 Q. Okay.
 4 A. Not alone, though.
 5 Q. Okay.
 6 A. As far as I remember.
 7 Q. What was the occasion that you were in a car
 8 with Brie, Amanda and Amanda's mother?
 9 A. I don't recall. I think it had something to
 10 do with Sam Turoni. But I don't recall.
 11 Q. Okay. In the May 3rd, 2002 [sic] five-hour
 12 long chat with the hate group that you referred to them
 13 as --
 14 A. Not this one, the other one.
 15 Q. The other one.
 16 A. Yeah.
 17 Q. Remember that long, long chat you had with
 18 them?
 19 A. Yes.
 20 Q. Do you remember calling Brie conniving in
 21 that chat?
 22 A. Yes.
 23 Q. Okay. And that's how you feel about her, she
 24 was conniving?
 25 A. Absolutely.

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1 Q. Has that ever changed?
2 A. Has it ever changed?
3 Q. Your feeling of her as a conniving person.
4 A. No. She's connived many different false
5 truths or half-truths in many different situations in
6 her life. Not just with me; in many other situations as
7 well. So no, I believe the definition of conniving
8 would be the way that Brie acts. Absolutely.
9 Q. You believe she's a lunatic and conniving?
10 A. Yes.
11 Q. Now, let's look at your supplemental Answer
12 to Interrogatory in this case. Let's see. It's the
13 second tab.
14 A. 12-9-21?
15 Q. Yes.
16 A. Okay.
17 Q. Let's look at Number 27 of your Supplemental
18 Answer to Interrogatory. Do you see that?
19 A. Yes.
20 Q. And Attorney Kolman's office typed these up.
21 The details are these. "Plaintiff's best childhood
22 friend, Joe, was dating the victim." Is that a true
23 statement, that he was your best childhood friend?
24 A. I wouldn't categorize it as be -- I had a lot
25 of best childhood friends. I wouldn't single out Joe as

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1 the only one. I could probably name six what I
2 considered at the time best friends. Joe would happen
3 to be one of those several that I was referring to. But
4 yes.
5 Q. And you were at his house?
6 A. What?
7 Q. Did you ever go to Joe's house as one of your
8 childhood friends?
9 A. I don't remember being at Joe's house ever,
10 no. Joe moved a lot. I don't really remember being at
11 too many of my friends' houses, specifically Joe's.
12 Q. Reading on in 27 of your supplemental answer,
13 "He was 21, she was 16. They were having a sexual
14 relationship. Plaintiff did not know this at the time,
15 but apparently there was a threat to expose Joe. As a
16 result, he committed suicide. The relationship between
17 plaintiff and the victim was only with respect to
18 discussions regarding Joe and his suicide." Is that
19 true and accurate?
20 A. Everything you read is just true. I would be
21 forced to say that there was a threat to expose Joe
22 in -- according to what Brie told me, in Brie's state of
23 mind at the time. She not only threatened to break up
24 with Joe because of the impregnation of another girl,
25 but she also threatened to go to the police on Joe. Joe

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1 being 21 at the time and her being 16 was a crime,
2 especially if they were sexually involved, which they
3 were which both sets of parents knew about as far as
4 I -- as far as Brie told me and I was aware. So yes,
5 everything other than you said there is true except the
6 fact that there was a threat to expose Joe as sleeping
7 with Brie as a minor.
8 Q. But all of your conversations with Brie,
9 text, in-person, phone, whatever they were, it was
10 always about Joe?
11 MR. KOLMAN: Objection.
12 BY MR. HINTON:
13 Q. You can answer.
14 A. The content of our text messages was
15 primarily about Joe. I'm not saying that there couldn't
16 be a text message out there that said, hey, how's your
17 day going. That's not about Joe, that's to state of
18 mind. So little innuendos and small talk like that, I'm
19 sure, did exist but, truthfully, I don't remember the
20 exact content of the conversations. But I do know that
21 the primary focus of our conversations was about Joe
22 Strok.
23 Q. Did -- in your conversations with Brie about
24 Joe Strok, did you talk about or communicate with her
25 about her having sex with Joe Strok?

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1 A. Yeah.
2 Q. Okay. Did you think that was appropriate?
3 MR. KOLMAN: Objection.
4 BY MR. HINTON:
5 Q. You can answer.
6 A. No.
7 Q. It was not appropriate?
8 A. Well, at the time, I guess I didn't see
9 anything wrong with it, especially considering the fact
10 that Joe had just killed himself and she was grieving.
11 Looking back on it now, and not only just now but also
12 when I pled to my misdemeanor, I totally believed that
13 all of my communication with Brie was inappropriate; all
14 of it.
15 Q. Because you were in -- a person of authority?
16 A. I wouldn't say I was a person of authority,
17 no. I was a coach at a high school. But the fact that
18 I was in my 20s and Brie was still in high school,
19 that's inappropriate.
20 Q. She was a freshman?
21 A. She was a freshman.
22 Q. And you're communicating with her about her
23 past sex with Joe Strok?
24 A. I wasn't communicat -- well, I guess I was
25 communicating with her, but she could bring it up. And

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1 I would be forced to -- what do you do with -- hey,
 2 Brie, I can't talk to you about that.
 3 Q. Did you say that to her?
 4 A. I don't remember specifically, but I think I
 5 would have said that, yes. But Brie is Brie. If Brie
 6 wants to talk about something with you, she's talking
 7 about it with you.
 8 Q. Okay. But did you ever talk about sex with
 9 her where it came from you?
 10 A. Did I ever talk about sex with Brie -- did I
 11 initiate the contact?
 12 Q. Yes.
 13 A. No.
 14 MR. KOLMAN: Hey, Tim?
 15 MR. HINTON: Yeah?
 16 MR. KOLMAN: Do you want to take --
 17 MR. HINTON: Five? Yeah.
 18 MR. KOLMAN: Five or ten.
 19 MR. HINTON: Let's make it five because
 20 we have a lot of ground to cover.
 21 MR. KOLMAN: Okay. Now, are we
 22 breaking --
 23 MR. HINTON: For lunch, yeah.
 24 THE VIDEOGRAPHER: We're going off the
 25 record. The time is 10:43 a.m.

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1 (A recess was taken from 10:43 a.m. until 10:57 a.m.)
 2 THE VIDEOGRAPHER: We are back on the
 3 record. The time is 10:57 a.m.
 4 BY MR. HINTON:
 5 Q. Phil, before you were arrested on July 9th,
 6 2010, did you ever communicate with Brie about having
 7 sex with her?
 8 MR. KOLMAN: Asked and answered. You
 9 can answer it again.
 10 THE WITNESS: Did I ever communicate
 11 with Brie about me having sex with her?
 12 BY MR. HINTON:
 13 Q. Yes.
 14 A. I believe that I was alerted to the
 15 investigation into me. I don't remember who it was
 16 from, but I do remember for the very first time, I was
 17 told there was an investigation into my sexual
 18 relationship with Brie. That would have been probably
 19 months, at least, after Brie told me that she was going
 20 to go to the police. And I said, F it. Go ahead, go to
 21 the police. And I called her bluff and I put my feet
 22 down, you know. I didn't think she did it because
 23 months had gone by with me not hearing anything. But
 24 then, I did hear from someone that there was an
 25 investigation into me. I think it was through Dori.

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1 Q. But did --
 2 A. So after that point -- to answer your
 3 question is, after that point after I heard it, I did go
 4 back to Brie and I'm, like, did you do this? I don't
 5 remember the exact content of the conversation, but that
 6 was the tone of the conversation.
 7 Q. Okay. Other than asking her whether she told
 8 the police that she was having sex with you, did you
 9 have any communications with her about wanting to have
 10 sex with her?
 11 A. No.
 12 Q. Okay. Did you ever have any conversations
 13 with her about having a romantic relationship with her
 14 other than the conversation where she wanted you to
 15 leave Dori and be with her?
 16 A. That particular conversation which she talked
 17 to Dori about -- well, in which she wanted me to talk to
 18 Dori -- to leave Dori and be with her, many
 19 conversations spurned from that conversation about that
 20 particular topic. So I don't want to make it seem like
 21 there was just one case where Brie said that. We talked
 22 about it and then the days that followed, it was
 23 nothing. We had talked about that comment that she made
 24 many times.
 25 Q. Okay.

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1 A. I didn't -- but it was all about that
 2 particular topic. It wasn't about me and Brie, you
 3 know, being in a relationship.
 4 Q. Am I correct in stating you never made any
 5 statements to her that you wanted to be in a romantic
 6 relationship with her?
 7 A. Correct.
 8 Q. Okay. You never told her before you were
 9 arrested that you were in love with her; did you?
 10 A. No.
 11 Q. Did you ever tell her that she had a good
 12 body?
 13 A. No.
 14 Q. That she had a pretty smile?
 15 A. No.
 16 Q. Did you ever encourage Brie to do drugs?
 17 A. No.
 18 Q. Did you ever encourage her to skip school?
 19 A. No.
 20 Q. Did you ever buy alcohol for her?
 21 A. No.
 22 Q. Did you ever encourage her to smoke marijuana
 23 or drink alcohol?
 24 A. Absolutely not.
 25 Q. Did you ever encourage her to disobey her

1 mother or her father in any respect?
 2 A. Disobey? I know that Brie had many problems
 3 with her mother and her father. I wouldn't categorize
 4 it as me telling her to disobey. But Brie was under a
 5 lot of scrutiny and a lot of -- and what I categorized
 6 as mental abuse from her mother in one way and her
 7 father in another way. But no, to answer your question
 8 directly, I never encouraged her to disobey her parents.
 9 Q. Okay. How did you -- if all your
 10 conversations with Brie were about Joe Strok, how did
 11 you get into conversations with her about the abuse from
 12 her parents?
 13 A. So shortly after Joe's death, what was
 14 happening to Brie and one of the reasons why I felt like
 15 I needed to stay involved in the conversations with Brie
 16 was because her mother, her father, her grandmother,
 17 grandfather, a slew of her friends all wanted Brie to
 18 move on, like, posthaste. She -- they wanted it
 19 rearview mirror as soon as possible. And Brie wasn't
 20 ready to do that. Brie had a very hard time grieving.
 21 Brie had a very hard time accepting the fact that Joe
 22 was gone. And everyone around her, from what she made
 23 it seem to me -- and, again, I don't know this because I
 24 didn't witness the conversations with her mother or
 25 father or friends or otherwise, but this is what she's

1 telling me. I have no idea if it was true. She could
 2 have been telling me that to keep me around. I don't
 3 know. But what I do know is, the conversations that we
 4 were having about Joe led to conversations that we would
 5 have about the pressure she was getting from family and
 6 friends to move on from Joe. So that's, like, a tangent
 7 topic that relates to Joe, but it is something
 8 different. That's, kind of, what I was testifying to
 9 before.
 10 Q. The -- am I correct that you met Brie before
 11 Joe Strok died?
 12 A. When you say "met Brie," did I know of Brie
 13 or did I see Brie in person before Joe died?
 14 Q. Well, the baseball fundraiser -- if he died
 15 November 10th, 2008 -- you said that was in the summer.
 16 Had you known who Brie was the summer --
 17 A. I didn't say that -- I didn't say that was in
 18 the summer. I just said it was a fundraiser that we
 19 held for the team. But --
 20 Q. You said it was car wash, though; didn't you?
 21 A. I did say it was a car was, yes. That could
 22 have been the spring.
 23 Q. Did you have a car wash in the winter?
 24 A. No, but there's more seasons than just the
 25 winter. It could have been the summer, could have been

1 the spring or it could have been the fall. But I do
 2 believe it would -- well, it would have had to have been
 3 before the death of Joe Strok.
 4 Q. Okay. And you were instant messaging her on
 5 Facebook before Joe Strok died?
 6 A. Well, the communication that I sent to her to
 7 get her and her friends to come to the car wash would
 8 have been through some sort of electronic communication.
 9 Either it was Instant Messenger -- for some reason, I
 10 remember it being Facebook Messenger, but -- maybe
 11 MySpace back then, actually. Might not have been
 12 Facebook. I'm not sure.
 13 Q. But it was before Joe died?
 14 A. Yeah, because the car wash was before Joe
 15 died. So I would have invited her to the car wash prior
 16 to the car wash which is also before Joe died.
 17 Q. So did you ever talk with Joe Strok about his
 18 relationship with Brie?
 19 A. I don't recall.
 20 Q. When was the last time you talked to Joe
 21 before he died?
 22 A. Joe was playing football, I believe, for
 23 Lehigh, the Lafayette. I don't remember the college.
 24 But he was playing football there and I believe we
 25 exchanged very brief pleasantries; congratulations, good

1 luck, that sort of thing. I think I might have seen him
 2 at a Riverside football game. And I think, just in
 3 passing, I may have talked to them then. That would
 4 have been the year before he passed because the football
 5 season would have been in the fall and winter. So I
 6 think that would have been '07-ish. I know I was
 7 coaching the varsity team at Riverside at or around that
 8 time. So it was just a brief in passing. As I
 9 testified to before and as I said in the Savage
 10 conversation, Joe and I didn't -- we weren't as friendly
 11 throughout high school and in our older teenage years
 12 than we were when we were adolescent -- or, you know, 12
 13 and under, so to speak.
 14 Q. Okay. Were you friends with Joe when you
 15 were in first grade?
 16 MR. KOLMAN: Objection.
 17 THE WITNESS: When I was in first grade?
 18 BY MR. HINTON:
 19 Q. Yeah.
 20 A. I don't believe so.
 21 Q. Were you friends with Joe when you were in
 22 second grade?
 23 A. I don't believe so. Joe would have been
 24 pre-kindergarten, so no.
 25 Q. Were you friends with Joe when you were in

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1 third grade?
2 A. Possibly around the time, third, fourth,
3 fifth, sixth grade. I don't exactly remember when I met
4 Joe. I just remember a group of kids that hung out
5 together. And back then as a smaller -- as a child, I
6 just considered them my friends. I didn't individualize
7 each person and know exactly when I met them or why I
8 met them or what we did together.
9 Q. Did you know whether Joe's parents were
10 divorced?
11 A. I believe Joe's parents were divorced. I
12 don't know if they were divorced in childhood, but I
13 know for a fact that when we got older, they were
14 divorced.
15 Q. Do you know the name of the female he
16 impregnated.
17 A. I did.
18 Q. What's it -- what's her name?
19 A. I don't remember.
20 Q. Did you go to Joe's funeral?
21 A. I didn't go to Joe's funeral.
22 Q. Did you go to his viewing?
23 A. I went out -- I couldn't go in.
24 Q. You couldn't go to the viewing?
25 A. No. I'm not looking at your stuff. But --

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1 Q. Did you --
2 A. No, I couldn't -- I went to it, but I
3 couldn't -- I couldn't get myself out of the car and
4 into his viewing.
5 Q. Do you know the name of his child?
6 A. No.
7 Q. Do you know whether it's a boy or a girl?
8 A. No.
9 (A discussion was held off the record.)
10 BY MR. HINTON:
11 Q. All right. We're going to put up Video Clip
12 16 for the record. And the clips will be provided to
13 the court reporter and to Mr. Kolman digitally.
14 MR. KOLMAN: Do you have a foundation?
15 MR. HINTON: It's discovery, Tim.
16 (Video being played.)
17 BY MR. HINTON:
18 Q. Let me stop you there. So the first part of
19 this Video Clip 16 is from your chat with Savage Dog; is
20 that correct, Phil?
21 A. From what I see on the screen right now, it
22 looks like it's posted to an account --
23 Q. That's a different clip. Do you want to go
24 back?
25 A. It says down there on the bottom is what I'm

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1 referencing, "Phil can't keep his story straight about
2 text messages." So this is not posted to any of my
3 accounts, this is posted to someone else's account.
4 Q. Well, what -- let's listen to it again.
5 A. Okay.
6 Q. Go back and play it from the beginning.
7 (Video being played.)
8 MR. KOLMAN: Objection. Do you have the
9 rest of that?
10 MR. HINTON: Yeah, I do. So does he.
11 It's him.
12 MR. KOLMAN: It's out of context, that's
13 all.
14 MR. HINTON: Okay. Well, we can get to
15 that.
16 MR. KOLMAN: Okay.
17 BY MR. HINTON:
18 Q. Phil, we just listened to a clip from Clip 16
19 of an audio interview from the Savage Dog chat; is that
20 correct? Part of it.
21 A. It's a very small part of the audio clip from
22 the Savage Dog chat and it is the same transcript that
23 we read before from the Savage Dog exhibit that you have
24 in the folder.
25 Q. And that's your voice on the clip?

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1 A. It appears to be, yes.
2 Q. Okay.
3 A. It sounds like me, but I question everything
4 that's on a different channel other than my own and
5 there is on a different channel other than my own. So
6 I'm not saying it's not me, but I question the
7 legitimacy behind anything that someone posts of me that
8 doesn't have any approval to do so.
9 Q. Are the words true and correct?
10 A. I believe that's what I said. I believe it
11 matches exactly what's in the transcript that's in the
12 folder.
13 Q. And that's what you said on November 26th,
14 2021?
15 A. I believe so.
16 Q. Okay. Do you have any information that it's
17 not?
18 A. No.
19 Q. Okay.
20 A. Again, just the legitimacy of this particular
21 clip that you're using, this is not the Savage Dog audio
22 clip that was posted to Telegram. This is a retake, a
23 re-upload of that clip. I've heard many clips such as
24 this where they do alter my speech.
25 Q. Did this alter your speech --

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1 A. I don't believe so.
2 Q. Okay. So it's authentic?
3 A. I don't want to say it's authentic. I would
4 say, I don't believe so. I believe -- I don't trust
5 anything that this particular person puts up because
6 they put up some very false and demeaning things. In
7 fact, we're after this person now. I'm trying to figure
8 out who they are.
9 Q. What's the handle on the person?
10 A. I believe this one is Truth Roaster.
11 Q. All right. Let's listen to the rest of this
12 one.
13 (Video being played.)
14 BY MR. HINTON:
15 Q. All right. Phil, we just listened to a
16 segment of the May 3rd, 2022 Telegram voice chat with --
17 I think there were over 20 people in that chat. Do you
18 remember? More?
19 A. Yeah, a couple thousand.
20 Q. Couple thousand people listening?
21 A. Uh-huh.
22 Q. Okay. I'm going by the voices I heard, not
23 an index of how many people.
24 A. Oh, yeah. Yeah. And there probably were
25 only about 20 that would speak. But yes, there were

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1 more than that in the actual chat room.
2 Q. What we just listened to from Clip 16, is
3 that your voice?
4 A. Yes.
5 Q. That's not altered?
6 A. No.
7 Q. That's your truth, right?
8 A. Yes.
9 Q. Okay. And you talked about the girl making
10 screenshots and fabricating text messages during that
11 voice chat, correct?
12 A. Yes.
13 Q. And if you look in the binder there at ST2790
14 through 2905, there's about 2,000 text messages that we
15 got from the DA's Office.
16 A. Did you say -- what did it start at, 27 --
17 Q. 2790.
18 A. -- 90?
19 Q. I produced these back to you in February of
20 2023.
21 A. Are you talking about 2890? Because I go
22 from 2785 to 2899.
23 Q. 2790 --
24 A. I don't have a 2790.
25 Q. They're put in backwards.

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1 A. Oh.
2 Q. So there's a group of text messages that goes
3 from 2790 to 2905, okay? There's maybe 50 pages of text
4 messages incoming and outgoing. Do you see that?
5 A. Give me one second. Just give me an
6 opportunity to review them.
7 Q. Phil, you've seen these messages before
8 today; is that correct?
9 A. Yes.
10 Q. Okay. You saw these in your criminal case at
11 one point in time, is that correct, back in 2010 and
12 '11?
13 A. I don't recall if I saw them. I know that my
14 legal team talked to me about them. We may have gone
15 over them. I don't know if we went over them at that
16 time.
17 Q. And I hand-delivered a copy of these to you
18 in February of 2023, right?
19 A. It appears to be the same ones and that's
20 what I'm looking at right now.
21 Q. And I'll represent that they're the same ones
22 I handed to you in February.
23 A. Okay. In that case, sure.
24 Q. But are these text messages or documents
25 marked as 2790 through 2905 different than what you're

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1 talking about on May 3rd, 2022 about screenshots and
2 using an app --
3 MR. KOLMAN: Objection.
4 BY MR. HINTON:
5 Q. -- to make it look like they were messages
6 between you and Brie?
7 MR. KOLMAN: Objection.
8 THE WITNESS: These or some of these or
9 all of these plus more of these are what I was talking
10 about, yes.
11 BY MR. HINTON:
12 Q. But these aren't screenshots; are they?
13 2790 --
14 A. These are not screenshots, no. These appear
15 to be forensic records from a Phil Gadalowski cellphone.
16 Q. Your name is misspelled. The phone number's
17 correct. If you look in the second column for all of
18 the incoming calls, that's your phone number, right?
19 A. That's my phone number listed there, but I
20 don't have anything to substantiate at all that these
21 came from my cellphone. In fact, reading some of the
22 content of these, it's very disturbing, actually. And
23 number two, I did not send or receive any of these text
24 messages to that phone number.
25 Q. Okay. So you're saying that all of the text

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1 messages marked as ST2790 through 2905, these aren't
2 text messages that you sent or received; is that
3 correct?
4 A. That is exactly what I'm saying. They are
5 absolutely not text messages that I sent or received to
6 anyone.
7 Q. But my question is, what we're looking at
8 here is something different than what you were
9 describing on the Telephone chat on May 3rd, 2022.
10 MR. KOLMAN: Objection.
11 THE WITNESS: I'm mis -- I could be
12 misremembering what my attorneys told me at the time.
13 Also, the way that they --
14 MR. KOLMAN: You don't have to talk
15 about what your attorneys told you.
16 THE WITNESS: Okay.
17 MR. KOLMAN: It's privileged.
18 THE WITNESS: Okay. Can you repeat your
19 question?
20 BY MR. HINTON:
21 Q. On May 3rd, 2022 with the Telegram chat with
22 this -- hate group you called them, were you talking
23 about some other text messages or documents other than
24 what we're seeing here today marked as 2790 through
25 2905?

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1 A. I was talking about these and I believe
2 something in addition to these; I believe, but I don't
3 remember exactly what.
4 Q. Okay.
5 A. I just remember there being this and more
6 than that. But this is what I was referring to in that,
7 yes.
8 Q. Let's look at 2784 and 2785.
9 (A discussion was held off the record.)
10 THE WITNESS: What number, Tim?
11 BY MR. HINTON:
12 Q. 2784.
13 A. Oh, yeah.
14 Q. Okay. Have you ever seen ST2784 and 2785
15 before?
16 A. Yes.
17 Q. And did you create these documents?
18 A. No.
19 Q. Okay. Did you ever give these documents or a
20 version or a copy of these documents to Brie?
21 A. No.
22 Q. Did you see these documents in your criminal
23 case?
24 MR. KOLMAN: Objection if it impinges on
25 attorney-client relations, context.

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1 BY MR. HINTON:
2 Q. I'm asking if you laid eyes on these
3 documents. I don't want to know what your attorneys
4 told you about the documents.
5 MR. KOLMAN: Okay. You can answer.
6 THE WITNESS: I believe I -- I believe I
7 saw this document because it was delivered to me by
8 Dori. I believe the investigators in the case, I don't
9 know which one, whether it was Kolcharno, Leri or
10 Mancuso, when they questioned Dori -- I don't know if
11 they questioned her, but when they called her in, they
12 gave this document to Dori as proof that I was saying
13 these things to Brie. They had told her, in fact, from
14 what I remember, that I had written a letter to Brie
15 highlighting times of the day or something like that.
16 It appears that that's what this is. And Dori was
17 interested in that because Dori would have known my
18 handwriting. And when Dori got it, it was -- obviously,
19 it's typed. And Dori asked them, how do you know this
20 is even from Phil, and I believe Leri's answer was,
21 forensics.
22 BY MR. HINTON:
23 Q. Okay.
24 A. I never actually got an explanation as to
25 what forensics meant. But that was the first time that

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1 I saw this which I believe predated anything that my
2 investigator or attorney were to produce.
3 Q. Did you ever find out who authored 2784
4 through 2785?
5 A. I never found out beyond a shadow of a doubt,
6 no. I have an opinion but...
7 Q. What's your opinion as to who authored 2784
8 into 85?
9 A. I believe this is from Brie.
10 Q. And did you ever have any fingerprint
11 analysis done on 2784 to 2785?
12 A. No.
13 Q. Did you hire a fingerprint expert in the
14 criminal case, if you remember?
15 A. I didn't hire anybody except my private
16 investigator and my attorney.
17 Q. Do you remember who your private investigator
18 was?
19 A. I think his name was Pete.
20 Q. Pete Carlson?
21 A. Yes, that's it.
22 Q. Did Pete tell you anything about the
23 investigation that you can share with us?
24 MR. KOLMAN: Objection.
25 THE WITNESS: I believe that's

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1 privileged.
2 BY MR. HINTON:
3 Q. Okay. If you're asserting the privilege,
4 that's fine.
5 A. I believe it is.
6 MR. KOLMAN: It is privilege.
7 BY MR. HINTON:
8 Q. Okay. All right.
9 A. Pete and I did have several conversations,
10 but the contents of which I don't believe is appropriate
11 to reveal here.
12 Q. Okay. So you're asserting the privilege as
13 to any communications that Pete Carlson gave to you or
14 your lawyers?
15 MR. KOLMAN: Correct.
16 THE WITNESS: Yes.
17 BY MR. HINTON:
18 Q. Okay. Before you were arrested on July 9th,
19 2010, did you ever send Brie any photos of your body
20 naked?
21 A. No.
22 Q. Did you ever show her any pornographic videos
23 or pictures?
24 A. No.
25 Q. Did she send you any pictures of her naked

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1 body or nude body before you were arrested on July 9th?
2 A. No.
3 Q. What is your definition, Phil, of the word
4 "morals"?
5 MR. KOLMAN: Objection.
6 THE WITNESS: My definition or the
7 definition?
8 BY MR. HINTON:
9 Q. Your definition. What does the word "morals"
10 mean to you?
11 MR. KOLMAN: Objection.
12 THE WITNESS: The word "morals," to me,
13 means who you are, what you believe in, your ability to
14 discern good from bad, right from wrong. You know, your
15 overall feelings towards any particular topic, something
16 not like, you know, silly topics like a baseball game,
17 that has nothing to do with morals, but your --
18 Q. So broad --
19 A. Go ahead.
20 Q. Broadly speaking, if someone has good morals,
21 they're doing the right thing. And if they have bad
22 morals, they're doing the wrong thing?
23 A. Broadly speaking, yes.
24 Q. You would agree with that?
25 A. Broadly speaking, yes.

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1 Q. Okay. Would you agree that a 25-year-old
2 person having sex with a 15-year-old is morally wrong?
3 A. Absolutely.
4 Q. Phil, you have admitted on social media and I
5 think you've admitted in this case that you did corrupt
6 Brie's morals.
7 A. Yes.
8 Q. So what was the underlying act that you did
9 to corrupt her morals?
10 A. In my opinion and the reason why I pled
11 guilty to that particular charge and didn't fight it --
12 in my opinion, what I did, in having the conversations
13 that I had with Brie, the general category -- the
14 general gist of the conversations were corrupting in the
15 sense that I'm a lot older than her. My -- what I've
16 gone through so far in life she hasn't even thought
17 about yet. The mental state that she was in regarding
18 her relationship with her mother and father, her
19 friends, according to what she told me being raped and,
20 obviously, dealing with the suicide of her boyfriend and
21 the fact that that boyfriend had just gotten another
22 girl pregnant, I don't believe that Brie was in a state
23 of mind to talk to an adult other than somebody that was
24 qualified to talk to her about those things. I
25 certainly was not qualified to talk to her about those

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1 things. So any advice that I gave her during that time
2 period, I think, is a very -- I don't want to say
3 negative, but something that would be a corruption of
4 morals. I do think I corrupted her thought process in
5 terms of -- in terms of what she should be thinking. I
6 think she should have -- she needed a counselor-type
7 person and I thought that I was that.
8 (Interruption.)
9 THE WITNESS: Just the general -- the
10 overall nature of our conversations. I think she needed
11 more of a professional. And me being the 25-year-old,
12 24-year-old kid that I was, I thought I was that. I
13 always try to, I guess, help people and some situations
14 I should just avoid. This was a situation I should have
15 avoided. And because I didn't avoid it, I think I
16 corrupted her morals and that's why I pled guilty to the
17 charge.
18 Q. What was the advice you gave her during this
19 time period that was wrong?
20 A. I didn't say I gave her wrong advice. I just
21 said I gave her unqualified advice. I don't know if the
22 advice I gave her was wrong. It's just the fact that
23 I'm not in a position to offer any advice because I'm
24 not qualified to understand -- especially as a
25 20-some-year-old kid, I'm not in a position to

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1 understand how the brain works. I don't know what was
2 going on in her brain. I only know what she tells me.
3 I didn't verify a lot of it as true. And that's not a
4 position that I should have taken.
5 Q. Well, when was the advice that was morally
6 wrong that you gave Brie? When was that advice?
7 A. I didn't say that I gave her advice that was
8 morally wrong. You said that just now.
9 Q. But if you're pleading to corrupting
10 somebody's morals, you're admitting you did something
11 wrong.
12 A. Yes.
13 Q. Okay. When did you do something wrong
14 against Brie?
15 A. Again, I believe the entire conversations
16 from the very beginning to the time that I was arrested
17 were completely inappropriate and completely corrupting
18 of her morals. I should not have talked to her at all.
19 I should have referred her to a guidance counselor or a
20 psychiatrist or I should have backed away from the
21 situation. The very fact that I didn't back away from
22 the situation and I inserted myself as that person
23 was -- in my mind, fits the definition of corruption.
24 If you read the definition, that's what I did.
25 Q. Can you give me just one example of a

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1 statement you made to Brie that morally corrupted her?
2 MR. KOLMAN: Objection.
3 MR. HINTON: Please.
4 MR. KOLMAN: Asked and answered. You
5 can answer it again.
6 THE WITNESS: A specific statement?
7 Something as simple as, everything's going to be okay,
8 Brie. I don't know if everything's going to be okay.
9 I'm not qualified to say that it is. And I could be
10 leading her down a path of hope. I should not have done
11 that.
12 BY MR. HINTON:
13 Q. Anything else that you can think of?
14 A. I'm sure I said dozens of things like that.
15 I'm not even saying I said that specifically. It sounds
16 like something I would say under these circumstances.
17 But something like that are the things that I would have
18 said to Brie at the time. Just the consoling-type
19 conversations.
20 Q. So you're under oath and it's your testimony
21 in this case that "something like that" caused you to
22 plead guilty to a misdemeanor crime that could have put
23 you in jail for five years?
24 MR. KOLMAN: Objection.
25 BY MR. HINTON:

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1 Q. You can answer.
2 A. Again, that's not what I said. You said that
3 just now. What I said was, the entire nature of my
4 conversations with Brie, in my opinion, were fitting the
5 definition of corruption of minors. I didn't say -- you
6 just said that my specific statement that I gave you as
7 an example of something that I may not have even said.
8 You said that that statement is why I pled guilty to
9 corruption of minors. That's not true.
10 BY MR. HINTON:
11 Q. Well, I just want to know what statement it
12 was that caused you to plead guilty to corruption of
13 minors.
14 MR. KOLMAN: Objection.
15 THE WITNESS: I don't know exactly the
16 statements that I made to Brie 14 years ago. I'm
17 telling you what I think I would have said to Brie in
18 this particular situation. We had hundreds of text
19 messages with each other on this topic. I was trying to
20 console her. I was trying to make her feel better. I
21 was trying to get her to not commit suicide. So you
22 would say stuff on an encouraging level -- to a person
23 that is about to commit suicide, you would say things
24 like those. So that's what I think I said.
25 Specifically did I say that? I don't recall. I wish I

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1 still had the messages because we wouldn't be here
2 today.
3 BY MR. HINTON:
4 Q. So you were trying to console her because you
5 were afraid she was going to commit suicide?
6 A. After the first -- yes. Not originally, but
7 yes.
8 Q. She had threatened or told you she was
9 thinking about suicide because Joe Strok hung himself?
10 A. No, that's not what I testified to.
11 Q. I'm just trying to get -- what was -- she was
12 talking suicide because she wanted to be with you?
13 A. I told her that I was going to stop talking
14 to her because my wife -- well, my fiancée at the time
15 had said, this needs to end or I'm going to leave. And
16 when I told her that, that's when she said, if -- I
17 don't have anybody else other than you. My parents want
18 me to move on, my friends want me to move on, even my
19 psychiatrist -- I believe her name was Wendy -- I don't
20 know why I remember that -- she wanted Brie to move on.
21 Brie wasn't getting what she needed. Again, in my wrong
22 estimation of what she needed in my opinion as a
23 25-year-old kid, she wasn't getting what she needed. So
24 when she threatened suicide, I not only believed that
25 she was going to kill herself, I truly believed that and

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1 I thought that that would have been on my -- on my
2 hand -- I thought that would have been blood on my
3 hands. But I also thought that what I was providing to
4 Brie was better than what she was getting. That is why
5 I pled guilty to corruption of minors. That was not
6 true. I know that now, but I'm 40 years old. At 25
7 years, you don't know things.
8 Q. Did Brie ever communicate to you that she was
9 thinking about suicide because of Joe Strok killing
10 himself?
11 A. No.
12 Q. Okay. It was only after you told her that
13 you needed to stop communicating with her that she
14 talked about suicide?
15 A. To me, yes. I don't know if she had those
16 sentiments to other people. But yes, she never talked
17 about suicide to me until after our impending breakup in
18 her mind -- in her words.
19 Q. Turn to your Answers to Interrogatories, Set
20 7. It's one of the tabs there. Set 7.
21 A. Okay.
22 Q. Do you see Number 10? I asked, "At what
23 locations did you have sex with Brie DuBorgel in the
24 year 2015?"
25 A. Yes.

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1 Q. And in 2015, you considered her a lunatic,
2 right? You've already testified that you've always
3 thought she was a lunatic; is that correct?
4 A. I thought Brie was a lunatic, yes.
5 Q. Yeah. In 2015 too?
6 A. Yes.
7 Q. Okay. And so you've testified on February
8 6th you had sex with her at least five times in and
9 around 2015, correct?
10 MR. KOLMAN: Objection.
11 BY MR. HINTON:
12 Q. You can answer.
13 A. I don't remember my testimony from that day.
14 If you showed it to me, I could clarify it or confirm it
15 but --
16 Q. How many times did you have sex with her in
17 and around 2015? Yeah, 2015.
18 A. First of all, I believe the year is wrong. I
19 did testify to that. But the more I thought about it
20 and looked back at events versus my encounters with Brie
21 at that time, the year is definitely wrong. But it
22 probably was less than five.
23 Q. What year did you think it was that you had
24 sex with her?
25 A. I'm pretty sure it was 2017. It would have

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1 been later 2017.
2 Q. Okay. 2015 or 2017, you've testified you've
3 thought she's been a lunatic her --
4 A. Oh, yeah. I thought she was a lunatic then,
5 yeah.
6 Q. Okay. So you had sex with her how many times
7 in 2017?
8 A. Under five.
9 Q. Okay. And looking at this Answer to
10 Interrogatory, you mention having sex with her in
11 vehicles; is that correct?
12 A. Yes.
13 Q. Do you remember having sex with her anyplace
14 else other than vehicles?
15 A. No.
16 Q. Did you ever have sex with her at her
17 grandparents' house?
18 A. No.
19 Q. Her grandmother's house?
20 A. No.
21 Q. What --
22 A. I don't know where --
23 Q. Never been to any of her grandparents'
24 houses?
25 A. No. I don't know where they live, any of

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1 them.
2 Q. Do you remember having sex with her in any
3 apartments?
4 A. No.
5 Q. Any houses?
6 A. Nope.
7 Q. You never went to the apartment she shared
8 with Ciara O'Malley in Old Forge in 2014?
9 A. No.
10 Q. Okay. You were here during Ciara O'Malley's
11 testimony where she said you came to that apartment in
12 Old Forge.
13 A. I was here during Ciara's testimony where she
14 perjured herself, yes.
15 Q. Was that a lie by Ciara O'Malley saying you
16 came to that apartment?
17 A. It wasn't a lie, it was perjury. But yes.
18 Q. Why did you have sex with Brie in 2017 when
19 you're married and you thought she was a lunatic that
20 ruined your life in 2010?
21 A. I was in a very bad mental place in 2017. I
22 had just cheated on my wife with Miranda. That's the
23 first time I've ever cheated on my wife and probably the
24 first time I've cheated on a partner maybe ever. I felt
25 as though my marriage was -- I was losing my marriage.

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1 I tried very hard to gain it back. And every attempt
2 that I made in trying to save the marriage was thwarted
3 with aggressiveness by my ex-wife, Dori. So probably, I
4 would say, out of frustration, sadness, aggravation, in
5 fear of loss is why I started having sex with different
6 women. I used sex at the time, I believe, as a crutch.
7 Q. Did you reach out to Brie to have sex with
8 her?
9 A. No. I believe Brie reached out to me because
10 she had heard Dori was leaving me. And around that time
11 that Dori decided to leave, I was -- other than trying
12 unsuccessfully to get Dori to come back, I was
13 influenced by alcohol quite a bit, so I made some very
14 poor decisions and one of them was engaging with Brie,
15 the lunatic.
16 Q. Okay. Why did it happen repeatedly with
17 Brie? Why did you repeatedly have sex with her?
18 A. It was good sex.
19 Q. Were you using her for sex?
20 A. Yes -- not just for sex. I wouldn't say
21 using her for sex. So I'm going to say no to that if I
22 can correct. I was using it as a medicine for loss. I
23 was really messed-up then.
24 Q. And how did you break it off with Brie when
25 you were having sex with her in 2017?

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1 A. There was nothing to break off. They were
2 casual encounters that I think we were both probably
3 under the influence of alcohol. Me for certain and her
4 probably; from what seemed to me, other drugs as well.
5 But there was nothing to break off. It wasn't a
6 full-blown relationship, so to speak, where you have to
7 have a conversation and break up with the other party.
8 It was just -- it sizzled. Went down to nothing.
9 Q. And you still thought she was a lunatic?
10 A. To this day, I think Brie is -- you know, I
11 guess we would have to define lunatic, but I think Brie,
12 based on her actions in particular to this case and up
13 until recently with her affidavit, I think that Brie is
14 totally mentally ill.
15 Q. And that's remained consistent throughout the
16 entire time you've known her?
17 A. Pretty much.
18 Q. And -- so you were just using her for sex?
19 A. You already asked me that.
20 MR. KOLMAN: Objection. Asked and
21 answered.
22 THE WITNESS: And what I said was, I
23 wasn't using her for sex, so to speak. I think I was
24 using her to cure something that was wrong with my mind.
25 It was a distraction that I needed at the time. And

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1 Brie wasn't the only one.
2 BY MR. HINTON:
3 Q. Who else?
4 A. Oh, Miranda.
5 Q. And who else?
6 A. I'd rather not admit to that today, but --
7 Q. I just want to know how many affairs you had.
8 A. I wouldn't consider them affairs.
9 MR. KOLMAN: Objection.
10 BY MR. HINTON:
11 Q. Well, you were married. You were having sex
12 with other people besides Amanda and Brie.
13 A. I was married, I was separated. I was
14 separated.
15 Q. In 2017?
16 A. Yeah. I was kicked out. Dori testified to
17 that last week.
18 Q. How long were you kicked out for?
19 A. Period of weeks. Probably three weeks.
20 Q. Did you have sex with Melissa, Jason Thomas's
21 girlfriend?
22 A. Melissa -- Jason Thomas, the Realtor?
23 Q. Yeah.
24 A. Melissa Graziano?
25 Q. Yes.

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1 A. No.
2 Q. How many other sex partners did you have
3 while you were still married to Dori?
4 MR. KOLMAN: Objection.
5 BY MR. HINTON:
6 Q. You can answer.
7 A. While I was separated from Dori?
8 Q. Yes.
9 A. Under five.
10 Q. Okay. So you had five sexual partners up
11 until the time she filed for divorce in March of 2021,
12 correct? During the marriage.
13 A. Yes.
14 Q. Let's go to ST1580.
15 A. 1580?
16 Q. Yes, 1580. Looking at ST1580, is this a post
17 you made to your Telegram page?
18 A. No.
19 Q. Are you the Real Phil Godlewski 3.0?
20 A. Nope.
21 Q. So is it your belief that the text messages
22 in your criminal case from 2010 were made up by 13- and
23 14-year-old girls?
24 MR. KOLMAN: Objection.
25 THE WITNESS: I don't know who made up

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1 the text messages in that case, but I know someone did.
2 It could have very well been Brie and her friends. It
3 could have been someone else.
4 BY MR. HINTON:
5 Q. Do you have any evidence that Brie made up
6 the text messages that we looked at as ST2790 through
7 2905?
8 MR. KOLMAN: Objection.
9 THE WITNESS: I have no evidence that
10 could prove that. But the way of words that are
11 included in those text messages, number one, I would not
12 articulate words that way. And number two, I know just
13 by looking at the text messages, that they weren't sent
14 from me. It's not something I would send. And more so,
15 I didn't send them. So someone, therefore, made them
16 up. That's a conclusion. There's no doubt about that.
17 If they weren't sent from me and they were sent and
18 taken from her device as it is purported during
19 discovery and to the DA's Office, I know that someone
20 else must have done it. This post that you're referring
21 to, though, in ST1580 is not from a channel that belongs
22 to me. She caught it. She knows. Just for record,
23 there are dozens of channels on Telegram that pretend to
24 me to try to sell a product. This may or may not have
25 been one of them. I've got a lot of them shut down but

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1 I don't even --
2 BY MR. HINTON:
3 Q. So just for the record, your testimony is you
4 never had sex with Brienna DuBorgel when she was a
5 minor?
6 A. Yes.
7 Q. That's correct?
8 A. Correct.
9 Q. You never kissed her when she was a minor?
10 A. No.
11 Q. You never touched any part of her body when
12 she was a minor?
13 A. No.
14 Q. And it's your suspicion that Brie fabricated
15 text messages against you that led to the criminal
16 charges?
17 MR. KOLMAN: Objection.
18 BY MR. HINTON:
19 Q. You can answer.
20 A. I believe I already answered this, but I know
21 someone fabricated them. Could it have been Brie? Yes.
22 Could it have been Ciara who really despises me? Rebekah
23 Kavulich or a number of Brie's friends at the time that
24 were very close? Yes.
25 Q. Did Linda DuBorgel ever ask you for money?

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1 A. No.
2 Q. Did you ever talk to Linda DuBorgel?
3 A. Never.
4 Q. Did you ever talk to Brie's father?
5 A. No.
6 Q. Do you have any evidence that Linda DuBorgel
7 fabricated text messages against you?
8 MR. KOLMAN: Objection.
9 THE WITNESS: No. Nor did I -- nor did
10 I say that.
11 BY MR. HINTON:
12 Q. Did Linda DuBorgel ever sue you after you
13 pled guilty to corrupting her daughter?
14 A. No.
15 Q. Did she ever threaten suit against you?
16 A. No.
17 Q. Did she ever send you a letter telling you
18 you're an awful human being?
19 A. Not that I'm aware of.
20 Q. Back in 2010 and 2011, did Brie ever ask you
21 for money?
22 MR. KOLMAN: Asked and answered. You
23 can answer it again.
24 THE WITNESS: '10 and '11?
25 BY MR. HINTON:

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1 Q. Before you pled guilty in 2011, did Brie ever
2 ask you for money?
3 A. Brie asked me for money all the time.
4 Q. She did ask for --
5 A. Yeah, throughout our years. Yeah.
6 Q. Okay. Let's break it down before you pled
7 guilty to corruption and after.
8 A. Would have been after.
9 Q. Okay. Before you pled guilty to corruption,
10 did she ask you for money?
11 A. No. She asked me to buy her beer on a few
12 different occasions, which I never did. But in that
13 sense, she asked me to buy her something. But actual
14 money, cash, no.
15 Q. Did she ask you to buy her a car?
16 A. No.
17 Q. She never asked you to buy her a Honda?
18 A. No. Any car.
19 Q. At any point in time.
20 A. No.
21 Q. How did -- I think you got engaged to Dori in
22 2007. Does that sound right? You got married five
23 years later?
24 A. '7, could have been '8. But yes.
25 Q. How did the criminal charges affect your

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1 relationship with Dori?
2 A. Dori was there from the time that I first
3 started talking to Brie to the time that I was arrested
4 all the way through discovery in that case and the
5 preliminary hearing and afterwards. And we just
6 recently got divorced, obviously, in 2023 and we were
7 together until '21. So Dori saw every stitch of
8 evidence against me in the case. She saw the text
9 messages from me and Brie, which, again, she testified
10 to last week. And she knew what the truth was. So it
11 affected our marriage in the sense that I believe I was
12 the top story on the news a couple days in a row, the
13 top article and the front-page article on the news at
14 least one day, I think two. And then, of course, after
15 the pleading in the case, which was a year later or so,
16 it just, kind of, got brought back up again. So the
17 fact that I was -- it was a very public arrest and very
18 widely reported story would cause people to say things
19 to Dori, which are undoubtedly very stressful and very
20 hard on the feelings. So in that sense, it affected our
21 marriage because Dori knew it wasn't true. But to
22 constantly respond to these people who are making these
23 untrue allegations, it affected our marriage in that
24 sense in the sense that we had to speak about it
25 together. But Dori knew what the truth to the case was

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1 which is why we stayed together and got married.
2 Q. Was your Realtor license suspended or --
3 during the criminal charges?
4 A. I remember getting a letter -- which I tried
5 to find -- from the state right after my arrest,
6 probably within the months following the arrest -- that
7 says -- that said I was actively suspended, meaning I
8 could still practice pending the results of the case.
9 Because at that point, I was only accused of certain
10 crimes. Anybody could be accused of anything at any
11 time. I could accuse you of a crime right now; that
12 doesn't mean you did it. So the Real Estate Commission
13 took the stance that we're going to actively suspend
14 your license, meaning if you are found guilty once the
15 case concludes, we'll make a final determination at that
16 point. I think the letter was just, kind of, alerting
17 me that they knew of it. And I had to report in -- I
18 believe it was after I reported it to the Commission,
19 that's when I sent that letter. Because any time you're
20 accused of a crime and you have a real estate license,
21 you have to tell the Real Estate Commission of that
22 crime and then they make a determination.
23 Q. So you continued your work as a Realtor while
24 the case -- the criminal case was pending?
25 A. I don't believe I continued my work as a

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1 Realtor for the first year. And the reason was, we were
2 very, very broke. We were putting all sorts of money
3 into investigators and attorneys and legal fees and I
4 remember selling off memorabilia that my grandfather
5 bought me, which was really, really tough on me to this
6 day. So we were struggling big time. The support of my
7 family definitely helped financially. I don't believe I
8 started practicing again. I was actually considering
9 leaving the profession for good until I had a meeting
10 with a close colleague of mine who's in the mortgage
11 industry and she had convinced me to get back in. And I
12 believe that was right after my plea to the corruption
13 of minors. So I started practicing again. Now, I was
14 allowed to practice, but a Realtor doesn't get salary.
15 A Realtor gets commission. And the time associated with
16 that plus having the pending charges looming over my
17 head for something I didn't do, it was very hard to get
18 clients in my estimation, so I just stopped.
19 Q. When we were in front of Judge Minora on
20 February 6th, 2023 -- if you could turn to that tab in
21 there. It's for the February 6th hearing.
22 A. Yep.
23 Q. I'm going to direct your attention to Page
24 84.
25 A. 84?

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1 Q. Yes.
2 A. Okay.
3 Q. On Page 84, Line 6, I asked you the question,
4 "When did he begin sexual -- a sexual relationship with
5 Brie?" And you answered, "I would say 2013, 2014, '15,
6 somewhere in that -- " is that your testimony?
7 A. When did he begin. Who?
8 Q. You. You.
9 A. "He" meaning me?
10 Q. Yeah, you.
11 A. So the question should read, When did you
12 begin a sexual relationship with Brie?
13 Q. Yeah. It was an objection before that. If
14 you go to the page before, it's clear I'm asking you.
15 A. Okay. Gotcha. Okay.
16 Q. You're the witness.
17 A. I'm just making sure. I'm just making sure.
18 I want to make sure I answer it accurately.
19 Q. But your testimony on February 6 was your
20 sexual relationship with Brie began in 2013, '14 or '15,
21 correct?
22 A. Then it says, "Somewhere in that -- " and
23 then I got cut off by you, I guess.
24 Q. Right. So let's go on. And then you're -- I
25 say, "You were on probation for two years..." this is

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1 Line 15 "...weren't you?" Answer: "I know. You're
 2 putting me on the spot and I can't remember when our
 3 relationship was." Question: "So let's get this
 4 straight. So you admitted in court..." Answer: "I'm
 5 sorry. I could correct the record, if I may. I'm --
 6 almost certainly from 2015 to 2016. I remember that
 7 because of the time that I started my real estate
 8 company was the same year." Question: "So you started
 9 the agency with George Plisko -- George Plisko, correct?
 10 2015." Answer: "Correct." Question: "And at that
 11 time, you began a sexual relationship with Brie?"
 12 "Yes." So today, you're giving me the year 2017. On
 13 February 6th, you said 2015 to '16. Which one is it?
 14 A. I testified earlier today that I was
 15 incorrect when I said '15, '16. And I referenced -- I
 16 think I referenced this particular hearing. But those
 17 were not the years. And I said multiple times here, I'm
 18 almost certain. I was trying to give the inference to
 19 you that I was not a hundred percent sure. After the
 20 hearing, I went back and I thought about it more and
 21 I -- as I said, I tied events to the relationship that I
 22 had with Brie and I realized that it was actually a
 23 couple years later.
 24 Q. When you were having sex with Brie in 2017,
 25 did she have a drug problem then?

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1 A. I believe she did.
 2 Q. Okay. So when you were having sex with her,
 3 you felt she was a lunatic and had a drug problem?
 4 A. I felt she was a lunatic ever since she
 5 threatened to go to the police with false information.
 6 So yes, I've always thought she was a lunatic. I didn't
 7 know she had a drug problem until the sexual
 8 relationship progressed a little bit. And once I
 9 realized that she's not the same person that, you know,
 10 she used to be and she's having all of these issues with
 11 drugs, she was arrested for theft.
 12 Q. At her grandparents' house?
 13 A. I believe that's what it was. I'm not a
 14 hundred percent sure. But I remember reading the
 15 newspaper article. I don't know how the case
 16 progressed, so I don't know if she got found guilty or
 17 not, but I know she was arrested. And I believe she
 18 said in the newspaper article that she was arrested
 19 because she wanted the money for drugs. I think that
 20 was around the same time or after. I'm not a hundred
 21 percent sure. Could have been, actually, before. But I
 22 do remember in my interactions with Brie during that
 23 year, that something was very wrong with Brie and I
 24 thought it could have been something like a very serious
 25 drug too.

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1 Q. And you knew that when you were having sex
 2 with her?
 3 A. Throughout the time that I was having sex
 4 with her, I found out about it. It's not like I knew
 5 that, you know, before I started having sex with her.
 6 It's something that I found out in, you know, speaking
 7 to her and in my interactions with her. She had track
 8 marks on her arm. You know, that's something that I
 9 wouldn't have noticed until I started looking.
 10 Q. Sleeping with her?
 11 A. Yes.
 12 Q. Okay. And Dori testified the other day that
 13 you never told her about your sexual relationship with
 14 Brie. Is that correct?
 15 A. That's correct.
 16 Q. You hid that from her?
 17 A. Oh, yeah.
 18 Q. And when you were having sex with Brie, you
 19 had two little boys at home?
 20 MR. KOLMAN: Objection.
 21 BY MR. HINTON:
 22 Q. You can answer.
 23 A. Yes. Except I wasn't home. Dori had -- we
 24 had separated. But I did have two boys at the time.
 25 Q. Did you go to any marriage counselors in

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1 2015, '16, '17?
 2 MR. KOLMAN: Objection.
 3 THE WITNESS: 2015, '16, '17. No. '17?
 4 Might have be '17 or '18.
 5 BY MR. HINTON:
 6 Q. Who'd you go to?
 7 A. Kathleen -- I don't remember her last name.
 8 Q. Vennie?
 9 A. I don't think that's it.
 10 Q. Was she in Clarks Summit?
 11 A. She's in Clarks Summit in the same building
 12 as Tony -- I don't remember his last name, either.
 13 Q. When you were having sex with Brie in 2017,
 14 were you hoping that maybe she would be your companion
 15 in life?
 16 A. No, I don't believe I thought that at all.
 17 Q. You knew the relationship wasn't going to go
 18 anywhere?
 19 A. Yes. I thought she was a lunatic, so I
 20 didn't want to be with somebody that I thought was of
 21 that state of mind.
 22 Q. Did you ever have any nicknames for Brie
 23 before you were arrested on July 9th of 2010?
 24 A. Nicknames?
 25 Q. Yeah.

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1 A. I just called her Brie, Brienna. I remember
2 we used to talk about her full name being Brienna
3 Macrianna [ph]. I remember she made a big deal out of
4 that. I remember she also would -- she would do this,
5 not me, but this is just conversations that I'm
6 remembering -- she would also relate her name to cheese.
7 I guess she thought that was funny.
8 Q. So can we turn to Page 3587 -- or I'm sorry,
9 3857.
10 A. 3857?
11 Q. Right. So this is your court filing in your
12 lawsuit against Brie. And in this filing, you are
13 answering Brie's counterclaim. And I want to read to
14 you from Paragraph 56. It's on Page 3865.
15 A. Okay.
16 Q. It says, "Denied. It is denied that
17 plaintiff had a sexual relationship with defendant..."
18 that would be Brie "...while defendant was a minor. It
19 is denied that plaintiff, as a coach at defendant's high
20 school, was in a position of authority over defendant.
21 Rather, plaintiff was a boys baseball coach and was not
22 in any position of authority with defendant." Is that
23 the truth?
24 A. Yes.
25 Q. Okay. You were never in a position of

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1 authority over Brie?
2 A. I don't believe that I was in a position of
3 authority, no.
4 Q. Let's look at Page 528. So let's -- I'm
5 sorry. Go to 513 first. One page removed. So this
6 is -- you saw this at Joseph Moceyunas's deposition. He
7 has this document titled -- dated January 8th, 2009. He
8 indicates that he called you on January 8th, 2009 and
9 puts the phone number down. Do you recall that Mr.
10 Moceyunas called you?
11 A. Yes.
12 Q. And to the best of your recollection, was it
13 on January 8th, 2009?
14 A. I have absolutely no idea what the date was.
15 Q. Okay. How about approximately, in that time
16 period? Let me try and help you out.
17 A. Yes, please.
18 Q. If you look at the next page, your
19 resignation as the baseball coach is stamped from the
20 office at Riverside February 4th, 2009. Do you remember
21 Mr. Moceyunas calling you about a month before you
22 resigned as the baseball coach?
23 A. I think I testified earlier today that it was
24 a couple weeks or a few weeks after my phone
25 conversation with Mr. Mo. So if this is accurate that

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1 he wrote this on 1-8-2009, and I have no reason to
2 believe that it's not because now that I look at his
3 signature, the date is actually next to his signature as
4 well, so I don't think he would have misdated it,
5 there's no reason for him to do that. So that would
6 line up with what I testified earlier that I think it
7 was a few weeks later, the February 4th date that is.
8 So yes, I think that that's probably an accurate time
9 frame.
10 Q. And do you recall that he called you about
11 the rumors going around the school about a tenth-grade
12 student?
13 A. I have no idea what he said about a
14 tenth-grade student, but he specifically mentioned Brie.
15 Q. Okay. So the phone call was about you and
16 Brie?
17 A. Yes.
18 Q. Okay. And --
19 A. Rumors about me and Brie is what the phone
20 call was about.
21 MR. KOLMAN: Hey, Tim. It's 12 o'clock.
22 Do you want to take lunch?
23 MR. HINTON: Five minutes.
24 MR. KOLMAN: Okay.
25 BY MR. KOLMAN:

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1 Q. Did he tell you in this phone conversation
2 that he needed 100 percent truth from you?
3 A. Yes. Me and Mr. Mo were good friends.
4 Q. And he asked you if you were speaking with
5 Brienna DuBorgel?
6 A. From what I recall, yes, in a certain amount
7 of words.
8 Q. And did you tell him that you had spoken with
9 her about an incident that had happened with Joe Strok?
10 A. Yes.
11 Q. And did he ask you how you guys happened to
12 get each other's phone numbers?
13 A. I don't recall.
14 Q. Did you -- it says here in the memo, "Phil
15 said that Rebekah Kavulich got his number and gave it to
16 Brienna." Does that ring a bell?
17 A. I would have no idea what Bekah gave to Brie.
18 I do know she had my phone number. How? I assume that
19 it was from one of my kids that I coached. They all had
20 my phone number because we would text all the time about
21 the team. But Bekah had given it to her and that's what
22 Bekah said or Brie said. I didn't tell Mr. Mo that, I
23 know that, because I don't know how she got it.
24 Q. Well, he asked you, according to this memo,
25 if you ever bought Brienna DuBorgel any gifts at all.

1 A. Uh-huh.
 2 Q. He did ask you that question?
 3 A. Yes.
 4 Q. And you said no?
 5 A. No.
 6 Q. Okay. But, in fact, you've testified in this
 7 case you bought her an Ed Hardy hat when you were in
 8 Florida in December of 2008, correct?
 9 A. Yes.
 10 Q. So why didn't you tell Mr. Moceyunas about
 11 the hat you bought her?
 12 A. There were a couple things that I didn't
 13 consider gifts. I believe I bought her a hoagie. I
 14 remember she came in crying one time after the death of
 15 Joe with at least one of her friends. And I think I
 16 bought all of them a hoagie. I don't consider something
 17 like that a gift, I guess. I was just, kind of, paying
 18 it forward in a way. The Ed Hardy hat was a weird
 19 situation and I haven't explained that until now. But I
 20 had actually bought that for Dori. Dori didn't like it.
 21 Not her style, not her thing. Ed Hardy's a very
 22 specific type style. She didn't like it. I ended up
 23 giving it to Brie, kind of, as a cheer-me-up-type thing.
 24 Q. Uh-huh.
 25 A. When I talked to Mr. Mo about this particular

1 -- this particular conversation that we're talking
 2 about, I don't know if I categorized that at the time as
 3 a gift to Brie. I think my mind at the time probably
 4 would have said that was a gift for Dori that I ended up
 5 re-gifting and I just didn't -- I didn't say it because
 6 I didn't think of it that way. I wasn't trying to hide
 7 anything, obviously, because I did admit to talking to
 8 her and other things. And I also resigned three weeks
 9 later so...
 10 Q. You resigned because of the rumors about you
 11 and Brie?
 12 A. I resigned for several reasons. Number one,
 13 my real estate career was starting to really take off.
 14 I was one of the top Realtors in the area in 2009. So
 15 after I had resigned, my time became a lot more free for
 16 me to actually make money for myself and Dori. We were
 17 planning a big wedding, we had a lot of expenses coming
 18 up, so I tried to focus more on what was going to make
 19 us money. The JV baseball coach, I think, had a stipend
 20 of \$2,800 a year which was very small compared to what a
 21 real estate career should have done. So I resigned for
 22 a couple reasons. One of them, yes, was because I
 23 wanted to put an end to any false rumors that were going
 24 around the school about me and Brie. Yes, I was talking
 25 to Brie which is what I told Mr. Mo. And I remember

1 asking Mr. Mo, do you think it's appropriate or needed
 2 for me to resign. And his answer was, I believe, in a
 3 certain amount of words, he couldn't answer that
 4 directly because that would be up to the school board
 5 and not him as vice principal. At the time, he wasn't
 6 principal, he was vice principal. But he said, I think
 7 it would be a good decision, so --
 8 Q. To resign?
 9 A. -- that's what I did. So I did it for a
 10 number of reasons.
 11 Q. Well, let me ask you, Phil. In the memo from
 12 Mr. Moceyunas, he says that you told him you absolutely
 13 never bought her any gifts. That's what you told him.
 14 A. I may -- I don't know if I said those words.
 15 This is his memo.
 16 Q. Right.
 17 A. I have no idea if I said those exact words.
 18 I'm not calling him a liar. He wrote this. But I don't
 19 remember saying those exact words. And if I did, I just
 20 explained a couple minutes ago as to why I didn't think
 21 that they were gifts.
 22 Q. Because it was re-gifted?
 23 A. Not because it was re-gifted but because I
 24 don't consider a re-gift not to gift. That's not what
 25 I'm saying. What I am saying is I had bought it for

1 Dori at the time in December. This was only on January
 2 8th. I don't even know if I had given it to Brie yet.
 3 I may have or I may not have. I don't remember.
 4 Q. What about the tanning package you gave her
 5 too? You gave her a tanning package.
 6 A. That was a weird story with that. I didn't
 7 give her a tanning package. She was at the tanning
 8 salon and her credit card was denied. I called the
 9 tanning salon and paid for it. If you consider that a
 10 gift, then okay, it's a gift.
 11 Q. How much was it?
 12 A. Thirty bucks.
 13 Q. And you testified in court that you gave her
 14 as a gift the tanning package, right?
 15 A. If -- if what I just said is a gift, then
 16 yes, that is a gift.
 17 Q. Well, she didn't pay for it, you paid for it.
 18 A. Correct.
 19 Q. Okay.
 20 A. I see it as her credit card got declined, so
 21 I picked up the tab. I didn't go --
 22 Q. How did you know her credit card got
 23 declined?
 24 A. She told me.
 25 Q. She called you on the phone and said my

1 credit card's declined?
 2 A. I don't remember. Could have been the phone
 3 or it could have been through text. I don't remember.
 4 Q. Look at the exhibit Scranton Times ST1829,
 5 please. Is this the -- a copy of the certificate that
 6 you had hanging on your wall in one of your homes?
 7 A. I believe so, yes.
 8 Q. This is the one that got lost when you moved
 9 to Shavertown?
 10 A. Yes.
 11 Q. And this is the one I was asking you to
 12 produce rather than me using a --
 13 A. Photo.
 14 Q. -- photo of your videos?
 15 A. Yes.
 16 Q. And where did you get this document that was
 17 hanging on your wall?
 18 A. It was mailed to me.
 19 Q. Okay. And when was that?
 20 A. Shortly after I completed the course which I
 21 thought was at Harvard University Business School.
 22 Q. You got duped, right?
 23 A. I think so.
 24 Q. Yeah. And you read the Harvard testimony
 25 from the two witnesses from Harvard that said, we don't

1 hand out certificates that look like this?
 2 A. Yeah, I can't argue with their testimony. I
 3 mean, they are the institution. So I'm not going to
 4 argue against that. But I did have this document, this
 5 document was sent to me in this frame. It was a classy
 6 frame, too. It wasn't something that you get at
 7 Wal-Mart.
 8 Q. So Harvard sent you not only the document,
 9 they sent you the frame too?
 10 MR. KOLMAN: Objection.
 11 THE WITNESS: I didn't say Harvard sent
 12 me anything. Apparently Harvard did not send me
 13 anything at all because I didn't take a class there.
 14 BY MR. HINTON:
 15 Q. Right.
 16 A. But this was sent to me, yes, the frame
 17 included.
 18 Q. With the frame included?
 19 A. Yeah.
 20 Q. Okay. Back to 513 and then we'll take a
 21 break for lunch. 513. Moceyunas.
 22 A. Oh, 513.
 23 Q. Yes.
 24 A. Got it.
 25 Q. So about ten lines from the bottom, Mr.

1 Moceyunas writes, "He said that he doesn't speak to her
 2 anymore and he hadn't in weeks." And he's referring to
 3 you, whether you're speaking with Brie anymore. Did you
 4 tell him on January 8th that you don't speak to her
 5 anymore and hadn't in weeks?
 6 A. Yeah. So this conversation with Mr. Mo
 7 happened after Brie had threatened me with police.
 8 That's when I stopped speaking to her.
 9 Q. Right.
 10 A. And subsequently, the conversa -- I thought
 11 it was over after that, but it wasn't. And that's when
 12 I had this conversation with Mr. Mo.
 13 Q. And the second-to-the-last line he says,
 14 "Make sure he has no contact or conversations with her.
 15 I told him to make sure he has no contact or
 16 conversations with her." Do you see that?
 17 A. Yes.
 18 Q. And do you remember him telling you that?
 19 A. Yes.
 20 Q. And did you listen to him?
 21 A. Yes. A few weeks later, my resignation was
 22 accepted. Only, the next time, I believe, I started
 23 communicating with Brie would have been when I had heard
 24 that there was an investigation into me. And then I was
 25 really pissed.

1 Q. Okay. So is it fair to say that you heard
 2 about the investigation into you by the police about a
 3 year later, 2010?
 4 A. I wouldn't say a year later. I think -- I
 5 remember hearing about it and then a long period of time
 6 passing before I got arrested. So this was in what,
 7 February of 2009? So it would have definitely been
 8 after February of 2009 but before July of 2010. But I
 9 remember it felt like a long time passing before I heard
 10 anything at all, so I didn't think anything was
 11 happening. And then, suddenly, I got arrested.
 12 MR. HINTON: Okay. Let's take a break
 13 for lunch.
 14 THE WITNESS: Yes.
 15 THE VIDEOGRAPHER: We are going off the
 16 record. The time is 12:11 p.m.
 17 (A luncheon recess was taken from 12:11 p.m.
 18 until 1:02 p.m.)
 19 THE VIDEOGRAPHER: We are back on the
 20 record. The time is 1:02 p.m.
 21 BY MR. HINTON:
 22 Q. Phil, we had spent a good bit of time talking
 23 about Mr. Moceyunas's memo dated January 8th, 2009
 24 and -- where he reports that you told him you don't
 25 speak to Brie anymore and hadn't in weeks, right?

1 Towards the bottom of the memo.
 2 A. Yeah, I see it. Yep.
 3 Q. Okay. And is he somebody you looked up to,
 4 Mr. Moceyunas?
 5 A. Yeah.
 6 Q. And did you heed his warnings not to be in
 7 touch with Brie anymore?
 8 MR. KOLMAN: Objection.
 9 THE WITNESS: Well, as of this memo, I
 10 had stopped communicating with Brie. So I wouldn't say
 11 he was warning me. I just think he was stating his
 12 opinion that the things that he had heard circulating
 13 around the school were not good for the school, for him,
 14 for me, for Brie or for anyone. So I wouldn't call it a
 15 warning, but I would say, you know, he opinionated his
 16 belief that it would be best to not talk to her. But at
 17 that point, I had already not been.
 18 BY MR. HINTON:
 19 Q. And he says here, "I told him that he should
 20 not..." meaning contact her "...she is only 15 years old
 21 and I also reminded him he is an employee of the
 22 district." Do you see that?
 23 A. Yes.
 24 Q. And so given his conversation with you on the
 25 morning of January 8th, your intent was, I'm not going

1 to have contact with Brie?
 2 MR. KOLMAN: Objection.
 3 THE WITNESS: I can't speak to what my
 4 intent was at that particular time. I don't remember.
 5 But I know that in the weeks leading up to this, I did
 6 not -- I wasn't talking to her anyway.
 7 BY MR. HINTON:
 8 Q. Okay.
 9 A. So advising me to not talk to her, to me, was
 10 irrelevant because I already wasn't.
 11 Q. When did you reengage in communicating with
 12 Brie after this the January 8th phone conversation?
 13 A. I couldn't tell you. I know it would be
 14 between the time that I resigned and the arrest date,
 15 which was the following year.
 16 Q. Okay. All right. So the time you
 17 resigned -- if you just flip a page, it's on 528 --
 18 ST528.
 19 A. Yep.
 20 Q. February 4th, 2009. So you started talking
 21 to her again or communicating with her again between
 22 February 4th, 2009 and the arrest date is July 9th,
 23 2010; is that correct?
 24 A. Yeah, but -- I believe those were the dates,
 25 yes.

1 Q. Okay. And in fairness, I think you testified
 2 that you had heard about the investigation --
 3 A. Yeah.
 4 Q. -- even before you were arrested and you
 5 started communicating with Brie around that period of
 6 time saying, what's going on here?
 7 A. Yeah, I had heard about the investigation
 8 sometime between this resignation and the arrest date.
 9 I don't remember when. But yes, around that time that I
 10 did hear about it, that's when I became very upset that
 11 something was going on to that end.
 12 Q. Okay. All right. I'm going to show you some
 13 documents that have been produced in discovery. I
 14 didn't include them in the notebook, but they've been
 15 produced to your counsel.
 16 MR. KOLMAN: Could I see that?
 17 THE WITNESS: Sure. (Handing.)
 18 MR. KOLMAN: Thanks.
 19 BY MR. HINTON:
 20 Q. And they were utilized at Mr. Moceyunas's
 21 deposition as well. So your counsel is looking at
 22 ST -- what is it, Tim?
 23 MR. KOLMAN: 512.
 24 MR. HINTON: 512.
 25 MR. KOLMAN: 515.

1 MR. HINTON: Just use the last page.
 2 MR. KOLMAN: 521.
 3 BY MR. HINTON:
 4 Q. So 512 through 521. And have you seen that
 5 letter before from Brie's parents to Principal
 6 Moceyunas?
 7 A. The front page here, 512?
 8 Q. Yes.
 9 A. I've seen this, yes.
 10 Q. Okay. And I produced that in discovery. And
 11 were you aware that Brie's parents had written a letter
 12 to the principal about an inappropriate relationship
 13 between you and Brie?
 14 A. At what time?
 15 Q. Around the time of this letter.
 16 A. I didn't know at this time that they wrote
 17 the letter, that this letter was sent to the school. I
 18 found out afterwards.
 19 Q. Okay. And then you resigned about a week
 20 after the letter?
 21 MR. KOLMAN: Which letter?
 22 BY MR. KOLMAN:
 23 Q. The letter from the parents -- from Brie's
 24 parents to the school.
 25 MR. KOLMAN: Objection. He didn't know

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1 about the letter. How could he resign because of it?
2 BY MR. HINTON:
3 Q. All right.
4 A. Well --
5 Q. Go ahead.
6 A. Well, after I talked to Mr. Mo on January
7 8th, if that was the date, I wrote this resignation
8 almost immediately after. They didn't accept the
9 resignation until February 4th at the next school board
10 meeting. So I think I had actually -- while my intent
11 to resign was also put into writing but it wasn't
12 accepted until probably the first Tuesday of the month,
13 I think, was their school board meetings. So just
14 because you put something in, it's not like one guy gets
15 it, Mr. Mo, and says, okay, you're resigned now. The
16 school board has to vote on the resignation and a number
17 of other factors. So the resignation was -- if this
18 date is accurate, February 4th, and this date is
19 accurate, January 27th of -- the DuBorgels -- looks like
20 an e-mail to the school, I had already written my
21 resignation predating this.
22 Q. Okay. Attached to the letter from Brie's
23 parents to the school district in late January of 2009,
24 they attached phone records showing text messages
25 between Brie and your phone number, hundreds and

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1 hundreds of text messages; do they not?
2 MR. KOLMAN: Objection.
3 BY MR. HINTON:
4 Q. You can answer.
5 A. I'd say there's about 200 text messages here.
6 Q. Okay. And as you sit here today, do you know
7 whether or not you did have 200 or so text messages with
8 Brie on January 8th, 2009?
9 A. Assuming there's no reason to doubt the
10 authenticity of this printout, I would say that it's
11 most likely that I did have about 200 text messages with
12 Brie that day. I could tell you, though, that I -- I
13 don't remember any of them.
14 Q. Okay.
15 A. This appears to be -- this appears to be
16 right after I found out that -- well, right after Mr. Mo
17 wrote his memo and we had that conversation. I must
18 have been angry. I don't remember these. But I have no
19 reason to doubt, if those are authenticated by AT&T,
20 that those are from me.
21 Q. All right. Why don't we go through some
22 videos here. Pop up the next one.
23 MR. HINTON: Anthony, we're going to put
24 up Video 42 as an exhibit.
25 BY MR. HINTON:

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1 Q. All right. This is Video Clip 42. Phil,
2 just looking at the image of the beginning of the video
3 clip we're going to show, is that a YouTube emblem there
4 in the lower left-hand column?
5 A. Yes.
6 Q. So you did post your videos -- your live
7 shows to YouTube for a while?
8 A. Yes.
9 Q. And then YouTube banned you?
10 A. Yes.
11 Q. And YouTube banned you before the article
12 from Chris Kelly came out on Valentine's Day 2021,
13 correct?
14 A. I don't recall when that happened. I was,
15 obviously, still on YouTube on January 20th and the
16 article came out --
17 Q. A month later?
18 A. Yeah -- well, three weeks later. So if I had
19 gotten banned between that period, the answer would be
20 yes. But I really don't -- I don't know.
21 Q. You did get banned at one point in time,
22 right?
23 A. Yes.
24 Q. And you've never -- have you ever come back
25 to YouTube?

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1 A. No.
2 Q. You went to Rumble?
3 A. Yeah.
4 Q. Okay. All right. Let's let the video play.
5 (Video being played.)
6 BY MR. HINTON:
7 Q. So, Phil, on this -- do you remember doing
8 this video -
9 A. Yeah. Yeah.
10 Q. -- on January 20th?
11 A. One of the worst days of my life, yeah.
12 Q. Okay. That's the day Biden was inaugurated?
13 A. Yes, it was.
14 Q. And you say it's one of the worst days
15 because Biden was inaugurated?
16 A. I think that was the worst day of lot of
17 Americans' lives because of what Biden has done since
18 the inauguration. However, at the time, I was a big
19 proponent that the inauguration was not going to happen.
20 So that day when it did happen and there weren't any
21 interruptions, so to speak, I was very confused and very
22 upset and very disoriented, as were a lot of people that
23 followed me and others as well, other truthers or
24 journalists or whatever you want to call us.
25 Q. But you were still holding out some hope for

1 something to happen. What was that?
 2 A. Well, the whole premise of that video was
 3 that Joe Biden was the winner of a fraudulent election
 4 in November of 2020 and there were boatloads of proof
 5 for that theory. So the fact that the United States
 6 Constitution was violated and there was no military
 7 response to that violation, I took offense to that as an
 8 American citizen. So I still thought -- now, that's the
 9 second video that I did on January 20th. There was an
 10 earlier one on that same day where I was just, as I said
 11 before, disoriented and couldn't believe what I just
 12 saw. That was a night video --
 13 Q. Okay. During that night video, you expressed
 14 that you were in a tizzy with your wife. She wanted you
 15 to stop this -- the videos and stop what you were up to;
 16 is that correct?
 17 A. Yes. I don't know if -- I don't remember
 18 using the word "tizzy." That's a weird word that I
 19 never use, but yes.
 20 Q. And she told you that she thought you were
 21 misleading people?
 22 A. Uh-huh.
 23 Q. You have to say yes.
 24 A. Yes.
 25 Q. Okay. Now, if you can turn to ST1556 in the

1 notebook. Phil, looking at ST1556, we've listed videos
 2 that you did after this January 20th video that we just
 3 watched, Clip 42. And I'm trying to pinpoint when it
 4 was that you indicate you stopped doing videos. Does
 5 this help you refresh your recollection that even after
 6 January 20th, you continued to do live shows?
 7 A. After January 20th, yes, now that I look at
 8 this, right after my wife left, which was February 17th.
 9 Q. Right.
 10 A. I don't believe -- I don't believe I did live
 11 videos for a while after that, probably until March. I
 12 think it was -- if I had to -- I mean, I'm really
 13 stretching here without the list in front of me. But I
 14 think it was probably after she filed for divorce and
 15 signed the lease for an apartment. I think that's when
 16 I realized that she was not coming back. And I was
 17 trying to do things after she left to get her to come
 18 back. I was trying to show her things that were
 19 happening that supported the theory that Biden was an
 20 illegitimate president and things that I was seeing
 21 prior to the inauguration were, indeed, true. She just
 22 wasn't having it.
 23 MR. HINTON: All right. So let's go to
 24 Clip 41. Will you bring that up?
 25 (Video being played.)

1 BY MR. HINTON:
 2 Q. So, Phil, we just watched a video of you
 3 calling for executions. That's you, right?
 4 A. Yes.
 5 Q. And that's in January of 2021. Was that
 6 YouTube?
 7 A. I don't know. I don't think there was a date
 8 on there so --
 9 Q. It was before the article came out from Chris
 10 Kelly; is that correct?
 11 A. I don't know. What was the title of the
 12 ar -- I don't know. You're not showing me a date, so I
 13 can't tell you when that was from.
 14 Q. All right. But who were you -- who were you
 15 broadcasting to your followers that should be executed?
 16 A. Anybody that committed treason, sedition,
 17 child -- crimes against humanity, child sex trafficking
 18 within government. I believe those people should be
 19 executed.
 20 Q. How about election officials?
 21 A. If treason or sedition is involved with
 22 something an election official had done, I think that
 23 they should fall under the law of treason or sedition
 24 which calls for execution.
 25 Q. So if election officials, people that count

1 the votes, were rigging the election for Joe Biden over
 2 Donald Trump, you thought they should be executed?
 3 MR. KOLMAN: Objection.
 4 BY MR. HINTON:
 5 Q. You can answer.
 6 A. That's treason.
 7 Q. Okay. So --
 8 A. That's a crime against our country.
 9 Q. So they should be executed?
 10 A. The law calls for it. I believe in the law,
 11 yes.
 12 Q. And is that what you were advocating for on
 13 YouTube to your followers?
 14 A. I wasn't advocating for anything. I was
 15 saying what my opinion was on that particular topic.
 16 Q. That you wanted people executed?
 17 A. I didn't say people executed. I said those
 18 that committed treason, sedition, crimes against
 19 humanity or child sex traffickers or rapists.
 20 Q. And who was doing those crimes in January of
 21 2021?
 22 A. (Whistle.)
 23 Q. Well, give me an idea. Joe Biden?
 24 MR. KOLMAN: Objection.
 25 THE WITNESS: There's a lot of evidence

1 that Joe Biden -- not in '21 -- but was involved in a
 2 lot of foreign affairs that sold out our country. A lot
 3 of that's coming mainstream right now. I was talking
 4 about it in '21 and now it's coming out in '23, so I was
 5 a little early. But there's also many reports and
 6 investigate data that suggests that Joe Biden was
 7 involved with children.
 8 **BY MR. HINTON:**
 9 Q. So you wanted him executed?
 10 A. I wouldn't say I wanted him executed the way
 11 that you're putting it. What I would say is, if those
 12 things are true and he's brought to trial and he goes
 13 through a fair trial and he's accused of those things,
 14 those things do call for the death penalty under our law
 15 and Constitution. So I'm saying that I agree with the
 16 law and the Constitution that if he were convicted of
 17 crimes against humanity, treason, sedition or crimes
 18 against children in particular, that, yes, I do believe
 19 that he deserves whatever fate is put upon him by the
 20 United States government.
 21 **MR. HINTON:** Play the next video. Let's
 22 watch the rest of this one.
 23 **MR. KOLMAN:** Objection to the clip we
 24 just saw because it's out of context. It's just one
 25 small part of much broader and I object to just that

1 without seeing the remainder of that sort.
 2 **BY MR. HINTON:**
 3 Q. Phil, the clip we watched of you calling for
 4 executions, did it take your words out of context?
 5 A. I did not call for executions. I'm going to
 6 correct you now for the third time. I wish you'd stop
 7 saying that because you're trying to put words into my
 8 mouth. It's not fair. It's not what I did. And I
 9 explained now -- I'll explain it for the third time so
 10 you could rehear me -- that if someone is convicted
 11 against -- of treason, sedition, crimes against humanity
 12 or, particularly, crimes against children, I believe --
 13 well, I know that the law calls for the death penalty.
 14 That is a fact. I agree with the law. I was not
 15 calling or advocating -- your words, not mine -- that
 16 someone should be executed for no reason. With a trial,
 17 whether it's a military trial or a federal trial, if
 18 they're accused of that and convicted of it, that is
 19 what the law calls for and I agree with the law.
 20 Secondly, you played a roughly 30-second
 21 clip of about a two-hour livestream, so it is absolutely
 22 taken out of context. What did I say before that and
 23 what did I say after could affect the 30 seconds that
 24 you just put on the video clip. So it is absolutely
 25 taken out of context.

1 Q. Do you have a copy of that livestream?
 2 A. So do you.
 3 Q. No, do you have a full copy of that
 4 livestream, the one we just played?
 5 A. Was that on YouTube?
 6 Q. Yeah.
 7 A. No. It's been deleted.
 8 Q. All right.
 9 A. How did you get a copy if it's been deleted?
 10 **MR. HINTON:** Let's play on.
 11 (Video being played.)
 12 **BY MR. HINTON:**
 13 Q. Phil, the video we just watched about Flight
 14 93 crashing in Shanksville, Pennsylvania, did you make
 15 that video?
 16 A. I made the video, yes.
 17 Q. That's your voice?
 18 A. Yes.
 19 Q. Those are your words?
 20 A. Yes. I'm very clearly reading from a
 21 document on the screen.
 22 Q. Okay. But you didn't --
 23 A. I don't remember what document I was reading
 24 from, but I am reading it. Those are my words in the
 25 sense that I'm speaking them, but they're someone else's

1 -- they're authored by someone else.
 2 Q. But you did a live video telling your
 3 followers that there was no plane crash of Flight 93 in
 4 Shanksville; is that correct?
 5 **MR. KOLMAN:** Objection.
 6 **BY MR. HINTON:**
 7 Q. Isn't that what you just said?
 8 **MR. KOLMAN:** No. Objection.
 9 **THE WITNESS:** That's not what I just
 10 said.
 11 **MR. KOLMAN:** Objection to this
 12 particular presentation because it's completely out of
 13 context.
 14 **BY MR. HINTON:**
 15 Q. What did you just say, Phil?
 16 A. What I said was, I was reading from a
 17 document that someone else authored. So those are my
 18 words in the sense that I'm speaking them, but I'm
 19 reading them from a document very clearly on the screen.
 20 You could even see in the video that I'm reading it.
 21 Who authored it, I don't remember. What context was I
 22 putting the article in to back up maybe another point
 23 that I was making, you left that out of the video as
 24 well. If you would show the whole video, I could tell
 25 you what my thought process was by read -- for reading

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1 that particular part of whatever article I was reading.
2 Now, if you're asking what my opinion on Flight 93 is,
3 that's a different question.
4 Q. What is your opinion?
5 A. I believe that Flight 93 landed.
6 Q. Safely?
7 A. Yes.
8 Q. Nobody was killed?
9 A. No. Several people were killed on board, but
10 the flight did not crash.
11 Q. Okay. What happened to all the people that
12 were on board?
13 A. Your guess is as good as mine. In fact, I
14 can prove that it landed. I have proven it.
15 Q. How's that?
16 A. The tail number of Flight 93 is not listed as
17 destroyed. It's still listed as in use, same exact
18 plane, still being used today. The -- that day of
19 September 11th, that flight could be tracked to landing
20 at O'Hare Airport in Chicago. Satellite imagery from
21 above showed that the passengers of the plane -- which,
22 by the way, the plane was about one-quarter full. And
23 of that quarter, 25 percent, several of those people
24 that were supposedly on that plane were government
25 officials, very convenient. That plane landed at

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1 O'Hare, the people were unloaded on the tarmac and taken
2 to a hangar. And that's the last imagery we have. And
3 the plane is still listed as in operation until today.
4 It's called investigative journalism.
5 Q. That's what you are?
6 MR. KOLMAN: Objection.
7 THE WITNESS: Absolutely.
8 MR. HINTON: Do you withdraw your
9 objection, Mr. Kolman?
10 THE WITNESS: Mr. Hinton --
11 MR. HINTON: Phil, there's no question
12 pending. Just wait. Let's go to the next clip. Let's
13 go to Hillary Clinton.
14 MR. KOLMAN: Objection to the last clip
15 for the same reasons as the other objections. Out of
16 context.
17 (Video being played.)
18 BY MR. HINTON:
19 Q. Did you do numerous videos about Hillary
20 Clinton being dead and having been executed after a
21 military tribunal?
22 A. Yes.
23 Q. This is Clip Number 17. We just saw one
24 segment of a video where you talked about -- you believe
25 Hillary's dead, right?

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1 A. Yeah.
2 MR. HINTON: So let's look at the one
3 from Rumble on June 15th, 2022.
4 (Video being played.)
5 MR. HINTON: Let me stop you right
6 there.
7 BY MR. HINTON:
8 Q. Phil, this video we're watching about Hillary
9 Clinton's execution, it sounds like you were there at
10 the military tribunal. Were you there?
11 A. No.
12 Q. Okay. What's your source of information that
13 Hillary was executed as you've described here on video
14 to your followers?
15 A. First and foremost, a journalist can't
16 disclose his sources by law. So I'm not going to burn a
17 source. I believe your client has actually invoked that
18 privilege as well, if I'm not mistaken. I'm an
19 investigative journalist and I am protected by the First
20 Amendment to not reveal my source, number one. Number
21 two, this exact story is widely reported across many
22 different outlets across the world.
23 Q. Where did you get it from?
24 A. I just told you.
25 Q. From who? Can you name a source, any source?

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1 A. No, I'm not going to name my sources.
2 Absolutely not. It would put me out of business.
3 Q. It was widely reported where?
4 A. Across many different media outlets across
5 the world.
6 Q. Can you name some of them?
7 A. No, I can't -- I don't have the list here in
8 my head. I didn't know you were going to ask me. But
9 you're free to research it yourself and you'll find it.
10 Q. Well, your source for Hillary Clinton's
11 execution, first of all, did that person ask for
12 confidentiality?
13 MR. KOLMAN: Objection.
14 THE WITNESS: They don't have to ask for
15 confidentiality to be a source of a journalist. That's
16 not how it works.
17 BY MR. HINTON:
18 Q. Okay.
19 A. And yes, they did. But they don't have to.
20 Q. Okay. Did you have just one source for this
21 information --
22 MR. KOLMAN: Objection.
23 BY MR. HINTON:
24 Q. -- or multiple sources?
25 A. I don't know if I had one source for this

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1 particular piece of information. I have multiple
2 sources that give me information that are very close to
3 the actual events that I talk about occurring.
4 Q. Can you tell me who authorized the execution
5 of Hillary Clinton?
6 A. Donald Trump.
7 Q. Okay.
8 A. I'm sorry. The military tribunal authorized
9 the execution. She was put through a trial.
10 Q. But Donald Trump was there?
11 A. Donald Trump was president of the United
12 States, ordered the arrest via the military and then
13 presided over the execution.
14 Q. Did the Secretary of Defense approve the
15 execution?
16 A. I have no idea.
17 Q. Where did the execution take place?
18 A. Guantanamo Bay.
19 Q. And we've seen Hillary since the end of 2018,
20 haven't we, on television, or is that a body double?
21 A. What you see you think is Hillary on
22 television, but that's not Hillary.
23 Q. Okay. It's your belief that's a body double?
24 A. It is a body double.
25 Q. How do you know that?

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1 A. Because Hillary was executed on December 31st
2 of 2018.
3 Q. You weren't a first-hand witness to the
4 execution; is that correct?
5 A. Correct. Asked and answered.
6 Q. What other high-level public officials were
7 executed by military tribunal?
8 A. Joe Biden.
9 Q. He was -- I think you broadcast that he was
10 executed for crimes against humanity in 2019?
11 A. Yes.
12 Q. And the Joe Biden that was elected president
13 in November of 2020 is really a body double? You
14 broadcast that, right?
15 A. Yes. A body double and/or -- cloning
16 technology is amazing today. Most people don't know
17 about it, but could also be a clone. But I don't think
18 so because it looks nothing like the actual Joe Biden
19 anyway.
20 Q. So Mark Esper, he was the Secretary of
21 Defense. Does he know about these executions?
22 A. Mark Esper turned out to be a cabal
23 deep-state plant. And Mark Esper is a trader, in my
24 opinion.
25 Q. Okay. Should be executed?

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1 A. No, I didn't say that.
2 Q. I thought you said earlier traders should be
3 executed.
4 A. He wasn't put through trial and he wasn't
5 indicted, as far as I'm aware, unless it's still sealed
6 for anything. If he does get found guilty of a crime of
7 treason, sedition or crimes against humanity, those
8 particular offenses call for the death penalty which I
9 support in those cases.
10 Q. Was Anthony Fauci executed?
11 A. I have conflicting information on that.
12 Q. Okay. Have you reported that he will be
13 arrested and tried by a military tribunal?
14 A. Yes.
15 Q. And if found guilty, he'll then be executed?
16 A. I'm not the one that controls that. But if
17 he's found guilty of a crime of treason, sedition or
18 crimes against humanity, those particular crimes, if
19 found guilty, carry the sentence of a death penalty.
20 Q. Did you report on social media that governor
21 of California, Gavin Newsom, was arrested and executed?
22 A. I believe I reported that Gavin Newsom killed
23 himself.
24 Q. And who is standing in for Gavin Newsom now,
25 a body double?

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1 A. Or a clone.
2 Q. Okay. Did you report on social media that
3 the COVID vaccines were developed by Big Pharma to
4 control the minds and actions of humans by way of the 5G
5 networks operated by the phone companies?
6 A. I believe that I have discussed that
7 particular topic on my livestreams. I don't -- in the
8 way that you're phrasing it, did I report on it? In my
9 mind, you're making it seem like I gave that
10 information. But I believe I was corroborating with
11 other truthers or citizen journalists, whatever you call
12 us, on that particular set of intel but...
13 Q. Did you report that the COVID vaccine is
14 about the cabal controlling the minds and actions of
15 humans?
16 A. I, most likely, have said those words, yes.
17 Q. Did you report on social media that there's
18 really a second secret Constitution of the United
19 States?
20 A. Yes.
21 Q. And did you report that the Supreme Court of
22 the United States has already rendered a decision
23 overturning the 2020 election?
24 A. Yes.
25 Q. And they just haven't gone public with it

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1 yet?
2 A. Correct.
3 Q. Have you reported on social media that Donald
4 Trump is still the president of the United States even
5 though Biden or his body double was inaugurated?
6 A. Yes.
7 Q. Did you report on social media that John
8 McCain was one of the first ones put to death by a
9 military tribunal?
10 A. Yes.
11 Q. And you believe that to be true?
12 A. Yes.
13 Q. Did you report on social media that former
14 governor Andrew Cuomo is a pedophile who raped and
15 killed and tortured children?
16 A. Yes.
17 Q. Did you report on social media that there was
18 no shooting at the concertgoers at Mandalay Bay in Las
19 Vegas?
20 A. Yes.
21 Q. Did you report on social media that Donald
22 Trump has control over all banks worldwide?
23 A. I don't recall that.
24 Q. Did you report on social media that Trump sat
25 down with Saudi Arabia in 2017, once he came into

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1 office, and got control over Saudi Arabia, then Israel
2 and then the Vatican?
3 A. The way you just said it, no. I did report
4 on Trump's "world tour" in 2017. The way that you just
5 said it is inaccurate. But yes.
6 Q. Give me the accurate version then.
7 A. Donald Trump, immediately upon taking office,
8 met with -- and this is documented if you go back and
9 look at his itinerary -- met with several countries,
10 Saudi Arabia being first, Israel being second, the
11 Vatican, the Royal Family, China, Brazil and several
12 other countries throughout the world.
13 Q. And what did he do? He said, I've got the
14 goods on you, I know you're cabal, you're
15 child-trafficking? What did he tell them?
16 A. Not necessarily that way. But he had
17 evidence of certain propon -- certain individuals --
18 certain proponents of government that were within
19 government that were doing crimes against humanity.
20 They were committing crimes against humanity. And
21 Trump -- and not just Trump and his administration,
22 Pompeo and several military generals who always
23 accompanied Trump -- showed them the bad eggs of their
24 own government and asked for capitulation with their
25 governments to help bring down this worldwide ring of

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1 terror, so to speak.
2 Q. The cabal?
3 A. The cabal.
4 Q. What is the cabal? What's your definition?
5 A. The cabal is a global group of elites such as
6 high-ranking government officials, high-ranking CEOs
7 and presidents of companies, central bankers worldwide
8 and other financially well-off billionaires that control
9 the world without any of its citizens knowing.
10 Q. And you said on social media many times, Tom
11 Hanks was a pedophile?
12 A. Yes.
13 Q. And is Tom Hanks deceased now?
14 A. Yes.
15 Q. He was executed?
16 A. Yes.
17 Q. And was it a military tribunal that executed
18 him too?
19 A. I believe so.
20 Q. How many people have been executed by way of
21 the military tribunal; is it hundreds of people or
22 thousands?
23 A. I have no idea.
24 Q. Did you report on social media that the
25 District of Columbia has been under marshal law for

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1 several months and the patriots blew up the tunnels
2 underneath the District of Columbia which were used for
3 child-trafficking?
4 A. Yes.
5 Q. And you believe that to be true, correct?
6 A. Absolutely.
7 Q. And who's your source for that information?
8 A. Asked and answered. I don't give up my
9 sources for journalism.
10 Q. Have all of your sources asked for anonymity,
11 confidentiality?
12 A. I believe that they have. And if not,
13 they're not required to under law.
14 Q. Okay. Did you report on an episode called
15 Frazzledrip?
16 A. Yes.
17 Q. And is Frazzledrip something about cutting
18 off the faces of children under a pizza parlor or what
19 is it? Could you tell me what Frazzledrip is, Phil?
20 A. Yeah. Frazzledrip is a video that was on
21 Anthony Weiner's laptop in a folder on his desktop
22 titled Insurance. And the laptop in question was taken
23 during an investigation into Anthony Weiner. And the
24 video in question, Frazzledrip, was in that folder. The
25 video depicts a woman who is the same height, build,

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1 haircut, facial features and attire as Hillary Clinton.
2 And there is a second woman who fits the same
3 description to Huma Abedin, which was Anthony Weiner's
4 wife. And in the video, which looks like the basement
5 of Comet Pizza in Washington, D.C. it shows both of the
6 females in the video laying different children on top of
7 ping pong tables, which are in the basement, molesting
8 those children, frightening those children with weapons
9 and then drinking something which would line up with the
10 theory that it is the blood of those children for
11 purposes of extracting adrenochrome. Thus, the main
12 reason that Hillary Clinton was executed.
13 Q. So Hillary Clinton and her chief of staff
14 tortured and mutilated children to drink adrenochrome?
15 A. Yes.
16 Q. And President Clinton's chief of staff, John
17 Podesta -- you've reported that he's a pedophile who
18 tortured children and burned them; is that correct?
19 A. Burned them?
20 Q. Yeah, burned them.
21 A. There's a particular video of John Podesta --
22 well, it's an audio more than a video that John Podesta
23 is screaming at a child to say his name and the child is
24 in a shower. We know that not because of the video but
25 because of the audio. Mr. Podesta says, get back in the

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1 shower and the child says, it's hot, I'm burning. And
2 in that same video, Mr. Podesta feels the need to scream
3 at the child and make the child say his name. So the
4 child says John. And then Mr. Podesta says, not that
5 name, the other name. He gave himself a fictional name
6 while he tortures children. So the video that you're
7 question -- that you're asking about burning was
8 referring to scalding with water, not burning with fire.
9 But yes, John Podesta is one of the worst individuals
10 that have ever walked on this planet.
11 Q. Did you do a video also that George H.W. Bush
12 and George W. Bush have both tortured children and eaten
13 their brains?
14 A. (Witness shakes head.)
15 Q. You did not report on that?
16 A. I remember you asking me that question in
17 a --
18 Q. Interrogatory?
19 A. -- interrogatory and I don't remember saying
20 anybody ate brains. There'd be no reason for anyone to
21 eat brains if they're trying to extract adrenochrome.
22 That doesn't even sound like something I would say. So
23 I would say no.
24 Q. How about torture children?
25 A. Yes, I believe that the Bush family as well

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1 as many connected to the Bush family were completely
2 complacent with the child sex-trafficking ring globally.
3 And if they didn't do it themselves, they were complicit
4 in financing, allowing or overseeing the operation for
5 other individuals to do it, which, in my opinion, is
6 maybe even worse.
7 Q. Were either of the Bushes executed?
8 A. The first one; the eldest.
9 Q. He was executed?
10 A. (Witness nods head.)
11 Q. You have to say yes.
12 A. Yes.
13 Q. And, again, you're not going to reveal your
14 sources for any of these statements?
15 A. Absolutely not.
16 Q. And you've broadcast these statements to
17 millions of people; is that correct?
18 A. I'm not exactly sure of the number. But I do
19 have millions of subscribers, yes.
20 Q. And did you report to your subscribers that
21 President John F. Kennedy was assassinated because he
22 was aware of the global cabal?
23 A. It was attempted. There was an attempt on
24 his life; attempted assassination. But yes. In fact,
25 President John F. Kennedy commented on it publicly.

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1 Q. Okay. Was he killed by the cabal on November
2 22nd, 1963?
3 A. No, I don't believe he died then.
4 Q. Oh, he was still alive?
5 A. I believe so.
6 Q. How would be over a hundred years old now.
7 When did he die?
8 A. He died in January of '21 or '22. Recently.
9 And yes, he was about a hundred years old.
10 Q. Did you report on your social media channels
11 that the price of silver, in your opinion, will go to
12 \$50,000 per ounce and maybe as high as \$100,000 per
13 ounce?
14 A. I don't know the exact words I used for that
15 particular report. But, again, without seeing the clip
16 or portion of the clip, I don't know exactly what report
17 I was referring to or who I was quoting. I think it's
18 possible that I said those words, but I don't know if I
19 was quoting someone.
20 Q. Can you turn to Page ST3509? You could turn
21 it sideways. Phil, this is a document entitled Open
22 Letter to President Donald J. Trump. Are you familiar
23 with this document?
24 A. Give me a chance to read it here. Okay.
25 Q. Did you -- did you author ST3509?

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1 A. Portions of it. This was an open letter to
2 President Donald Trump asking for public action on what
3 we knew was happening behind the scenes. I authored
4 part of this, but not the entire thing.
5 Q. Who else authored it?
6 A. Other patriots; other people of my following.
7 I don't know specifically who, I don't remember. This
8 was probably over a year ago now.
9 Q. Did you post this on your social media
10 channels?
11 A. I don't remember where I posted this. This
12 looks like it was to Telegram, but I'm not a hundred
13 percent sure. I can't tell by this graphic.
14 Q. Do you know what parts of ST3509 you
15 authored?
16 A. I don't recall. It could be literally any of
17 these. The whole thing sounds like something I would
18 say.
19 Q. And do you agree with the statements made in
20 3509?
21 A. I breezed over the whole thing, I didn't read
22 the whole thing.
23 Q. Take your time.
24 A. Okay.
25 Q. I'm just asking if you agree to it.

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1 A. I just don't want to say yes and then -- just
2 let me...
3 (Pause)
4 Okay. Yeah, I agree with this article.
5 Q. Okay. If you could turn to ST3514. This is
6 a post to Q University with Phil. Is that one of your
7 channels?
8 A. I believe so. I can't -- I believe it is,
9 yes.
10 Q. And in ST3514, it says, "Multiple intel
11 channels of mine are reporting that NESARA was
12 officially enacted on September 8th, 2021 at 3:30 p.m."
13 Is that true?
14 A. Is what true?
15 Q. Well, first of all, did -- you reported that
16 information?
17 A. I did report that, yes.
18 Q. Okay. And NESARA is -- under NESARA, would
19 all FDIC loans be forgiven?
20 A. FDIC loans?
21 Q. Yes.
22 A. All central banking loans.
23 Q. They would be wiped out?
24 A. Yes.
25 Q. Nobody would have to pay them?

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1 A. No.
2 Q. So if you got a car loan or a house loan at
3 an FDIC-insured bank, you don't have to repay the loans?
4 A. FDI insurance has nothing to do with NESARA.
5 It's the fact that if the money came from a central
6 banking source, then the concept of NESARA -- first of
7 all, NESARA is the National Economic Stabilization and
8 Recovery Act. So this isn't something that's -- this is
9 something that's in writing that went through Congress.
10 Q. You think it's already been passed?
11 A. It's been passed.
12 Q. When was it passed?
13 A. 2000 -- 2000 or 2001.
14 Q. Did it forgive all the loans?
15 A. Not yet.
16 Q. What did it do?
17 A. What do you mean what did it do?
18 Q. I mean, how did it help the common everyday
19 man.
20 A. It hasn't yet because our government is
21 controlled by the cabal.
22 Q. So --
23 A. When they're not, it will.
24 Q. So you believe and you've reported on social
25 media that the cabal is operating a global child

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1 sex-trafficking ring; is that correct?
2 A. Yes, amongst other things.
3 Q. And that the cabal is harvesting children so
4 that elites can drink adrenochrome?
5 A. The cabal is trafficking children
6 worldwide for --
7 Q. And harvesting adrenochrome?
8 A. Well, for several reasons. Number one, first
9 and foremost, yes, the harvesting of adrenochrome for
10 those that use it -- the elites that use it, but also
11 for sex purposes and to play out their sadistic
12 disgusting fantasies.
13 Q. Looking at ST257, is this a post that you
14 made? 257.
15 A. I see two posts.
16 Q. Well, how about the GhostEzra post, is that
17 you?
18 A. No.
19 Q. But you posted this message on your social
20 media channel?
21 A. This appears to be in my chat channel. I
22 know that because of the number of subscribers at the
23 top. My announcements channel, which is the one with
24 more subscribers, has -- this wouldn't be on it. So I
25 believe this was forwarded. I have no idea if that was

1 forwarded by me. That particular channel -- the chat
2 channel is constantly infiltrated with look-alikes and
3 people that are trying to steal my identify to sell a
4 certain thing. Most of the times when links are listed,
5 it's to a product that has nothing to do with me that
6 they're trying to sell, but they want people to think it
7 is me selling it so that they'll buy it. It's a scam
8 that goes around Telegram constantly. So I can't say if
9 I actually forwarded that message or not.

10 Q. You've reported many times on social media
11 about something called The Storm; is that correct?

12 A. Yes.

13 Q. And is The Storm a mass arrest of cabal
14 members?

15 A. In a matter of words; I think I would explain
16 it differently, but yes.

17 Q. Go ahead. You describe it.

18 A. This cabal-like entity that has had control
19 over our worldwide banking system as well as several
20 powerful countries in the world such as the CCP in
21 China, the Israeli military, the United States, they
22 have ran our world into the ground for purposes of their
23 benefit and really decimated the average citizen just
24 like you and I. The difference between you and I is, I
25 know it and you don't. So when we say "The Storm,"

1 we're referring to basically a global cleanup of this
2 enterprise that is not only stealing, but torturing,
3 raping and otherwise molesting our children, but also
4 stealing and trafficking adults, getting them hooked on
5 drugs, fentanyl and heroin and worse. And The Storm is
6 a group of military -- worldwide military patriots that
7 want to set humanity free from the rule, from the
8 shackles that they have put on our lives. It's just the
9 way to phrase the group that's responsible for its
10 takedown.

11 Q. Do you have a role in this endeavor?

12 A. Yes.

13 Q. What is your role?

14 A. My role is to provide a grassroots
15 dissemination campaign as to what exactly is happening
16 that the mainstream media is lying to you about. I
17 report things from people and sources that I have that
18 are connected in some way, shape or form to everything
19 that we've been talking about today. Turning on the
20 mainstream media and watching is nothing but lies. It's
21 all fake news and it's all agenda-based. It is the
22 Mockingbird Media. And I believe my major role in this
23 is to "wake up" any people that are still asleep through
24 investigative journalism, through my livestreams,
25 through my posts on social media and otherwise.

1 Q. Turn to 1569, please.

2 A. 1569?

3 Q. Did you author the post that's shown as
4 ST1569?

5 A. Yes, I did.

6 Q. And you state in here that "With current
7 geopolitical environment around the world, my job has
8 taken a very complex turn in recent months." Can you
9 tell us what that turn is?

10 A. Do you know the date of this?

11 Q. I don't. Maybe you could tell us.

12 A. I wouldn't -- I wouldn't know unless I knew
13 the date. I've been involved in a lot of different --

14 Q. Complex turns?

15 A. I wouldn't say complex turns, but a lot of
16 different areas to help our cause.

17 Q. Okay. So in the second paragraph it says,
18 "Of late, I've been summoned and called upon to lead a
19 very complex, very covert operation to restore the
20 Republic of America to its people." That sounds like
21 something you would remember. Can you tell me when that
22 was that you were summoned?

23 A. I guess the word summoned is a little -- a
24 little overstated, now that I reread it. But I was
25 asked to do several things to help certain aspects of

1 not only my viewership, but other people's viewership on
2 various different channels both on Rumble and Telegram
3 and other social media networks. I was asked to do
4 corralling of interests to get a greater number of
5 people listening to my reporting.

6 Q. And that's what the covert operation was?

7 A. In a manner of words, yes.

8 Q. Who asked you to do that?

9 MR. KOLMAN: Objection.

10 MR. HINTON: On what basis?

11 MR. KOLMAN: It wouldn't be covert if he
12 was to tell you.

13 THE WITNESS: That's why I smiled.

14 BY MR. HINTON:

15 Q. You don't have a privilege for that, Phil,
16 so...

17 A. I understand that, but I also can't reveal to
18 you who my sources are and I know you're really trying
19 to get to that by asking questions a different way. But
20 I'm not going to fall for that.

21 Q. Well, let me just put this on the record. So
22 unless your privilege comes down through the Shield Law
23 of Pennsylvania --

24 A. Sure does.

25 Q. -- which you have not met the elements for

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1 that. You said any source. And under the Shield Law,
2 only confidential sources that have been promised
3 confidentiality get the Shield Law privilege.
4 A. I don't think I'm in a position to take your
5 legal advice as I sit here today. But as the Shield --
6 Q. I just want it on the record that you're not
7 disclosing any sources or who asked you to do covert
8 operations.
9 A. I'm not disclosing any confidential sources
10 of mine. Absolutely not. And you could ask me the same
11 question six different ways; I'm not going to do it.
12 You could continue, that's fine with me.
13 MR. KOLMAN: I'm going to put my
14 objection on the record --
15 MR. HINTON: Very good.
16 MR. KOLMAN: -- in the sense that the
17 record, in the sense that this is a source because it
18 created articles that were written or broadcast. So --
19 THE WITNESS: It does fall under the
20 Shield Law.
21 MR. KOLMAN: -- that's why it's
22 confidential.
23 THE WITNESS: That's correct.
24 BY MR. HINTON:
25 Q. Your post says on 1569, middle paragraph, "I

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1 have been summoned and called upon to lead -- to conduct
2 clandestine-type operations." Can you tell me what
3 those operations were?
4 A. No.
5 Q. Why?
6 A. NDA.
7 Q. You have a nondisclosure agreement that you
8 won't disclose what you're doing?
9 A. That is the definition of an NDA.
10 Q. But you can tell the world that you've been
11 summoned to do them?
12 A. I could say that I am doing something, but
13 not what I'm doing according to the terms of the NDA,
14 yes.
15 Q. Okay. And you're going to use my expert --
16 you say "And use my expertise of a former life." What
17 former life?
18 A. The last time I was under an NDA.
19 Q. You're not going to tell me what that is,
20 either?
21 A. No, it's under an NDA.
22 Q. And then you write you're going to infiltrate
23 the enemy where it hurts the most. Can you tell me what
24 you mean by that?
25 A. The media.

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1 Q. How did you infiltrate the media?
2 A. Well, shortly after this post, if I'm
3 thinking of when it was, my viewership went from -- my
4 viewership and subscribers went from about seven or
5 eight million to 17 or 18.
6 Q. Phil, you reported recently -- a couple
7 months back -- two months back, I think it was -- that
8 you're now worth 50 million dollars. Do you remember
9 that post?
10 A. At the time, yes.
11 Q. Yeah. Is that true?
12 A. At that time?
13 Q. Yeah.
14 A. Yes.
15 Q. And are you worth more than that now?
16 A. Yes.
17 Q. How much are you worth now?
18 MR. KOLMAN: Objection.
19 THE WITNESS: Between 75 and a hundred
20 million.
21 BY MR. HINTON:
22 Q. And where's all this money coming from?
23 MR. KOLMAN: Objection.
24 BY MR. HINTON:
25 Q. You can tell me.

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1 A. It's coming from having 17 to 18 million
2 subscribers, launching businesses that help those
3 subscribers succeed and in which also helped me
4 financially, of course. It comes from having 17 or 18
5 million people watching me, being paid from Rumble,
6 getting advertising contracts for that. It's a lot of
7 money.
8 Q. Do you get a 1099 from Rumble?
9 A. Yes.
10 Q. Do you get 1099 from Locals?
11 A. Yes.
12 Q. And I thought I saw in Locals, you had about
13 35,000 subscribers.
14 A. On Locals, yes.
15 Q. Right. And how much do they pay per month
16 for their subscription?
17 A. Fifteen dollars.
18 Q. So what do you get, on average, per month
19 from Locals?
20 MR. KOLMAN: Objection. The amount
21 differs because the subscribers go up and down. I sent
22 you that, actually.
23 BY MR. HINTON:
24 Q. On average.
25 A. 50 to 75,000.

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1 Q. Per month?

2 A. Yes. There's been months that were much

3 higher than that.

4 Q. Is that your biggest source, Locals.com?

5 A. No.

6 Q. What's your biggest source of income?

7 A. Rumble.

8 Q. And how much do you get from Rumble.com on

9 average per month?

10 A. Five million.

11 Q. Who knew about your sexual relationship with

12 Brie in 2017 besides you and Brie?

13 A. I didn't have a sex -- in what year?

14 Q. 2017.

15 A. I told no one about it. I have no idea who

16 Brie would have told.

17 Q. Let's go to ST3547.

18 A. 47?

19 Q. 3547. This is the George Magazine article.

20 It seemed like you were very proud of this article.

21 MR. KOLMAN: Objection.

22 BY MR. HINTON:

23 Q. Didn't you get a gold pen and sign copies of

24 it and give it out to all your friends and family?

25 A. Silver Sharpie. And I gave it out to my

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1 followers. But yes.

2 Q. Okay.

3 A. As far as being proud of it, George Magazine

4 was started by John F. Kennedy, Jr. So any time you're

5 featured and sell out a magazine to the magnitude that I

6 did, I think that's something to be proud of.

7 Q. So I asked your mom about this the other day

8 and she didn't recall ever reading the George Magazine

9 article and I think you said you gave her a copy of it.

10 A. Yeah. It's on her -- it was just the other

11 day after the deposition, I went to her house and I

12 said, the magazine is right there. It's not an article,

13 it's a magazine. I mean, this is an article, what you

14 have here, but it comes in a magazine. I gave her a

15 collector's edition magazine and it's just sitting

16 there. I don't know how she didn't know she didn't have

17 it but...

18 Q. So on Page ST3549, there's an answer from you

19 a full paragraph long about the intelligence community

20 of the United States having an extremely strict and

21 precise way of recruiting individuals. Do you see that

22 paragraph?

23 A. Yes.

24 Q. And those were your words in that paragraph,

25 right?

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1 A. Correct.

2 Q. And are you -- did you want the readers of

3 George Magazine to believe you were recruited by the

4 intelligence agency of the United States?

5 A. No.

6 Q. Were you ever recruited by the CIA or NSA?

7 MR. KOLMAN: Objection.

8 THE WITNESS: Can you re-ask the

9 question?

10 BY MR. HINTON:

11 Q. Were you recruited by the CIA or NSA when you

12 were a kid?

13 MR. KOLMAN: Objection.

14 THE WITNESS: I believe when I was a

15 kid -- can you -- I don't know. What age?

16 BY MR. HINTON:

17 Q. Up through graduation from high school.

18 A. I believe there were recruiters that had

19 talked to my parents from --

20 Q. You were here. Your mother didn't recall any

21 of that.

22 A. It wasn't my mother.

23 Q. Is she not your real mother?

24 A. No, she's my real mother. It was -- they

25 specifically dealt with my father.

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1 Q. Okay. Were you present when they were

2 recruiting through your father?

3 A. They weren't recruiting me through my father.

4 I just said that there were recruiters that --

5 Q. That talked to your father.

6 A. That talked to several people in my area.

7 Q. Did you undergo training through the CIA?

8 A. No.

9 Q. Were you ever a military intelligence

10 officer?

11 A. Asked and answered. No.

12 Q. Were you ever working as an employee of the

13 CIA?

14 A. Also asked and answered. No.

15 Q. Were you ever an employee of the NSA?

16 A. Asked and answered. No.

17 Q. Were you trying to make the impression on the

18 readers of George Magazine that you had a background in

19 military intelligence?

20 A. No.

21 Q. And, in fact, you don't have a background in

22 military intelligence; do you?

23 A. No.

24 Q. You say here at the bottom of this column on

25 ST3549, "In some cases, people get recruited to the

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1 intelligence community at a very, very young age." Were
2 you trying to make the impression that you were one of
3 those people recruited at a very, very young age?
4 A. I wasn't trying to make any impression at
5 all. The words are what they are.
6 Q. What did you mean by it?
7 A. I meant -- can you -- I meant what I said.
8 At very young ages, people get recruited to the
9 three-letter agencies.
10 Q. Okay. But what does that have to do with
11 you?
12 A. Nothing.
13 Q. Well, the que -- you went off on this long
14 paragraph here, the question from the writer of the
15 article or interviewer was, "What more about your
16 background can you share with us?"
17 A. Uh-huh.
18 Q. And you went into this speech, I guess, about
19 how the CIA or the intelligence recruits people at a
20 very young age. Were you trying to make the impression
21 that you were one of those people?
22 MR. KOLMAN: Asked and answered.
23 THE WITNESS: You asked me that three
24 times now and the answer is no. I wasn't trying to make
25 that impression. I was asked about my background and

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1 what I thought was more pertinent to the article. And I
2 wanted to put what I knew from my background or from my
3 expertise into writing and I thought it was a good fit
4 for the article.
5 BY MR. HINTON:
6 Q. Did you think of -- Brie, who you labeled a
7 lunatic today, did you think of her as your sister?
8 A. As my sister?
9 Q. Yeah.
10 A. No.
11 Q. Did you think you were a father figure for
12 Brie at any point in time?
13 A. A father figure; I may have thought that for
14 a brief period of time.
15 Q. What period of time did you consider yourself
16 to be a father figure for Brie?
17 A. Brie, throughout her life, has had a lacking
18 male adult figure in her life starting from when her
19 parents got divorced at a young age. I think she was
20 always -- my opinion, I think she was always reaching
21 for some sort of older person to have in her life --
22 older male person to have in her life. I think one of
23 those people were me. Another was Tom Nezlo. Another
24 was the teacher at Lackawanna that she recently slept
25 with and got expelled for. So I think she's always

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1 wanted that father figure in her life. So I think over
2 the years of my relationship with Brie -- and I can say
3 this now but I couldn't say it earlier, you know, in
4 that relationship, I think that I've recognized or
5 realized the fact that I may have been a father figure
6 for her even though, at the time, I didn't necessarily
7 know it.
8 Q. Did you know it when you were sleeping with
9 her in 2017?
10 A. I didn't know much about that period in 2017.
11 My wife was leaving me, my kids hadn't -- you know, my
12 kids were young. I faced a potential divorce while
13 having infants at home. So I was a little distraught,
14 so I really wasn't thinking about anything but sex. It
15 was a mistake and I regret it.
16 Q. You didn't make a similar mistake in 2009 and
17 2010; did you?
18 MR. KOLMAN: Objection.
19 BY MR. HINTON:
20 Q. You can answer.
21 MR. KOLMAN: Asked and answered.
22 THE WITNESS: I don't know what you're
23 referencing, so I'd have to say no.
24 BY MR. HINTON:
25 Q. In the transcript in front of Judge Minora on

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1 February the 6th, Page 138.
2 A. Okay.
3 Q. You see at the top the answer says, "At some
4 point last year, Brie was..." Do you see that page?
5 A. Yes.
6 Q. Phil, your testimony -- you're the person
7 answering the questions here. A little bit above the
8 middle of the page on Page 138 of this transcript you
9 say, "I always felt like I was a brother to Brie and I
10 always felt that it was somehow my responsibility to
11 help her if I could. We've had, obviously, some very
12 well-known public episodes with one another. But in the
13 grand scheme of things, we always seem to have each
14 other's backs." Did I read that correctly?
15 A. Yes.
16 Q. In what way did Brie have your back?
17 A. Support through hard times that I was having
18 professionally and in my marriage. It was, as I stated,
19 a brother-sister-like relationship. I don't have a
20 brother or sister, so I could only speak to what I think
21 that would mean. But I do see now -- when I said this
22 in February, I do see the relationship that my sons have
23 with one another. The first person they go to, even
24 before me or their mom, is each other when there's --
25 when they have even a small problem in life. So I

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1 equate that to a
2 brother-sister/brother-brother/sister-sister-type
3 relationship. Although I've never -- I've never had
4 that experience, Brie was always there when things were
5 rough for me and I feel like I was there when things
6 were rough for her as well.
7 Q. Did Brie gave you somebody to talk to when
8 you were going through marital problems?
9 A. At times; not every time, but at times. Yes,
10 enough for me to categorize it the way that I did.
11 Q. And you were going through marital problems
12 and sleeping with Brie at that time?
13 A. That was one of the times, yes.
14 Q. She helped you get through a rough time that
15 way?
16 MR. KOLMAN: Objection.
17 THE WITNESS: It was my way of getting
18 through a rough time. I think it was her way of trying
19 to reintroduce -- reintroduce herself into my life whereas
20 prior attempts had failed. At the time, I didn't see
21 it, but I think she was taking advantage of my
22 vulnerability to better herself. And I didn't notice
23 that then, but I -- obviously, I notice it now.
24 Q. I mean, if you considered her to be like a
25 sister to you, it seems, kind of, wrong to be sleeping

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1 with her.
2 MR. KOLMAN: Objection.
3 THE WITNESS: No, in the sense that
4 you're saying it, I didn't think she was a sister. I
5 didn't think she was my blood sister. I said that I had
6 a sister-brother-like relationship with her in terms of
7 the confiding in one another. I've had that same
8 relationship with friends that I've had that I've also
9 slept with in the past. There are people that you have
10 confiding relationships with in life. Maybe you don't,
11 but I do, and sometimes you end up sleeping with those
12 people. Sometimes you don't. But it just depends on
13 the circumstances or the moment, I guess.
14 Q. Phil, when you started this lawsuit, you did
15 a crowd-funding campaign, right?
16 A. Correct.
17 Q. You raised about \$40,000 altogether?
18 A. I think it was a little less than that, but
19 yes.
20 Q. And do you have a list of all your donors
21 that gave you money for that -- for this lawsuit?
22 A. Not all of the donors. A lot of them would
23 choose to donate anonymously and they would only leave
24 an e-mail address. Oftentimes, not even an e-mail
25 address, it would just be an anonymous donation. That's

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1 the problem that I have now with those donations. I'm
2 trying to refund all of them. The problem that I have
3 is, I don't know where a lot of them came from. So
4 we're working on that, myself and GiveSendGo.
5 Q. Do you have any paperwork indicating some of
6 your donors that you could provide to me?
7 MR. KOLMAN: Objection.
8 THE WITNESS: I do have paperwork
9 indicating the donors. Not all of them, as I said. But
10 yes.
11 MR. KOLMAN: Why is that even relevant?
12 MR. HINTON: Well, what if they're
13 witnesses in the case, Tim?
14 MR. KOLMAN: Well, if it is, what effect
15 is this?
16 MR. HINTON: Discovery, Tim.
17 BY MR. HINTON:
18 Q. So could you give that list of donors --
19 A. Absolutely.
20 Q. -- that you have to your lawyer and we'll
21 talk about whether he should produce those to me or not?
22 A. Sure.
23 Q. Thank you. So you consider yourself to be a
24 truther, right?
25 A. Yes.

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1 Q. Somebody that gets on social medial and tells
2 the truth, right?
3 A. Yes.
4 Q. And you also call yourself a patriot
5 reporter?
6 A. Yes.
7 Q. And you promote patriot causes on social
8 media?
9 A. Yes.
10 Q. Give me a few of the examples of the causes
11 that you promote -- patriot causes.
12 A. I run a website called Philazon that patriot
13 vendors that have been harmed in some way by the
14 closures due to COVID or the economic bullshit --
15 sorry -- that Joe Biden has thrown this country into. A
16 lot of these people are getting squeezed out of their
17 own marketplace, whether it's a brick-and-mortar store
18 or an online business through the pricing and the fees
19 that these institutions are charging them for simply the
20 fact that the mainstream media and the government and
21 the CDC and the WHO scared the crap out of everybody
22 with COVID, so now no one wants to go to their
23 restaurant.
24 So back in 2021, I started Philazon and
25 gave everybody the opportunity for a very cheap price to

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1 list their businesses and not only list them there in
 2 terms of an advertisement and link them to an outside
 3 website for purchases, but also to advertise those
 4 patriot-owned products to patriot-owned viewers.
 5 Q. Understood.
 6 A. Thought it was a good match. That's one of
 7 the things amongst many others.
 8 Q. And you make money from Philazon?
 9 A. Yeah.
 10 Q. About how much money do you make per deal
 11 there?
 12 A. Depends what they sign up for. There's
 13 several packages. They could do \$25 a month, they could
 14 do \$50 a month or they could get a discount by
 15 subscribing for an entire year, which is less than the
 16 aggregate of the subscriptions.
 17 Q. You started all the business ventures,
 18 Philazon and Locals and Rumble, all of them after the
 19 article Chris Kelly wrote about you, right?
 20 A. I was forced to, yes.
 21 Q. And you've been wildly successful with these
 22 ventures?
 23 MR. KOLMAN: Objection.
 24 THE WITNESS: That's a matter of
 25 opinion.

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1 BY MR. HINTON:
 2 Q. Phil, let's be honest. Before the article,
 3 you never made the kind of money you've been making
 4 since the article?
 5 A. That's a true statement, yes.
 6 Q. You know, you had properties foreclosed upon
 7 and taken from you. You were down to \$200 in your bank
 8 account when the bad check was written concerning
 9 Mariotti Lumber, right?
 10 A. I was down a lot less than that in my bank
 11 account. But yes.
 12 Q. Right. And since that time, you're worth 75
 13 million dollars now, right?
 14 A. Or more.
 15 Q. You're doing well?
 16 A. I'm doing well.
 17 Q. Okay. And you're happily married?
 18 A. Yes.
 19 Q. You met the love of your life?
 20 A. Yes.
 21 Q. Do you agree that your video presentations on
 22 social media stating that elites, high-level
 23 politicians, actors, actresses torturing children,
 24 trafficking in children, might encourage violence
 25 against these people?

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1 MR. KOLMAN: Objection.
 2 THE WITNESS: Do I think that it
 3 encourages violence against those people?
 4 BY MR. HINTON:
 5 Q. That it might encourage violence.
 6 A. No, I do not.
 7 Q. Why is that? I don't understand the logic.
 8 MR. KOLMAN: Objection.
 9 BY MR. HINTON:
 10 Q. Go ahead.
 11 MR. KOLMAN: I have to say that you are
 12 so wide afield right now. I mean, I've kept quiet, but
 13 now I'm putting an objection on the record and it's not
 14 just to form. Wait. I'm just going to put it on the
 15 record, then I'm not going to say anything.
 16 MR. HINTON: Sure.
 17 MR. KOLMAN: I'm going to say that for
 18 the last hour and on and even before that, the questions
 19 asked have almost nothing to do with this case, which is
 20 a defamation case which is circumscribed by the article
 21 itself, not by all of the attenuated issues that you
 22 have raised. And you are continuing to raise them. And
 23 to be frank, I'm not sure I understand why, but it is a
 24 deposition and you've got a lot of scope. However, I am
 25 putting my blanket objection on the record and that's

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1 it.
 2 BY MR. HINTON:
 3 Q. Phil, in your social media videos, are you
 4 trying to influence people to believe that the 2020
 5 election was stolen from Donald Trump?
 6 A. You want the last answer, or no?
 7 Q. You answered --
 8 A. You asked the question about do I think it
 9 might cause violence against those individuals.
 10 Q. Yeah.
 11 A. No, I don't think that. And the reason that
 12 I don't think that, which is what you asked next, was
 13 because I say in my videos that, number one, I do not
 14 advocate violence in any way against anyone for any
 15 reason. And I also say, as I testified to earlier, that
 16 if these individuals are guilty of these crimes, number
 17 one, they're going to be caught; number two, they're
 18 going to be tried; and number three, they're going to
 19 take the punishment that they deserve; number four,
 20 probably all-encompassing of those three is that you
 21 don't get away with anything in God's eyes. So if you
 22 think you're getting away with something and no one else
 23 knows about it, he knows. It's going to come back and
 24 get you eventually either in the form of karma or in the
 25 form of judgment. So, no, I don't believe that I'm

1 causing anyone to commit any sort of violence against
2 anyone, not just people you mentioned. In fact, I'm
3 advocating the opposite.

4 Q. We watched a video clip of you saying you
5 thought certain people that commit treason and sedition
6 should be executed.

7 A. Correct.

8 Q. And you said that?

9 A. Yes.

10 Q. And if somebody believes Joe Biden -- the
11 body double of Joe Biden you say that's serving as our
12 president now, is guilty of treason and sedition, they
13 might not take a shot at him because they were all
14 worked up by your videos?

15 MR. KOLMAN: Objection.

16 THE WITNESS: First of all, I disagree
17 with the fact that people get worked-up over my videos.
18 In fact, it's quite the opposite. I believe that my
19 audience calms down in watching me. Second of all, I've
20 made it very clear to my audience that I don't believe
21 that that is Joe Biden. The person that you see on TV
22 is an innocent person of everything that Joe Biden was
23 accused of. The advocating of violence is something
24 that I very, very many dozens of times -- I know you're
25 not going to put those clips up there -- but many

1 dozens, if not hundreds, of times I have said I do not
2 condone and that -- anyone within the sound of my voice
3 is the term that I usually use. Anyone that hears this
4 within the sound of my voice is 100 percent against what
5 I believe is and what the patriot cause that I believe
6 it is, you are against those causes and my beliefs if
7 you do partake in any sort of violence.

8 BY MR. HINTON:

9 Q. Phil, when Chris Kelly wrote in the article
10 on February 14th, 2021 that you sell QAnonsense to your
11 followers, did you interpret that to be his opinion
12 about you?

13 A. No. I think that's defamatory.

14 Q. Okay. And that when he wrote that "Why we
15 can't ignore neighbors who live in an alternate
16 reality," do you think that's defamatory to you?

17 A. Absolutely.

18 Q. So he has an opinion that you're spouting
19 QAnon nonsense, that's defamatory?

20 MR. KOLMAN: Objection. It calls for a
21 legal conclusion. But you can answer.

22 THE WITNESS: The fact that Chris Kelly
23 is saying those things affects my business so,
24 therefore, it is defamatory. He's not giving his
25 opinion. He can say Anthony lives in an alternative

1 universe. That doesn't cause Anthony to lose
2 subscribers. So Chris Kelly's words have cost me dearly
3 which is the definition of defamation or libel in this
4 case.

5 BY MR. HINTON:

6 Q. Can you quantify what he has cost you?

7 A. Unquantifiable number. Millions of
8 subscribers, millions of dollars, tens of millions,
9 hundreds of millions.

10 Q. You have no idea?

11 A. We'll let a jury decide.

12 Q. And when he says you live in an alternate
13 reality, same thing, he's costing you money?

14 A. Absolutely.

15 Q. And I'm suing for it?

16 MR. KOLMAN: Objection.

17 THE WITNESS: And what?

18 BY MR. HINTON:

19 Q. And you're suing for it.

20 MR. KOLMAN: Objection.

21 THE WITNESS: I'm suing for the harm
22 that he has put me through through his untrue and
23 baseless accusations. And the harm it's done to not
24 only my family, but the future of my family as well as
25 the potential loss of business which could be

1 astronomical that I've endured.

2 MR. KOLMAN: Tim, can we take 15
3 minutes? It's too --

4 MR. HINTON: A couple questions and
5 we'll take a break.

6 MR. KOLMAN: Okay, then. Thank you.

7 BY MR. HINTON:

8 Q. Phil, did -- we heard from Dori at her
9 deposition about Sunita asking you to stop making the
10 QAnon videos. Do you remember that testimony?

11 MR. KOLMAN: Objection.

12 THE WITNESS: Sunita never asked me to
13 stop making videos.

14 BY MR. HINTON:

15 Q. What did -- did she talk to you at all?

16 A. Sunita told me that I have to remember that
17 the people that I'm speaking to in my livestreams could
18 also be potential real estate clients. And the reason
19 that she mentioned that was because if somebody believes
20 the opposite of what I believe, it's possible that they
21 won't use me as a Realtor or broker in their transaction
22 because of my political beliefs versus theirs. So
23 Sunita's insight was just to be cognizant of that fact
24 when I consider the business of real estate and how my
25 videos could, in a way, affect my real estate career and

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1 business. My response to Sunita was that my business is
2 better than it ever had been. In 2020, I was the top
3 real estate agent in the Greater Scranton Board of
4 Realtors.
5 Q. I saw a 1099 from 2020 from Sunita for
6 \$136,000. Is that what you made in 2020?
7 A. Maybe it was 2019. When was COVID?
8 Q. 2019, your property went into foreclosure,
9 the land that you owned.
10 A. It was 2020.
11 Q. How much did you make in 2020?
12 A. On one transaction, I made \$90,000. What I
13 made from the rest, I don't remember. It could have
14 been 140 whatever you said, but I don't have a document
15 in front of me.
16 Q. You're claiming you were the number one
17 Realtor in Lackawanna County?
18 MR. KOLMAN: Objection. Asked and
19 answered.
20 THE WITNESS: You're not -- you're
21 taking what I said in terms of income for some reason.
22 That's not what I said. When you're ranked as Realtor
23 in the Board, it's by total sales. I had 17 million.
24 In fact, I was just about to put a billboard up -- in
25 fact, I paid for the billboard and then the article came

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1 out by Chris Kelly.
2 BY MR. HINTON:
3 Q. You've posted on social media that you have
4 no intention of ever going back to real estate. Isn't
5 that correct?
6 A. Absolutely not. I did state that. I have no
7 intention of going back. Absolutely not.
8 Q. You like what you're doing now?
9 A. I like -- I like my career. I like my
10 lifestyle. I like helping people as much as I possibly
11 can. Real estate was a totally different employment
12 than what I do now. It was the opposite, in fact.
13 Q. As a reporter and journalist, do you have a
14 code of ethics that you adhere to?
15 A. Of course.
16 Q. And does that code of ethics include being
17 fair, honest and accurate?
18 A. Yes. As much as possible, sure.
19 Q. And in your view, do you provide the truth to
20 your viewers?
21 A. Yes.
22 MR. HINTON: Let's take a break.
23 THE VIDEOGRAPHER: We are going off the
24 record. The time is 2:33 p.m.
25 (A recess was taken from 2:33 p.m. until 2:49 p.m.)

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1 THE VIDEOGRAPHER: We are back on the
2 record. The time is 2:49 p.m.
3 BY MR. HINTON:
4 Q. Phil, in this case here, you have stated your
5 position that you never had sex with Brie when she was a
6 minor, correct?
7 A. Correct.
8 Q. And how -- and she has produced an affidavit
9 saying she did have sex with you when she was a minor.
10 MR. KOLMAN: Is that a question?
11 BY MR. HINTON:
12 Q. Yes.
13 A. Yes.
14 Q. And what evidence do you have that you didn't
15 have sex with her when she was a minor?
16 MR. KOLMAN: Objection.
17 BY MR. HINTON:
18 Q. He can answer.
19 MR. KOLMAN: Objection.
20 MR. HINTON: I'm just asking if he has
21 any evidence.
22 THE WITNESS: You want me to prove --
23 MR. KOLMAN: Why does he have evidence
24 for a negative?
25 MR. HINTON: I'm just asking if he has

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1 any. If his position is you prove that I did it.
2 THE WITNESS: Can I give you an example
3 of -- when you ask me that question, can I give you an
4 example of what I think of?
5 BY MR. HINTON:
6 Q. No. Phil, I --
7 A. And then I'll answer it. But I don't think
8 you quite get it.
9 Q. Go ahead.
10 A. If I had a watermelon and I brought it in and
11 I put it right here and I put a knife next to it and I
12 said, Tim, the inside of that watermelon is blue. Until
13 you cut the skin, you slice the watermelon in half,
14 opens up, it's pink. And I say, ha ha, I was right.
15 How are you going to prove that it was blue? How am I
16 going to prove that it was blue? You can't. I can't
17 prove that something didn't happen in this case. Chris
18 Kelly said that it happened.
19 BY MR. HINTON:
20 Q. Right.
21 A. He supposedly has proof as a journalist since
22 he put it in a major publication that it happened.
23 You've got to prove it. I can't prove that it didn't.
24 I'm suing Brie for her affidavit. You know that.
25 That's also defamatory and it's been made public by you.

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1 Q. Well, for instance, do you have any
2 statements signed by Brie or authored by Brie that she
3 never did have sex with you when she was a minor?
4 A. Brie has told multiple people that the story
5 that she told the Taylor police and the Lackawanna
6 County DA -- DA's Office is not true, one of which was
7 testified by my ex last week.
8 Q. When Dori testified that she talked to Brie a
9 couple of years ago and apologized to Brie for not
10 believing her, what did you think that meant?
11 A. I'm totally unaware of the content of that
12 conversation. If fact, the first time I heard about it
13 was when Dori said it.
14 Q. Okay. So I'm going to ask you to turn to
15 Page ST1061.
16 A. Okay.
17 Q. So, Phil, these are text messages that were
18 produced from Brie's phone in November of 2022. And we
19 used these text messages at the hearing on February 6th,
20 2023 in front of Judge Minora. Do you remember that?
21 A. Yep, I do.
22 Q. And you've admitted that these are legit text
23 messages. These are your text messages with Brie.
24 A. Yes.
25 Q. So if you look at the top text message from

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1 Brie to Phil, on March 31st, 2021, she ends that text
2 message to you with the sentence, "Finally got my shit
3 together. Met Chris. He's my next-door neighbor. Papa
4 died and now I'm here." Do you see that? Did I read
5 that correctly?
6 A. Yes.
7 Q. And then you responded to her on March 31st,
8 2021, "I had no idea your papa died. I'm so sorry." Is
9 that what you wrote to her?
10 A. Yes.
11 Q. Then you added a second text message that
12 said, "I think we had sex in their bed, though," right?
13 A. Yes.
14 Q. That's what you wrote to her?
15 A. Yes.
16 Q. And we heard your testimony earlier that you
17 said in your sexual relationship with Brie was only in
18 2017 and you only recalled having sex with her in
19 automobiles, correct?
20 A. Yes.
21 Q. You didn't mention any sex at her
22 grandparents' house.
23 A. No. That never happened.
24 Q. Okay. So -- but you said it happened in this
25 text message. Were you trying to be funny?

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1 A. So I testified to exactly this in the
2 February 6th hearing in front of Judge Minora. But that
3 text message that I sent right there says, I think we
4 had sex in her bed, though -- in their bed, though, that
5 was me being caught off guard that her papa died because
6 she was very close to him. And it was me trying to make
7 light of a situation to try to make her laugh. I was
8 always -- throughout the years of talking to Brie, she
9 always thought I was funny. I don't know why because
10 I'm not, but she thinks I am. That is the type of thing
11 that would make Brie laugh. I know it sounds a little
12 crazy to most people, but the D.A. was saying that
13 stuff, that we had sex in all these houses and her house
14 and her grandparents' house and my house and all this
15 stuff. The D.A. was coming up with these crazy
16 allegations and stories and Brie always made light --
17 Brienna and I always made light of those accusations and
18 how funny they were because none of that ever happened.
19 So I said something like that in that light in that tone
20 for two reasons; number one, to try to make her laugh
21 and, number two, to make light of the situation that had
22 just occurred in the previous two text messages with me
23 finding out for the first time that her grandfather
24 died.
25 Q. Can you turn to the 2010 text messages. I

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1 think they're in a packet. It's ST2805.
2 MR. KOLMAN: Objection.
3 Characterization was 2010 messages. That hasn't been
4 proven.
5 THE WITNESS: Are we are doing this
6 thing again where they're backwards? Yeah -- no --
7 yeah.
8 BY MR. HINTON:
9 Q. 2805.
10 A. I got it. Okay.
11 Q. All right. Brie has supplied an affidavit
12 that these were her text messages with you in February
13 and March of 2010. You're aware of that, right?
14 A. I'm aware of that. I'm aware of the
15 affidavit.
16 Q. In looking at how these -- the spreadsheet
17 works, the incoming messages are yours and the outgoing
18 messages are hers, according to the document. I know
19 you dispute that, correct?
20 A. I dispute the authenticity of the document,
21 yes. I don't know about the incoming or outgoing. I
22 don't know what you're talking about with that. Who's
23 from who, is that what you're saying?
24 Q. Yes. Yeah.
25 A. They all say the same phone number.

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1 Q. All right. So if we look at the line item
2 2740 on TS2805, there's a message --
3 A. Hold on. 2740? Oh, I see it. Okay.
4 Q. There's a message outgoing which I believe is
5 from Brie's phone from February 27th, 2010 that says,
6 "We just pulled off having sex in my grandparents' house
7 with my dad down the street. Hee, hee, hee." And you
8 replied, "Love it," right?
9 A. No.
10 Q. Is that --
11 A. I did not reply love it.
12 Q. Well, that's what the messages read.
13 A. That's what these messages say.
14 Q. Right. You're denying that this is your
15 message?
16 A. None of these are my messages.
17 Q. Okay. But this page represents a text
18 message, apparently, between two people about having sex
19 in her grandparents' house, right?
20 A. Apparently. I don't know who those two
21 people are, but one of them is certainly not me. And
22 this is -- this particular -- I guess I didn't know it
23 when I said it a few minutes ago, but this particular
24 document had come up in the Scranton Times
25 investigation. In fact, that's where you got it from

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1 for the -- or the -- I'm sorry, the Lackawanna County
2 investigation when I got arrested. That's why I
3 referenced that situation in the text message with Brie
4 recently because I remember this crazy allegation of
5 having sex in all these places and --
6 Q. Including her grandparents' houses?
7 A. Yeah. That's where -- what I was thinking of
8 when I wrote her that recent text messages. Again,
9 making light of it, almost making fun of it because it's
10 just so blatantly false.
11 Q. Phil, are you still doing social media videos
12 and posts claiming that the 2020 election was stolen
13 from Trump?
14 A. Yes.
15 Q. And did you -- have you reported on social
16 media that the people that entered the Capitol waving
17 the flags on January 6th, 2021 were part of a false flag
18 operation?
19 A. Yes.
20 Q. And you still believe that?
21 A. Absolutely. In fact, it's come out in the
22 mainstream media as well.
23 Q. Did you report on social media that the mass
24 gathering at the Capitol on January 6th was an FBI
25 setup?

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1 A. Yes.
2 Q. And you believe that to be true?
3 A. I not only believe it, Tim, Congress has the
4 files that prove it. And it's come out in congressional
5 hearings within the last couple months. So the answer
6 to that is yes.
7 Q. And you believe that this setup -- this FBI
8 setup was intended to make Trump and Trump supporters
9 look bad?
10 A. That's one of the reasons, but there's
11 several more.
12 Q. And you've stated these statements on
13 Rumble.com and your videos?
14 A. Yes.
15 Q. Did you report on January 6th, the very day,
16 that Vice President Pence who was at the Capitol in his
17 official role had been arrested?
18 A. I had reported that there were reports.
19 Q. That he was arrested?
20 A. Yes. But I didn't report it as in my
21 reporting or my intel or my -- they weren't my words. I
22 was getting that from other sources and there were
23 multiple reports of that.
24 Q. And did you also report on social media and
25 in your live videos that Ashli Babbitt was not really

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1 shot and killed at the Capitol on January 6th?
2 A. Yes.
3 Q. And she's alive to this day?
4 A. I don't know to this day.
5 Q. But she wasn't killed that day?
6 A. No way.
7 Q. Did you report on social media that Arizona
8 would decertify their nomination and election in favor
9 of Biden and that the military would soon take over the
10 country?
11 A. Two questions there. I do believe that I
12 reported that Maricopa County would decertify leading to
13 the eventual decertification of the state of Arizona
14 because Maricopa is major -- it affects a lot of things.
15 Second part of that question was what?
16 Q. That --
17 A. The military would take over the country?
18 Q. Yeah, take over the country.
19 A. Yes.
20 Q. And you reported that?
21 A. Take over the country in a sense of restoring
22 order to the country and defending the Constitution,
23 yes.
24 Q. And put Donald Trump back in office?
25 A. If Donald Trump was the victor of the

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1 election as seen by Congress. There's a whole process
2 here that would have to take place under the Twelfth
3 Amendment. But yes.
4 Q. You got started doing these social media
5 posts -- I think on Facebook was your first launch,
6 right?
7 A. Twitter.
8 Q. Twitter, then Facebook?
9 A. Uh-huh.
10 Q. And that was soon after the November 3rd
11 election?
12 A. Yes.
13 Q. Okay. And then it kept rising, right?
14 A. It was -- actually, I retract. It was a
15 little before the election, I started seeing trends that
16 were very -- not so good and that led me to believe that
17 fraud was going to happen. So I started speaking of
18 fraud prior to it happening. Obviously, once it
19 happened, my audience did grow after that. Of course,
20 because people saw that I was talking about it prior.
21 Now it's happening, so they came on to me.
22 Q. And I saw one of your shows where you talked
23 about your history in the Q movement, that you've been
24 into it since 2017, but you stayed in the background.
25 You didn't become public with the Q movement until the

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1 election; is that correct?
2 A. Correct.
3 Q. And then after November 3rd, 2020, you got
4 pretty vocal about the Q movement?
5 A. Yes.
6 Q. Why is it that you believe so many Hollywood
7 actors are involved in the cabal? Why do you consider
8 them the elites and these bad people?
9 A. I wouldn't say that I only consider Hollywood
10 celebrities or actors or actresses to be involved. Some
11 of them are, some of them aren't. There's really no
12 scope of who could be involved in these type of
13 atrocities. It could be your neighbor that, you know,
14 tends tables at the local diner. It could be the
15 president of the United States. It could be an actor.
16 I think that many of the actors that I've referenced in
17 being somehow part of the cabal have told you so. They
18 are in plain sight. You just have to look.
19 Q. Looking at Exhibit 295 -- ST295, you posted
20 on Telegram on the day the Chris Kelly article came out
21 that you will be suing the Scranton Times for defamation
22 and libel. And you state, "I was hoping the reporter
23 would do exactly what he did; he took the bait." Did
24 you write that?
25 A. I wrote that.

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1 Q. And why were you hoping that this reporter
2 would write this article about you?
3 A. I don't believe that's what I was referring
4 to.
5 Q. What were you referring to?
6 A. Chris Kelly contacted me prior to writing the
7 article -- I want to say it was a couple weeks before
8 the article came out.
9 Q. By text message?
10 A. Via text message. And asked me if I would
11 comment and I told him no, I won't comment because I
12 thought no matter what he said -- because Chris Kelly
13 has a history of doing this exact same thing to people.
14 I'm not the first, I won't be the last. I haven't been
15 the last, actually. But I'm sure there will be more
16 unless there's some sort of punishment for it. He was
17 asking me all these questions and asked me for a quote.
18 And I said, I don't want to comment. And then he
19 brought up the allegations that were against me in 2009.
20 And I said -- in a certain amount of words, I said,
21 Chris, if you do that, then, you know, you're going to
22 tarnish yourself. You're going to do exactly what I'm
23 saying and the reason why I won't comment is because of
24 this is the type of person that I think you are, type of
25 reporter that I think you are. So when I said bait, I

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1 obviously wasn't hoping that he defamed me. That would
2 be -- I wish this whole thing didn't happen. I wish he
3 never wrote the article. I don't want to be here today
4 and I don't want to be in a position to put this into
5 the hands of a jury. But he did. So I guess the whole
6 bait was in the sense of I warned him to not write that
7 article. I told him to not write that article. I told
8 him it was going to have a pretty bad effect on a lot of
9 different people, me and him included, and he wrote the
10 article anyway. So I was then forced to do what I did
11 and I filed.
12 Q. So the text messages that you had with Chris,
13 they're marked as ST479 to 485. Can you take a look at
14 those? Just peruse those, if you could, and let us know
15 whether these are true and accurate copies of your text
16 messages with Chris.
17 A. Okay.
18 Q. Are these your text messages with Chris?
19 A. Yes.
20 Q. Did you ever have any other text messages
21 with Chris?
22 A. No.
23 Q. Did you ever have any other communications
24 with Chris at all in your lifetime? Did you ever talk
25 to him by phone?

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1 A. No, not that I'm aware of.
2 Q. Did you ever meet him in person?
3 A. I think he was at events that I was at. I
4 don't know if I would say I met him per se, but he would
5 go to the -- there was an event up here at the Cultural
6 Center that I saw him at. He's a prominent reporter in
7 the area, so I knew of him. I have seen him at various
8 places. I think I saw him at the Italian Festival. I'd
9 say, what's up, Chris? He probably didn't know who I
10 was -- or maybe he did. I don't know. But he's a
11 popular guy.
12 Q. Did you ever have any problems with him in
13 the past?
14 A. Oh, yeah. I think his reporting is terrible.
15 I didn't have any problems personally with him.
16 Q. Yeah.
17 A. But in the sense of being a reporter, I think
18 he's awful.
19 Q. Okay. You just think he's too liberal or
20 what is it?
21 A. No, he's just -- he's a terrible person.
22 When he writes article, he lies --
23 Q. Okay.
24 A. -- about the people in the articles and I
25 think he sets out to destroy people's lives. And

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1 that's -- I guess that's my personal opinion, but it's
2 based on things that he's done to people in the past.
3 Q. Well, do you -- do you think Chris disliked
4 you before this text message with you?
5 A. I have no idea. He may have.
6 Q. Are you claiming that Chris Kelly was sloppy
7 and should have done a better job investigating your
8 criminal case from 2010 and 2011?
9 A. Sloppy?
10 Q. Yeah.
11 A. He said I slept with a 15-year-old girl and I
12 didn't. I went through the arrest of all of this and
13 the case went through litigation and was litigated. All
14 he had to do was research that. So sloppy wouldn't even
15 be the word I would use. It's the most extreme version
16 of sloppy.
17 Q. Well, if you look at your charging document,
18 right, ST616.
19 A. Okay.
20 Q. Here's the charge for corruption of minors
21 under 6301(a)1. You're charged as follows: "In that on
22 or about January 2008 to present, the defendant, Philip
23 Godlewski, being 18 years of age and upwards, did
24 corrupt or intend to corrupt the morals of the
25 victim..." it's blacked out, the name underneath that is

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1 Brienna DuBorgel "...a minor under the age of 18 by
2 engaging in acts of sexual intercourse or aided,
3 abetted, enticed or encouraged a minor in the commission
4 of a crime or knowingly assisted or encouraged such
5 minor in violating his or her parole or court order in
6 violation of Section 6301(a)1 of the Pennsylvania Crime
7 Codes." It's an M1. "To wit, the defendant, Godlewski,
8 did engage in sexual intercourse with a minor child
9 victim under the age..." and on the next page, 617, it
10 says 16 years old.
11 MR. KOLMAN: Objection.
12 BY MR. HINTON:
13 Q. Is that what the charging document in the
14 Criminal Complaint against you reads?
15 A. That's what the charging document reads.
16 Q. It claims that you had sex with a minor?
17 MR. KOLMAN: Objection.
18 THE WITNESS: That was the charge.
19 BY MR. HINTON:
20 Q. Right.
21 A. Anybody could be charged with anything at any
22 time.
23 Q. Right.
24 A. They have to prove that that happened. They
25 did not.

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1 Q. But a lot of cases -- you understand, a lot
2 of criminal cases are disposed of through a plea
3 bargain?
4 MR. KOLMAN: Objection.
5 THE WITNESS: I don't agree with that.
6 BY MR. HINTON:
7 Q. You don't think a lot of cases are disposed
8 of?
9 A. What percentage?
10 Q. I don't know. But a lot of cases --
11 A. Well, I don't know either. If you don't
12 know, how could I know?
13 Q. Okay.
14 A. If you could say, hey, by statistical
15 probability, 78 percent of cases are dismissed by a plea
16 bargain and, therefore, that means that the accused is
17 actually guilty of the crimes that he did not agree to.
18 If you could throw me that stat, show me paperwork on
19 that, I would agree with you. But the way you
20 categorized it, absolutely not.
21 Q. Phil, when you were arrested, it was for
22 having sex with a minor.
23 A. It was for many things.
24 Q. Well, other than witness intimidation --
25 A. Criminal use of communication facility.

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1 Q. Yeah.
2 A. Yep. Lots of other things too.
3 Q. But most of them involved having sex with a
4 minor.
5 A. Some of them did.
6 Q. Okay. Including the --
7 A. Some of them did not.
8 Q. Including the corruption charge I just read
9 to you?
10 MR. KOLMAN: Objection.
11 THE WITNESS: No.
12 BY MR. HINTON:
13 Q. So, Phil --
14 A. The corruption charge reads "If a person over
15 the age of 18..."
16 Q. Phil, I don't want you to read the statute to
17 me.
18 A. Well, what do you want?
19 Q. I've heard you read it on social media many
20 times. That's not what the charging document says.
21 A. The charging document is what the district
22 attorney was accusing me of.
23 Q. That's what they accused you of, having
24 sex --
25 A. That's what they accused me of.

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1 Q. -- with a minor.
2 A. This case settled. This was adjudicated.
3 Q. You pled to it. You pled to it.
4 A. No, I did not plead to what you just read.
5 Absolutely not. Do you have my guilty plea colloquy?
6 Because that's what I pled to.
7 Q. It doesn't say anything.
8 A. Let's read it.
9 Q. Okay. We will.
10 THE WITNESS: Well, if he doesn't read
11 it, I want you guys to ask me about the guilty plea
12 colloquy.
13 MR. KOLMAN: Don't worry about it.
14 BY MR. HINTON:
15 Q. Phil, looking at ST20 -- turn to ST20, if you
16 could, please. Phil, when you pled guilty, you were
17 sentenced to a period of incarceration or home
18 confinement and then two years of probation; is that
19 correct?
20 A. Correct.
21 Q. And this news article appeared to the day
22 after you pled guilty, correct?
23 A. Correct.
24 Q. And the headline of the news article marked
25 as ST20 reads, "Ex-baseball coach sentenced for sex with

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1 girl 15;" is that correct?
2 A. Correct.
3 Q. And who was the writer of that article?
4 A. D. O'Malley.
5 Q. Dennis J. O'Malley.
6 A. No idea. Just says D. O'Malley.
7 Q. Do you know him?
8 A. No.
9 Q. Ever had any --
10 A. Oh, there it is right there, Dennis J.
11 O'Malley, yes.
12 Q. Right. It wasn't Chris Kelly?
13 A. No.
14 Q. So if Chris Kelly did nothing more than read
15 this article in the archives of the Scranton Times and
16 look at the charging document and the Affidavits of
17 Probable Cause signed by the detectives that you were
18 having sex with Brie when she was a minor, what's your
19 reaction to that? If that was the full extent of his
20 investigation, looking at this news article in the
21 archives and looking at the charging document, the
22 Criminal Complaint, what's your reaction to that?
23 A. Gross negligence on his part.
24 Q. Okay.
25 A. If you're going to accuse someone of having

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1 sex with a minor, you better make sure that they had sex
2 with a minor.
3 Q. Okay.
4 A. And if he had even uncovered -- if he was
5 smart enough to go to the archives and find this article
6 as well as go to the U.S. portal and find the charge
7 sheet, he could have also went to the U.S. portal and
8 found the adjudicated version of the same exact sheet.
9 And the adjudicated version does not say this. In fact,
10 this article that you're referencing is defamatory in
11 itself and I would have sued for it if I had the means.
12 Q. What was the document, you called the
13 adjudicatory what?
14 A. Adjudicated.
15 Q. Adjudicated what? What does that mean?
16 A. The settlement of the case.
17 Q. What document has that?
18 A. Are you serious?
19 Q. Yeah. Yeah, I haven't seen that document.
20 A. The summary of my case and what I pled to?
21 Q. Yeah. You pled to --
22 A. Nolle pros, nolle pros, nolle pros, nolle
23 pros.
24 Q. What does that tell us?
25 A. It tells us that they didn't -- would not

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1 prosecute all of those charges except the corruption of
2 minor charge. Then if you know that I pled to an M1
3 corruption of minor, all you have to do is go to the
4 statute, Code 6301. It tells you exactly what the
5 charge involves.
6 Q. It shows you the underlying act of how you
7 corrupted Brie?
8 A. No, but the guilty plea colloquy could have.
9 Q. But it didn't.
10 A. Oh, sure it did. Do you want to ask me about
11 the guilty plea colloquy?
12 Q. Yeah. Yeah.
13 A. Let's do it.
14 Q. All right. Phil, turn to 584, please.
15 A. Okay.
16 Q. Phil, is this your handwriting?
17 A. No.
18 Q. You didn't fill out the form?
19 A. No.
20 Q. Is that your signature on the bottom of the
21 page?
22 A. No, that's my initials.
23 Q. Okay. Did you review each page and put your
24 initials on them?
25 A. Yes.

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1 Q. And then you signed on Page 3 of the guilty
2 plea colloquy?
3 A. Yes.
4 Q. And then on the last page, Judge D'Andrea
5 signs you. Did you initial that page too?
6 A. Yes.
7 Q. And it's dated November 12th, 2010, correct?
8 A. Correct. Yep.
9 Q. And you entered this guilty plea colloquy on
10 that date, right, November 12th, 2010?
11 A. I don't recall, but it's dated that date. I
12 don't think I would sign something if it were a
13 different -- I do see a little weird 11-12-10 in the
14 margin. I don't know if that was added before or after.
15 So I can't speak to the date, but I could speak to the
16 authenticity of the document.
17 Q. And you read the entire document when you
18 initialed each page and signed it at the end, right?
19 A. It was read to me.
20 Q. Okay. All right. So in the first -- what's
21 your full name and it's Philip Godlewski, right?
22 A. Yes.
23 Q. "Do you wish to plead guilty to the charge of
24 corruption of minors," correct?
25 A. Yes.

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1 Q. And you said yes. And it says, "How old are
2 you," correct?
3 A. Correct.
4 Q. You put your age 27.
5 A. Yes.
6 Q. Next question, "How far did you go in
7 school," and it says, "College grad."
8 A. Yes.
9 Q. Now, that's not true; is it?
10 A. No.
11 Q. Did you -- did you -- you reviewed this page,
12 right?
13 A. I did. I don't know why Joe wrote that.
14 Q. Well, you reviewed it after he wrote it,
15 right?
16 A. I reviewed it while we were viewing it. So
17 when we would get to the end of the page, I initialed it
18 and we moved on. I don't know if -- I don't know why
19 Joe wrote that. I acknowledged, though, that by
20 initialing it, I agreed to it. But at that time, I had
21 no graduation criteria from any college.
22 Q. Right.
23 A. So I don't know why that's in there.
24 Q. It's a falsehood to the court, right?
25 MR. KOLMAN: Objection. It speaks for

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1 itself and you asked -- asked it and you're being
2 argumentative. So please --
3 THE WITNESS: I wouldn't say it's a
4 falsehood to the court at all.
5 BY MR. HINTON:
6 Q. Well, this is --
7 A. It could very easily say on that line I had
8 no schooling and it wouldn't have mattered to the court.
9 It's absolutely of zero relevance. That's probably why
10 Joe never corrected it to begin with.
11 BY MR. HINTON:
12 Q. But it's false?
13 MR. KOLMAN: Okay. It's false.
14 THE WITNESS: All right. Yeah, it's
15 false, like I said.
16 BY MR. HINTON:
17 Q. Next question, "Do you read and write English
18 language?" "Yes." That's correct, right?
19 A. Yes.
20 Q. "Have you had an opportunity to read the
21 charges pending against you?"
22 A. Yes.
23 Q. And this is before the information is even
24 prepared; is that right? If I look at 588, that
25 information is not even filed until November 16th, 2010.

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1 So this is filled out four days before the information.
2 A. If those dates are accurate, then yes. But I
3 can't speak to when that was stamped. And I also did
4 not sign -- I don't think a judge could actually sign
5 this document.
6 Q. What's "this document"?
7 A. I'm sorry. ST588. I don't think a judge is
8 allowed to sign that in the absence of the guilty plea
9 colloquy. A judge needs to have this document first.
10 Q. Going back to 584, 5B says, "Therefore, do
11 you know exactly what you are charged with and what you
12 are pleading to?" You said "Yes," correct?
13 A. Correct.
14 Q. Next question, "Have you ever been in a
15 mental institution or received treatment for mental
16 disease?" And you said "No."
17 A. Correct.
18 Q. Number seven, "Have you had any alcoholic
19 beverages or drugs within the last 24 hours?" And you
20 answered "No."
21 A. Correct.
22 Q. Number eight, "Have you fully discussed your
23 case with your attorney and are you fully satisfied that
24 he knows all the facts of your case and has had
25 sufficient time to look into the questions either he or

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1 you may have about your case?" You answered "Yes."
2 A. Correct.
3 Q. 8A is, "Are you satisfied with your
4 attorney?" You answered "Yes."
5 A. Correct.
6 Q. Nine, "Do you understand that even though you
7 are guilty or may be guilty, you are presumed innocent
8 and have a right to go to trial either before a judge or
9 before a jury of 12 individuals and the Commonwealth
10 must prove to the satisfaction of each and every one of
11 the 12 jurors or to the satisfaction of the judge that
12 you are guilty beyond a reasonable doubt?" You answered
13 "Yes."
14 A. Correct.
15 Q. Nine, "Do you understand that you and your
16 attorney have a right to participate in the selection of
17 a jury?" That's not answered.
18 A. Correct.
19 Q. Ten, "Do you understand that if you want to
20 go to trial, your attorney will be permitted to
21 cross-examine the Commonwealth's witnesses and to call
22 witnesses on your behalf? And if you plead guilty, you
23 will lose the right to call witnesses or to
24 cross-examine the Commonwealth witnesses?" And you
25 answered "Yes."

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1 A. Correct.
2 Q. Number 11, "Do you understand that by
3 pleading guilty, you are admitting that you did things
4 you are charged with and that if you plead not guilty,
5 the Commonwealth cannot force you to take the stand and
6 either admit or deny that you did the things you are
7 charged with?" And you answered "Yes"?
8 A. Correct.
9 Q. Number 12, "Do you understand that by
10 pleading guilty, you are giving up your right to appeal
11 any question in this case except for those concerning
12 the right of this court to try you (jurisdiction over
13 the subject matter) or the legality of or propriety of
14 the sentence imposed?" And your answer was "Yes."
15 A. Correct.
16 Q. Number 13, "State specifically in detail any
17 plea agreement with the district attorney." And
18 handwritten here is, "Plea to corruption of minors.
19 Agreed sentence, three months home confinement to 23
20 months. All other counts dismissed." That was part of
21 your plea agreement, correct?
22 A. Exactly.
23 Q. Okay. So part of your agreement is if you
24 plead guilty to corrupting Brie's morals and do three
25 months of home confinement and another 23 months of

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1 parole, they will drop all the other charges against
2 you, correct?
3 A. Correct.
4 Q. No judge dismissed all the other charges
5 against you, it was part of a plea deal, correct?
6 MR. KOLMAN: Objection. So what?
7 MR. HINTON: I'm asking --
8 MR. KOLMAN: You know what?
9 MR. HINTON: Do you have another
10 objection, Tim?
11 MR. KOLMAN: Let me put another
12 objection on the record.
13 MR. HINTON: Tim --
14 MR. KOLMAN: You are attempting to smear
15 my client through innuendo. You're --
16 MR. HINTON: Tim --
17 MR. KOLMAN: -- attempting to bootstrap
18 elements of this criminal case to try to prove that he
19 had sex with Brie, which he didn't have. And the
20 documents you have and the criminal documents that you
21 have do not in any way reflect that. In fact, they
22 reflect the very opposite.
23 MR. HINTON: Tim, your objection's
24 noted.
25 MR. KOLMAN: Thank you.

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1 MR. HINTON: Thank you.
2 BY MR. HINTON:
3 Q. Phil --
4 THE WITNESS: Could you read back the
5 question?
6 (The court reporter read from the record.)
7 THE WITNESS: If you're asking me if a
8 judge dismissed all of the other charges, the answer is
9 yes. It's called nolle pros which means we choose not
10 to prosecute. If you're originally charged with a crime
11 and then they choose not to prosecute you on those
12 crimes, that is called dismissed.
13 BY MR. HINTON:
14 Q. Phil, do you remember giving a -- social
15 media you were, kind of, stating this whole case and you
16 said that after Brie took the Fifth Amendment at the
17 preliminary hearing, that the DA's Office still said
18 they were moving forward with the case. Do you remember
19 that as being the truth?
20 A. They said they were -- unless I agreed to the
21 charge that I ended up agreeing to eventually, they were
22 going to continue to trial.
23 Q. Right.
24 A. And I said, okay. Let's go to trial.
25 Q. Right. And then your grandfather came out

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1 and talked to you?
2 A. Well, my grandfather and my family. You
3 know, a couple people. My attorney specifically advised
4 me that going to trial isn't a good idea and I disagreed
5 completely. I wanted to try the case to the end to get
6 everything thrown out because it was all lies. The more
7 I thought about it, though, as I testified to earlier
8 today, I do believe that I corrupted her morals. So as
9 the charge indicates that you mentioned on ST588,
10 exactly what the judge stamped is exactly what I agreed
11 to.
12 Q. What did he stamp?
13 A. ST588. "The district attorney of Lackawanna
14 County, by this information, charges that between
15 Tuesday, the first of January 8th and Wednesday, the 7th
16 of July 2010 in the County of -- Lackawanna County,
17 Philip Godlewski did commit the crimes herein."
18 Q. Okay. But, Phil --
19 A. "Count 1, corruption of minors." Says
20 nothing about sexual anything.
21 Q. Okay. Phil, at the bottom of that Count 1,
22 it says you did repeatedly have inappropriate text
23 messages and contact with a minor.
24 A. Contact, communication.
25 Q. Okay. Right. Well, it doesn't say

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1 communication; does it?
2 A. It says contact.
3 Q. It says contact. That could be physical or
4 that could be --
5 A. No. If it were physical, it would have to be
6 a different count. That would be Count 2 of corruption
7 of minors or Count 3.
8 Q. Well, see, Phil, that's where you're wrong.
9 A. No, I'm not wrong.
10 MR. KOLMAN: Objective argumentative.
11 MR. HINTON: Well, you're --
12 MR. KOLMAN: Wait. You can't tell him
13 that he's wrong.
14 MR. HINTON: This is a
15 question-and-answer.
16 MR. KOLMAN: It's argumentative. You're
17 not telling him --
18 MR. HINTON: I don't want to be here
19 until seven o'clock tonight.
20 MR. KOLMAN: Neither do I.
21 MR. HINTON: All right. Then please
22 stop your objecting. This is a discovery deposition,
23 Tim.
24 MR. KOLMAN: Yeah, but you can't
25 disagree with him --

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1 MR. HINTON: I can.
2 MR. KOLMAN: -- and say he's wrong, you
3 know. I mean, that's totally argumentative. It's not
4 even a question.
5 MR. HINTON: Okay.
6 THE WITNESS: Tim, as it was explained
7 to me, the laws on corruption of minors are three
8 counts.
9 BY MR. HINTON:
10 Q. By Joe D'Andrea?
11 A. Yes.
12 THE COURT REPORTER: I'm sorry. Who?
13 MR. HINTON: Joe D'Andrea.
14 THE COURT REPORTER: Thank you.
15 THE WITNESS: Count 1 is a misdemeanor
16 of the first degree, which is what I pled to, and there
17 were two more counts.
18 BY MR. HINTON:
19 Q. Okay.
20 A. Both of the other counts have to do with sex
21 and they completely stated out in sex.
22 Q. And you've looked at that statute, correct?
23 A. Yes, many times.
24 Q. And I've heard you do your shows on it, so
25 let's go over it. I want you to turn to ST3577.

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1 A. I don't --

2 Q. 3577.

3 A. Oh, 35. My bad. Okay.

4 Q. Phil, this is a statute. This is the law in

5 Pennsylvania for corruption of minors crimes. And if

6 you look at this version of 18 PA CSA 6301, there are

7 three sections to this crime. There's the first section

8 which is (a)(1)(i). Do you see that?

9 A. Yes.

10 Q. Then there's a Section 2, (ii). Do you see

11 it?

12 A. Yep.

13 Q. Which you'll see there says relating to

14 sexual offenses.

15 A. Yes.

16 Q. And then you see number two under the

17 statute, this will be a third type of corruption, right?

18 A. Uh-huh. Yes.

19 Q. And it deals with truancy.

20 A. Yes.

21 Q. Okay. So if you look at the second page of

22 this statute, you'll see that this version of the

23 statute became effective in 60 days and they put the

24 date when the statute's going to be effective.

25 A. I don't see that, Tim. Do you?

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1 Q. Yeah. Look under Credits.

2 A. I see it okay.

3 Q. Under Credits, you're going to see that this

4 statute became effective December 6th, 2010. Do you see

5 that?

6 A. Yes.

7 Q. Okay.

8 A. That postdates my conviction.

9 Q. This three-part corruption statute was not in

10 effect when you were charged with corruption on July 9th

11 of 2010.

12 A. Correct.

13 Q. Nor was it in effect when you pled guilty on

14 November the 12th or at the time of your information

15 sheet. What was in effect, Phil -- let's go to 630 --

16 I'm sorry, 3573, the old statute. The old statute,

17 6301, if you look under the Credits, this was in effect

18 from 1996 effective in 60 days and it went all the way

19 up until December 5th of 2010 when the new one came into

20 effect. You'll notice that the old statute only had two

21 parts to it.

22 A. Can you show me where it went into effect at?

23 I see it. I see it. I don't see where it became

24 effective, the date that it went effective. Are you

25 saying it went effective in 1978 July 1st?

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1 Q. This version of it -- and the legislature

2 does this. They'll change laws periodically.

3 A. Sure. Right.

4 Q. Effective in 60 days, amended in 1996, July

5 11th, shows you in the Credits. So the law you were

6 charged under for corruption was this law.

7 A. Okay.

8 Q. You can't charge somebody with a crime in a

9 statute that's effective after the crime was allegedly

10 committed. You understand that, right?

11 A. I understand that.

12 Q. So if you look at all of your documents, your

13 charging, your Criminal Complaint, it doesn't reference

14 6301 (a)(1)(i). You never see that small i in anything

15 dealing with your case, you only see --

16 A. No. It's Count 1, Count 2, Count 3, first

17 degree, second degree, third degree.

18 Q. No. The section of the statute in your

19 sentencing form and in your Criminal Complaint, it all

20 says 6301(a)(1).

21 A. Wait. So you're trying to say that there's

22 not a first degree, second degree and third degree

23 classification of 6301?

24 Q. No. What I'm saying is, for (a)(1) for 6301,

25 it's an M1.

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1 A. Yes, that's an M1. I agree.

2 Q. That's an M1.

3 A. Yep, (a)(1). That's what I pled to right

4 there.

5 Q. And so the sex crimes is consumed in that

6 (a)(1)?

7 MR. KOLMAN: Objection.

8 THE WITNESS: Incorrect.

9 BY MR. HINTON:

10 Q. Based on what do you say that?

11 A. Because that is number one, a Misdemeanor 1.

12 Number two --

13 Q. You're looking at 3573?

14 A. I'm sorry. I'm looking at 3573(a) offense

15 defined Misdemeanor Class 1, which is what I pled to.

16 And this is the exact same thing that it says on the

17 paper that the judge stamped. I don't know the exhibit.

18 This says word-for-word what the judge stamped. I

19 didn't agree to anything else other than what the judge

20 stamped and other than what was in the guilty plea. In

21 fact, that's the purpose of the guilty plea colloquy.

22 Q. Is to do what?

23 A. To define what you're being charged with and

24 you know that you're pleading guilty to that exact

25 thing. If there are proponents to the case such as

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1 details to the case, it would have been in the guilty
2 plea colloquy. It does not exist in the guilty plea
3 colloquy. That's what went to the judge's desk. And
4 the judge put that in his document that he signed.
5 Q. Phil, are you saying that because there's no
6 facts of how you corrupted Brie, then it never happened?
7 MR. KOLMAN: Objection.
8 THE WITNESS: That's not what I said at
9 all.
10 BY MR. HINTON:
11 Q. Okay. Would you agree with me that there are
12 no facts at all in your guilty plea as to how you
13 corrupted Brie?
14 A. I agree with that, yes. Zero facts.
15 Q. Okay. So that doesn't -- does that give you
16 the license to state after the fact how you corrupted
17 Brie?
18 MR. KOLMAN: Objection.
19 THE WITNESS: I'm telling you in my
20 opinion how I corrupted Brie.
21 BY MR. HINTON:
22 Q. Right. Right.
23 A. That's my opinion.
24 Q. Right.
25 A. The statute speaks for itself. I don't have

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1 to interpret this statute. The statute says I corrupted
2 or intended to corrupt a minor under the age of 18 by
3 doing the next couple lines, aids, abets, entices,
4 encourages such minor in the commission of any crime and
5 knowingly assists or encourages any minor in violating
6 his or her parole to the court commits a misdemeanor of
7 the first degree. I pled to a misdemeanor of the first
8 degree.
9 Q. Right.
10 A. I didn't plead to a misdemeanor of the second
11 degree or the third degree. I didn't plead anything
12 else other than exactly what that paragraph says right
13 there. That's what I pled to. Now, there's nothing in
14 the case file -- and you know this but you didn't know
15 this before. There's nothing in the case file that says
16 my offense was tied to a specific sexual act. Had it
17 been, it would have been number one in the guilty plea
18 colloquy. Number two, my attorney had the right to tell
19 me about it. In fact, my attorney, on the morning of
20 sentencing, told me the opposite. He said -- I insisted
21 that there's no language in there that has anything to
22 do with sexual activity. I, therefore, went ahead and
23 pled. Now, you could assume all you want that it was
24 sexual activity tied to the Misdemeanor 1, but you have
25 to prove it when I'm suing for defamation. And you

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1 can't because it never happened.
2 Q. But you can't prove that it --
3 A. I don't have to prove anything. It's the
4 watermelon thing again.
5 Q. Okay.
6 A. I can't prove a negative.
7 Q. So we're in a -- we're in a quandary --
8 A. Yeah, we're going to a jury. You're right.
9 Let's see what they think.
10 Q. -- because -- because it's in that middle
11 ground of nobody can prove it.
12 A. Let's see if a jury believes me and my team.
13 Q. Or believes Brie.
14 A. Or believes Brie and Chris Kelly. I'm
15 perfectly fine with a jury deciding this case because
16 I'm in the right. Now, if a jury says that I'm wrong
17 and they believe the stuff that you're putting forward,
18 I lose.
19 Q. Right.
20 A. That's how court works. So let's see.
21 Q. Okay. Phil, is Brie's birthday [REDACTED]
22 [REDACTED], 1993?
23 A. I don't know her birthday. I know she was
24 born in September. That's about all I know.
25 Q. Okay. When Principal Moceyunas questioned

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1 you about Brie and he put in his memo that she's 15
2 years old, he apparently told you that in the phone
3 call, right? That she's a 15-year-old girl.
4 A. Yes. If it's in his memo, I have no reason
5 to question it. Mr. Mo's --
6 Q. Well, when you started communicating with
7 Brie over Facebook or whatever, did you know at that
8 time she was 15 years old -- or 14 -- 14 or 15?
9 A. I don't think she was 14. I think I only
10 ever communicated with Brie after she had turned 15.
11 Q. Fifteen. Okay. And when she's 15, you're
12 25, right?
13 A. There was, I think, a little less than nine
14 years' separation between her and I.
15 Q. Well, let's do the math. You're born in --
16 A. [REDACTED] of '83.
17 Q. '83. And she's born in [REDACTED] of '93.
18 A. Yeah.
19 Q. So that's ten-years-and-three-months.
20 A. Yeah.
21 Q. So you're ten-years-and-three-months older
22 than she is.
23 A. Yes.
24 Q. Okay. And when Joe D'Andrea came -- I think
25 you described it as you walked back into the

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1 courthouse -- after you were on a bench talking to your
 2 grandfather, you walked back into the courthouse and you
 3 said, Joe's not a good poker player. I could read his
 4 face immediately. It was bad news.
 5 A. (Witness nods head.)
 6 Q. And Joe came over and told you that DA's
 7 Office is moving forward with this case?
 8 A. Yes.
 9 Q. They're not dropping charges?
 10 A. Correct.
 11 Q. They're not dropping any charges, they're
 12 going forward?
 13 A. Correct.
 14 Q. And had the judge made any rulings at all at
 15 the preliminary hearing? Because if he says you win at
 16 the preliminary hearing, the case is over.
 17 A. Right.
 18 Q. Did the judge say, no, the case is moving
 19 forward?
 20 A. What happened after Brie had pled the Fifth
 21 Amendment was an uproar in the court, so to speak.
 22 Everyone was confused, including me and including Joe.
 23 The prosecution was flustered. I remember them opening
 24 lawbooks and I don't know what else but...
 25 Q. Well, you saw Patty Lafferty, right?

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1 A. Patty Lafferty was across the prosecution
 2 table as well as Michelle Mancuso. I believe they were
 3 the only two there.
 4 Q. Okay. She's a detective, Michelle?
 5 A. Michelle was.
 6 Q. She still is.
 7 A. Oh, really?
 8 Q. Yeah.
 9 A. That's a shame, for the community, anyway.
 10 The judge granted a recess after Brie pled the Fifth and
 11 Joe erupted, erupted. He almost got held in contempt,
 12 actually, but I remember him telling the judge that he's
 13 not a contempt judge, so you can't hold me in contempt.
 14 Joe was mad because Joe thought at that point the only
 15 witness that they called that day had just recused
 16 herself from testifying, therefore, they have no
 17 evidence. They didn't present any other evidence that
 18 day at all despite having witnesses in the back of the
 19 room and all of the discovery that you've now seen.
 20 They didn't submit any of it. They only relied upon her
 21 testimony that day.
 22 Q. Well, you took a recess, the hearing wasn't
 23 over.
 24 A. Correct.
 25 Q. Okay? Michelle Mancuso could have testified.

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1 A. Correct.
 2 Q. Okay. And she didn't --
 3 A. No. No. No. The judge asked, do you have
 4 evidence to present prior to the victim's testimony.
 5 Michelle Mancuso only knew what was in the evidence
 6 file. Was asking for the actual evidence -- the
 7 evidence, not testimony.
 8 Q. This is Magistrate Pesota?
 9 A. I believe so.
 10 Q. Okay.
 11 A. I don't remember his name.
 12 Q. So let me just -- there's a recess. And did
 13 Joe and Patty go out in the hallway and talk then?
 14 A. I don't know where Patty went. I know Joe
 15 didn't go where me and my family went. I assumed that
 16 he went to finalize everything. I thought it was over.
 17 It should have been over.
 18 Q. Okay. All right. Did you wind up going up
 19 to see Judge Geroulo that day?
 20 A. Not that day, I don't believe, no.
 21 Q. Well, did you have to appear before Geroulo
 22 to plead guilty?
 23 A. Twice, yes.
 24 Q. Okay. Well, you did it once and then you
 25 withdrew it, right?

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1 A. Right.
 2 Q. And then six months later, you did it again.
 3 A. I don't know about six months. But there was
 4 twice that I appeared in front of Judge Geroulo, yeah.
 5 Q. Because Joe D'Andrea got a commitment from
 6 Judge Geroulo that he wouldn't send you to jail?
 7 A. No. The first time we appeared in front of
 8 Judge Geroulo was because the prosecution was willing to
 9 drop the charges to the corruption of morals charge with
 10 the agreed-upon sentence of three months -- three months
 11 house arrest, 23 months probation. When we got in front
 12 of Judge Geroulo, Judge Geroulo said that's not --
 13 that's too light of a sentence.
 14 Q. Right.
 15 A. So we withdrew the plea and then we were
 16 going back to trial.
 17 Q. Okay.
 18 A. And then the preliminary hearing happened
 19 subsequent to that. Brie pled the Fifth Amendment,
 20 which, by the way, says that I can't testimony because
 21 if I do, my testimony will incriminate me. The only
 22 thing that that can mean in regards to my case is filing
 23 a false police report. So after she did that, like I
 24 said, everything -- the prosecution went back to the
 25 original deal that we had, Judge Geroulo did accept it

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1 at that time.
2 Q. That he permitted you to do home confinement
3 for the first three months?
4 A. Yeah, which was the same deal that we agreed
5 upon months prior, however many months it was.
6 Q. Except he was going to send you to jail?
7 A. Well, no. I don't know if he was going to
8 send me to jail or not. We never got that information.
9 He didn't say --
10 Q. But he wouldn't -- the judge wouldn't
11 go along with the deal?
12 A. He wouldn't go along with the three months of
13 home confinement and 23 months of probation.
14 Q. Now, let me ask you. The case is pending for
15 a full year, July 2010 to July 2011, before you plead
16 guilty and get sentenced, right?
17 A. I believe so, yeah, around that.
18 Q. When you would worked at the gas station,
19 were there times that you talked to Brie when you were
20 working?
21 A. I don't recall. I don't recall.
22 Q. Did you talk to Brie at all during that one
23 year the case was pending?
24 A. I know for a fact that Brie reached out to me
25 multiple times. One in particular that I remember was

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1 New Year's Eve, I believe. She had said something along
2 the lines of happy New Year's, asshole. You know,
3 unfortunately, we're always going to be connected for
4 the rest of our life, that kind of stuff. She said that
5 numerous times throughout my years in talking to her.
6 That was one that stood out.
7 Q. What did you say in response?
8 A. Nothing. I reported it to Michelle Mancuso,
9 actually. There were also several times right after or
10 during that period that Brie would follow Dori around.
11 Dori was going somewhere and Brie would get behind her
12 and be, you know, within inches of her car. Dori
13 actually recorded it a couple times. I also reported
14 that to Michelle Mancuso and I said, Michelle, you know,
15 if this doesn't stop, we're going to have to file
16 something against her, Criminal Complaint or something.
17 So every time Brie did reach out to me during that
18 period, I believe that I reported it to Michelle.
19 Q. You didn't talk to her from the gas station
20 phone at Osmolia's?
21 A. No, not that I'm aware of. Not that I
22 remember, no.
23 Q. Did you ever run into her in person at all?
24 A. A lot. She would follow us --
25 Q. During that one year.

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1 A. Yeah, she would follow us around.
2 Q. And did you tell her that if she changes her
3 story as to sex with you, everything goes away?
4 A. No.
5 Q. You never told her that?
6 A. No. I didn't need her to change her story at
7 all. Her story was false and I would have proved it to
8 be false.
9 Q. How?
10 A. The truth.
11 Q. Your word against her word?
12 A. Well, yeah. But you need a lot more than
13 that to convict someone of the crimes that I was accused
14 of. You can't just go -- and that's the problem that
15 you have in this case.
16 Q. Is it?
17 A. You're having the same problem -- yeah, it
18 is.
19 Q. Okay. All right.
20 A. You've got to convince a jury, not a camera.
21 Q. So do you know Tom Nezlo?
22 A. Yes.
23 Q. And how do you know Tom Nezlo?
24 A. I knew of Tom. He was from Taylor. He lived
25 on Main Street in Taylor. His mom, at one point when I

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1 was a kid, was my haircutter, hair lady. I don't know
2 what you want to call it. We went to her -- she had a
3 place in Taylor. We went to her to cut my hair. So I
4 knew that she had younger sons that were a little bit
5 older than me. Tom had, I think, a twin brother. I
6 can't remember his name. Tom -- I don't know. Doesn't
7 matter. So I knew of them. They looked very much
8 alike, they had red hair. So I knew of them growing up.
9 I had seen Tom at bars after I turned 21. Tom would be
10 at the same bars as me; Julia's, Club 17, Penalty Box, a
11 couple other places. So I saw him out. Then I learned
12 of him through the -- I guess, I re-learned of him years
13 later through the filing.
14 Q. Did you reach out to Tom at all just before
15 you were charged with crimes against Brie?
16 A. No.
17 Q. Did you have any communications with Tom
18 Nezlo about, you know, getting your story straight?
19 A. No.
20 Q. That maybe -- did you indicate to him that
21 maybe your lawyer could represent him too?
22 A. That -- I read that somewhere before. That
23 is not even something that I would say because that's
24 called conflict of interest. It's just not -- like,
25 logically, I wouldn't say that out of my mouth. So the

1 answer is no.

2 Q. So after your case was over, did you ever
3 talk to Tom Nezlo about Brie?

4 A. I believe so. There was an instance where
5 Tom -- I put up a billboard on Main Street in Taylor by
6 Family Affair Restaurant because I had a really good
7 year in real estate. I think it was 2104, I sold 12
8 million or 14 million, whatever, and I was running
9 second to Sunita and the Board in terms of overall
10 sales. And I put up a billboard and Tom saw the
11 billboard. Tom ended up with a much more severe penalty
12 than me. And I think it was sexually-based; I think
13 I'm not sure on that but it wasn't --

14 Q. Reckless endangerment.

15 A. Oh. That's not sexual? I don't know,
16 either. You don't even know about my charge, so I don't
17 know what you know. I'm sorry, Tim. But when he saw
18 that billboard, Tom got very frustrated and agitated
19 because Tom couldn't get hired anywhere because of
20 his -- the conviction on his record. I remember him
21 bartending at Club 17 for a while. That was probably
22 the first time that I reengaged conversation with Tom
23 since earlier in my life when I was a kid as I explained
24 before. Tom was badmouthing me like crazy across every
25 bar that he went to because he saw -- you know, they're

1 doing the math on 12 or 14 million and they think I make
2 six percent, all right? So they're doing that math.
3 They're, like, six, 700,000 whatever. That's not what I
4 made. You know that. But, still, I think he was
5 envious of the fact that his life after the event took a
6 negative run and I turned my life around, so to speak.

7 Q. Besides that, do you remember any
8 communications with Tom about Brie that you guys --

9 A. Specifically about Brie? I'm sure we talked
10 about our pasts and maybe joked about it.

11 Q. Right.

12 A. We had a fundraiser at Club 17, he was the
13 bartender there. It's in my character, like I did with
14 that text message to Brie, to throw light -- make light
15 of a bad situation that people have overcome. So it
16 wouldn't surprise me if I said something to Tom of that
17 effect.

18 Q. Anything you remember as you sit here today?

19 A. No, not specifically.

20 Q. When you went up before Judge Geroulo and
21 were sentenced for the crime against Brie --

22 A. Yeah.

23 Q. -- do you remember what the judge said to you
24 at that time or --

25 A. Uh-huh.

1 Q. What did he say to you?

2 A. He said the first time -- this is after I
3 spoke. Do you want me to tell you what I said too and
4 then what he said in response to it?

5 Q. Yeah, go ahead.

6 A. I said -- and, again, I don't know the exact
7 words. This is written somewhere, though; I remember
8 reading it.

9 Q. Do you have a copy of it?

10 A. I don't. I remember reading it, though. I
11 thought it would be in this file, but nothing has come
12 out, so... But I remember reading it, what I said to
13 Judge Geroulo that day. I said something along the
14 lines of, I want to apologize to the victim, her family,
15 Patty Lafferty, District Attorney -- I think it was Gene
16 Talerico, Kolcharno, Leri -- I named everybody that I
17 could possibly name. I said, I'm sorry that I wasted
18 your time and taxpayer dollars on this case. This is a
19 situation that I put myself in and I shouldn't have.
20 And I am deeply sorry that I did and I hope for
21 forgiveness. Judge Geroulo -- that was my time to talk
22 to the court. The prosecution spoke before that. Judge
23 Geroulo said months ago when the first plea came in, he
24 didn't sense any sort of remorse for anything that I
25 did. And this is the first I was hearing that from the

1 judge. I didn't withdraw the plea and then become
2 remorseful. I was remorseful to begin with. But he
3 said that he didn't feel any sort of remorse for the
4 family or for the situation and he thought that I was
5 just getting off, you know, very easy for the magnitude
6 of the crimes. But he said, in talking to the D.A. and
7 in talking to Mr. D'Andrea and the discussions that they
8 had, he's now more inclined to accept the sentence that
9 was originally agreed to. And that's when we accepted
10 the sentence.

11 Q. Do you remember hearing Patty Lafferty, what
12 she said to the judge?

13 A. It was very brief. I don't remember exactly,
14 but I do remember in the sense that Judge Geroulo or
15 his -- I think they recalled the case because we were
16 already in front of him. Judge Geroulo said something
17 along the lines of, we're here again today. I hear that
18 there's a plea agreement. Tell me about it. And I
19 would assume he said that to Patty Lafferty. And she
20 said, yes, Judge, in light of new circumstances -- which
21 I think she meant the preliminary hearing -- the
22 prosecution is agreeable to this deal. We think it's
23 fair. Then Joe said something too -- Joe D'Andrea. And
24 then I spoke and then the judge spoke and that was it.

25 Q. Okay. Did you have to wear a bracelet --

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1 A. Yeah.
2 Q. -- on your ankle --
3 A. Yes.
4 Q. -- for three months?
5 A. Yep.
6 Q. And then another 23 months of parole?
7 A. It was probation, yeah. So I had to check
8 in, I think, once a month. I believe I also had to go
9 to drug and alcohol treatment, which was weird because
10 it didn't have anything to do with the crime or any of
11 the crimes. But I did it anyway. I had to pay fees as
12 well.
13 Q. Looking at ST2770. Looking at that picture
14 ST2770, does that look like the hat you bought and gave
15 to Brie?
16 A. I don't remember what the hat looks like.
17 But it's an Ed Hardy hat, so it's possible. If she says
18 that's the hat, then it probably is.
19 Q. Okay. And I believe it's your testimony you
20 did not buy any earrings for Brie?
21 A. No. Yes, that is my testimony.
22 Q. Okay. Did you give her any other jewelry?
23 A. No.
24 Q. How about a T-shirt, did you get her a
25 T-shirt from somewhere?

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1 A. No, not that I recall.
2 Q. Did you ever register a star for her?
3 A. That's the silliest thing I've heard in this
4 whole case so far.
5 Q. Okay.
6 A. No.
7 Q. Your answer's no.
8 A. The first I heard about that was from you.
9 Q. Did you -- before you were charged on July
10 the 9th of 2010, did you ever give her money during that
11 period of time, before you were charged?
12 A. Money?
13 Q. Yes.
14 A. I very well may have.
15 Q. Like 20 bucks?
16 A. Yeah. Not, like, a large sum of money. But
17 in the situation where her card was declined at the
18 tanning, I would call and pay over the phone. But never
19 any large sums of money. If it were 20 dollars for -- I
20 don't know. I have no idea. That, in my opinion, is
21 corruption.
22 Q. Giving her 20 dollars to help her out --
23 A. In my opinion.
24 Q. -- because of her tanning card?
25 A. Just the sense of -- the act of doing it is

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1 inappropriate.
2 Q. Am I correct that at the preliminary hearing,
3 you didn't put on any evidence at the preliminary
4 hearing?
5 A. I had witnesses to testify.
6 Q. Do you know who they were?
7 A. Yeah.
8 Q. Who?
9 A. Corey Talerico, Mike Osterstrom.
10 Q. Who's Corey Talerico?
11 A. He was a -- he played for me, he was a
12 player.
13 Q. Baseball player?
14 A. Yeah.
15 Q. Same grade as Brie?
16 A. Yeah.
17 Q. Who was the other witness you had?
18 A. Mike Osterstrom.
19 Q. What grade was he in; same?
20 A. Same.
21 Q. Brie's grade?
22 A. Uh-huh. Skylar Lavage.
23 Q. Student at Riverside?
24 A. Yep.
25 Q. Same grade as Brie?

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1 A. Same grade. Also -- well, all members of my
2 baseball team. I believe there was one more I can't
3 remember.
4 Q. And what were these witnesses going to say?
5 A. They were going to testify to the fact that
6 Brie told them in a group gathering -- I don't remember
7 where it was or when it was -- that the charges against
8 me are fake. That they're not accurate. I think my
9 team was looking for some sense of comfort. They
10 confided in me. We were friends beyond, you know, just
11 coach and player relationship. We went to many
12 tournaments together. They were in the process, when I
13 got arrested, of going to a tournament, I believe, in
14 South Carolina; maybe it was Buffalo. I don't remember
15 which year that was. So I think they were looking for
16 some sense of did he really do this because it looked
17 bad in the articles, you know, after the arrest. So in
18 the days after, they were at some sort of group event
19 somewhere and, supposedly, Brie told them that it never
20 happened.
21 Q. You didn't have anybody lined up to testify
22 at the preliminary hearing that text messages were
23 fabricated; did you?
24 A. No, I didn't need to do that. It was an
25 evidentiary hearing.

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1 Q. Their what?

2 A. They had the evidence of the text messages,

3 the same ones --

4 Q. The D.A.'s Office?

5 A. The D.A.'s Office.

6 Q. Yeah, but did you -- you didn't have a

7 witness at the preliminary hearing that was going to be

8 there to say, no, these are fabricated?

9 A. No. We were going to do that at trial.

10 Q. At trial?

11 A. Yeah.

12 Q. Okay.

13 A. Much like we're going to do now.

14 Q. So let's play -- let's play the packet.

15 We're going to put Clip 2 up, Phil.

16 (Video being played.)

17 BY MR. HINTON:

18 Q. So, Phil, this video we're looking at from

19 August of 2022 marked as Clip 2, that's you, right?

20 A. Right.

21 Q. Those are your words?

22 A. Yes.

23 Q. That's all truthful, what you just said?

24 A. Yes.

25 Q. And so this packet included the Scranton

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1 Times articles?

2 A. Several of them.

3 Q. Okay. Did it include ST18?

4 A. Yes.

5 Q. Did it include ST19?

6 A. Yes.

7 Q. Did it include ST20?

8 A. Yes.

9 Q. Did it include ST804?

10 A. Yes.

11 Q. And that continues on to 805.

12 A. Let me -- if I could pause. There were

13 several versions of the same thing. Some of them

14 included some of these articles, others included others.

15 It wasn't all of the articles altogether. I think a

16 couple of the letters were that -- where it was multiple

17 articles that were being sent out. But some of them

18 were individual. But yes.

19 Q. This packet went to every household in

20 Lackawanna County?

21 A. Yes.

22 Q. It must have cost a fortune in postage.

23 A. I'm sure it did. Not if you do direct mail.

24 Q. And this packet called you a pedophile,

25 right?

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1 A. Yes.

2 Q. Said you had sex with a girl 15 years old?

3 A. Yes.

4 Q. And you said you sent a subpoena to the

5 Scranton Times?

6 A. I believe my attorney or private investigator

7 did so, yes.

8 Q. Okay. Do you know you have to start a

9 lawsuit to get a subpoena?

10 A. No, I did not know that.

11 Q. Who was the culprit here who sent out the

12 packet to everybody?

13 A. I'm not sure I want to say that for fear of

14 if this deposition gets out, they would sue me and then

15 I would have to prove it. So I don't know if I want to

16 say their name.

17 MR. KOLMAN: Could I just have a word

18 with him just for a second on that issue?

19 THE VIDEOGRAPHER: Do you want to go off

20 the record?

21 MR. HINTON: We are going off the

22 record. The time is 4:02 p.m.

23 (A recess was taken from 4:02 p.m. until 4:10 p.m.)

24 THE VIDEOGRAPHER: We are back on the

25 record. The time is 4:10 p.m.

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1 BY MR. HINTON:

2 Q. Phil, I believe the last question that was

3 pending is, who is the person that sent the packet with

4 all the articles and calling you a pedophile to every

5 resident in Lackawanna County.

6 A. I think it's impossible to prove who exactly

7 that person was. But what I could tell you is, through

8 some sort of -- and you just informed me that it can't

9 be a subpoena because there was no lawsuit. But some

10 sort of action, which I don't know what it is, we got

11 the data from the Scranton Times website. And the

12 biggest mistake that this person made was when they were

13 sending out all the envelopes, they did it digitally and

14 we had the receipt to the machine.

15 Q. I don't need to know that, I just need to

16 know the person's name.

17 A. Is Jackie Ruddy and her husband, Pat Devaney.

18 Q. Okay.

19 A. Jackie Ruddy is a competing broker for

20 Century 21.

21 Q. Did a lot of people in the community tell you

22 they got these packets from them?

23 A. Yes.

24 Q. Like, hundreds of people?

25 A. More.

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1 Q. Did it make you mad?
2 A. Mad? Yeah. Yeah. Motivated and angry.
3 Q. So let's go to a clip here. We're going to
4 put up Clip 49.
5 (Video clip being played.)
6 BY MR. HINTON:
7 Q. So, Phil, we just played a clip here about
8 the bail for your criminal case for the charges
9 involving Brie.
10 A. Uh-huh. Yes.
11 Q. And was that your voice in the clip?
12 A. Yes.
13 Q. And those were your statements?
14 A. Yes.
15 Q. That you and your family put up 250,000 cash
16 bail?
17 A. Yes.
18 Q. And if we look at ST776, please. Phil,
19 that's collateral mortgage taken out by Cutting Edge
20 Bail Bonds, LLC. Do you see that?
21 A. Yes.
22 Q. And is that your signature on that document?
23 A. Yes.
24 Q. And did you take out a mortgage on your house
25 to get bail, you and Dori?

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1 A. Yes.
2 Q. And were you here for Marie's deposition that
3 she took out a mortgage on her house too so you could
4 get bail?
5 A. Yes.
6 Q. And you guys pledged your houses for bail,
7 you didn't put up 250,000 in this case; isn't that
8 correct?
9 A. Correct.
10 Q. So what you told the hate group in May of
11 2022 was incorrect; is that true?
12 A. Yes. Purposely.
13 Q. So you purposely lied to those people about
14 this situation?
15 A. No, that's not what I said.
16 Q. Well, you said purposely.
17 A. Yeah.
18 Q. What did you mean?
19 A. Purposely -- this hate group were kings and
20 queens of discovering documents that were connected to
21 me in any way, shape or form. This particular document
22 has multiple names on it; my name, Dori's name, my
23 mother's name, Tommy's name. And I thought that they
24 would harass those involved with me just like they've
25 been doing for the last couple years now because of the

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1 article that Chris Kelly wrote. So my white lie was an
2 attempt to protect the group from trying to expose
3 anything further.
4 MR. HINTON: Okay. Let's go to the next
5 clip. Putting Clip 14 up.
6 (Video being played.)
7 BY MR. HINTON:
8 Q. So, Phil, that clip -- and here we have a
9 picture of your Harvard certificate. Was that your
10 voice on that clip?
11 A. It sounded like my voice was actually edited
12 a little bit. I don't know where that video came from,
13 but it sounded weird. But I did say that.
14 Q. You did say you had a Harvard degree?
15 A. Yes.
16 Q. And you were sporting a Harvard sweatshirt?
17 A. Well, I think that's why they asked me the
18 question. I didn't just volunteer that information.
19 That was a Q&A session and I was wearing the Harvard
20 shirt that I had purchased. So I think that's what
21 caused somebody to ask that question.
22 Q. And so it wasn't correct, though, right? You
23 did not have a Harvard degree?
24 A. From what I understood it at the time when I
25 said it, I did think I had a degree. And then when all

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1 of the backlash came because of that comment, I realized
2 what I actually had was a certificate and not a degree.
3 But I referred to the picture that you just put on the
4 screen that I had on the wall behind me as a degree, but
5 it was not.
6 Q. Okay. And you said in that video that you
7 have many degrees.
8 A. The way I said that was anecdotal. It was,
9 kind of, I have "many" degrees. Kind of, like that. If
10 you re-listen to it, you'll hear the emphasis that I put
11 on that.
12 Q. So you weren't being serious, right?
13 A. I was being -- trying to be funny again. I'm
14 not really that funny. Sometimes my humor gets taken
15 the wrong way. I don't have many degrees. That's
16 something that I addressed later in that video. And,
17 again, that's why these videos are all out of context.
18 Because if you'd play that for another hour, you'll most
19 likely hear me say what I actually -- what the truth
20 actually was.
21 Q. You don't have any college degrees, though,
22 right?
23 A. No.
24 Q. My statement's correct; yes?
25 A. Yes, your statement's correct.

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1 Q. Thank you. So let's look at your resume you
2 submitted to Riverside School District to become
3 baseball coach. That's ST540. And we're going to use
4 this as a base here. So is this the resume you
5 submitted to become a baseball coach at Riverside?
6 A. Yes.
7 Q. Okay. And you say right in the beginning of
8 your resume, "I'd like your consideration for the junior
9 varsity baseball head coaching position." Do you see
10 that?
11 A. Yes.
12 Q. And you list your education as you graduated
13 from Riverside Junior/Senior High School in 2002.
14 That's correct, right?
15 A. Yes.
16 Q. And then you went straight to Duquesne in
17 August, I believe it was, of 2002. You would have
18 graduated in May or June and you stayed until, like, May
19 of 2003?
20 A. Yeah, those dates are wrong right there.
21 Q. So that's messed-up a little bit --
22 A. Yep.
23 Q. Right?
24 A. Yes.
25 Q. And then let's look -- I want to put a thumb

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1 on that page and compare it to -- let's start first with
2 Johnson College. Johnson College is 1803, your
3 transcript.
4 A. Okay.
5 Q. So you did go to Johnson College, correct?
6 A. Yes.
7 Q. And here's your report card, basically, from
8 the fall of 2007. You got an F, a B, an A, a B+, a C, a
9 B and a C+, correct?
10 A. Yes. The F was not a class, but yes.
11 Q. Okay. All right. So you attended a semester
12 there. And that's on your resume you sent to Riverside
13 in 2007. You just didn't go back for the next semester?
14 A. Correct.
15 Q. You got into real estate then, right?
16 A. In or around then, yes.
17 Q. Okay. I think that was the date you've kind
18 of pinpointed as to when your real estate career
19 started, around 2007?
20 A. I believe I would have taken classes for the
21 real estate exam in 2007. I also studied for a good
22 amount of time. I introduced myself to agents. I asked
23 a lot of questions in business preparation before
24 becoming an agent. I think I actually started in '08
25 and I think I started to do really well in '09, I

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1 believe.
2 Q. Okay. And I think all the while, you helped
3 out at your family's gas station and Subway shop too,
4 right?
5 A. Not the Subway, no. Not until I bought the
6 Subway.
7 Q. When did you buy the Subway?
8 A. Late 2012, early 2013.
9 Q. Okay. All right. And so Duquesne, we have
10 you there for one year. Your roommate was Cory Bugno,
11 correct?
12 A. Correct.
13 Q. So you were there from 2002 to '03 in the
14 spring. And then did you go to the University that next
15 fall?
16 A. I believe it was the next fall. I can't
17 remember if I took a year off.
18 Q. So 2003 to '04, or did you spend two years at
19 the U?
20 A. No, it was definitely only one year. That's
21 not accurate, either, what's on the paper in front of
22 me.
23 Q. You spent only one year at the U?
24 A. Yes, I believe.
25 Q. All right. And you have no other education

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1 other than what's on this resume and the information you
2 just gave me, Johnson College, the U for a year and
3 Duquesne for a year?
4 A. Really estate education.
5 Q. Okay.
6 A. I had different certifications and stuff like
7 that throughout real estate.
8 Q. Fair enough.
9 A. And I also had the Pennsylvania Real Estate
10 Academy. That was education as well. Other than that,
11 I'm self-educated.
12 Q. Okay. So, Phil, let's look at ST3544. So,
13 Brie, this is from -- oh, Brie. Phil, this is from the
14 Scranton Times from Sunday, February 28th. And the
15 first page is 3542. It's, kind of, a blow-up look at
16 what that page in the paper looks like. It's hard to
17 read.
18 A. Yes.
19 Q. Okay. So then we drill down deeper, you can
20 go to the next page, 3543, it's a little bit bigger, the
21 front part of it. And then we go to 3544, it's the
22 bottom half and now you can read it, somewhat, about an
23 open house you're doing on Sunday, February 28th. You
24 see your name. And then you can really see it on 3545.
25 A. Okay. Yes.

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1 Q. And so, you know -- do you remember this
 2 house, by the way, 1100 Spring Brook Road in Moosic?
 3 A. I sold thousands of houses. I have no idea.
 4 Q. Okay. So if you're hosting an open house
 5 from 12 to two p.m., you'd only schedule one open house
 6 for that day, right?
 7 A. Not necessarily, no.
 8 Q. You might do another one after 2 p.m.?
 9 A. Or before.
 10 Q. Okay. All right. So --
 11 A. I was also -- I'm sorry. I was also, at this
 12 time, experimenting with 15-minute open houses instead
 13 of an hour or two. So I don't know what I did before or
 14 after this. I'll also say that -- well, go ahead. I'm
 15 not going to answer something you didn't ask.
 16 Q. But in this one, you advertised it as 12 to
 17 two p.m.?
 18 A. Correct.
 19 Q. So that's -- do you have any doubt as to
 20 that's what you did that day?
 21 A. In terms of attending the open house?
 22 Q. Yeah.
 23 A. I didn't attend a lot of my open houses. I
 24 had other agents attend them for me. Usually a referral
 25 fee was appropriate if they found a buyer that bought it

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1 that day. I didn't really have time to do open houses,
 2 especially when I was with Semian. I was
 3 extraordinarily busy. Is this the date, February 10,
 4 '28 [sic] of the open house?
 5 Q. No. It's February 28th.
 6 A. Oh, 28th. I'm sorry. Of 2010?
 7 Q. Yes.
 8 A. Yeah. So I don't -- I'm trying to recall the
 9 house. I don't remember that house. I don't know if I
 10 would remember it. But what I'm testifying to is, I
 11 didn't do a lot of the open houses that were scheduled
 12 even though it said my name of people hosting.
 13 Q. But as you sit here today -- as you sit here
 14 today, do you know whether you did or did not attend
 15 that open house?
 16 A. No, I would have no idea.
 17 Q. Let's turn to the text messages, the Excel
 18 spreadsheet. This one here. Can you open that up? You
 19 can keep your finger on that open house too. We're
 20 going to look at 2811.
 21 A. Okay.
 22 Q. Turn sideways. Up at the top there's a text
 23 message incoming from your phone number, "Ha. Sorry.
 24 I'm at the office printing shit. Ha." Then a symbol
 25 for love, I guess, heart. Outgoing: "It's okay. What

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1 are you doing?" Incoming on February 28th, 2010, "I
 2 have an open house in Moosic at 12. Just getting stuff
 3 ready." And then the outgoing, "I want to see you.
 4 Sigh, uh." Reply incoming, "Come to my open house." So
 5 this is a message about an open house in Moosic and we
 6 have an advertised open house in Moosic by you for 12
 7 o'clock on the same day; is that correct?
 8 A. That is correct. That's not a text message
 9 by me, though, if that's what you said. You said that,
 10 but that's not from me.
 11 Q. Yeah. You're denying that this is your text
 12 message?
 13 A. I'm denying that all of these text messages
 14 are mine. But yes, specifically.
 15 Q. When you read these text messages, did you
 16 remember there's text messages in here from 2010 about
 17 purportedly you buying an Infiniti vehicle for Dori?
 18 A. No. Truthfully speaking, Tim, once I started
 19 reading these, I knew that they weren't mine; I stopped.
 20 Q. Did you ever buy Dori an Infiniti?
 21 A. Dori and I bought an Infiniti -- two
 22 Infinities.
 23 Q. Okay. All right.
 24 A. An FX -- a GX30 -- a G38x and an F35.
 25 Q. Did you ever take Dori on a cruise?

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1 A. Several cruises.
 2 Q. All right. Actually, you can put that aside.
 3 A. The only thing I would question, Tim, if I
 4 may. The time stamps on these are after four p.m.
 5 Q. Yeah, it's GMT time.
 6 A. Oh. So it's not Eastern. Okay. I would
 7 never allow an owner at my open house. There's no way I
 8 would have hosted that. Not if the text messages are
 9 accurate anyway.
 10 Q. Just wait for a question, Phil.
 11 A. I'm sorry.
 12 Q. Phil, firearms, okay, the guns. You made a
 13 post that we've seen a couple times in this case. Turn
 14 to 476, please.
 15 A. Okay.
 16 Q. Phil, do you recognize this post?
 17 A. Yes.
 18 Q. What channel or what platform did you post
 19 this to?
 20 A. This appears to be a Telegram channel. I'm
 21 not sure.
 22 Q. Okay. And so you write in here that you're
 23 in the process of interviewing several law firms
 24 regarding your libel case against Times-Shamrock
 25 Communications, correct?

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1 A. Correct.
2 Q. So this is obviously before May 21st of 2021
3 when you sued?
4 A. Was that the date that I filed?
5 Q. Yeah. It's either the 21st or the 24th.
6 A. Yeah, so it would be before that date.
7 MR. KOLMAN: What page is that?
8 MR. HINTON: 476.
9 BY MR. HINTON:
10 Q. So -- and we talked about this earlier. In
11 the middle of this post you said, "Please be patient
12 with me. I'm not going anywhere, but I've been advised
13 to halt the livestreams for multiple reasons; the
14 strength of my legal case and the safety for my family."
15 So is this what you were talking about earlier about
16 there was a time when I halted livestreams?
17 A. Yes.
18 Q. It wasn't because of Dori. We showed
19 livestreams you did after Dori talked to you about not
20 doing them anymore, right?
21 A. No, not necessarily. It was partially
22 because of Dori. And as the legal case -- once I
23 realized that I did have a case, I was afraid that I was
24 going to say something that would damage the case. So
25 many people, Tim included, and other attorneys that I

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1 talked to, once they learned the circumstances of my
2 show and all that, they told me I should probably not do
3 that anymore. And that was, obviously, the same advice
4 that Dori was -- not advice, but the same pleading that
5 Dori was offering me as well so... And on the back of
6 the article, things got really bad after that article
7 was written in February. So the end of February, the
8 second half of February as well as March had me afraid
9 for a little while.
10 Q. So in this post, 476, you state, "Things are
11 very, very shaky right now at best and I am carefully
12 navigating the waters. I purchased an AR-15 today as
13 well as a handgun for my wife both for home/personal
14 protection. I've never owned a weapon until now." Did
15 I read that correctly?
16 A. Yes.
17 Q. And that's not true; is it? You did not
18 purchase an AR-15 and a handgun as you state you did
19 there?
20 A. I did purchase an AR-15. I never purchased a
21 handgun for my wife, though. I said that as a deterrent
22 for people that might be -- because of the article,
23 might have some sort of malice against me thinking that
24 I'm a pedophile.
25 Q. So let's look at ST1576. Keep that page in

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1 your hand, but go to 1576.
2 A. Okay.
3 Q. Now, this the Affidavit of Probable Cause for
4 the criminal case filed against you for two false
5 statements regarding the purchase of firearms, correct?
6 A. Correct.
7 Q. And it says on February 17th, 2021, you
8 attempted to purchase a Stag Arms Model Stag 15 Tac 5.5,
9 6 millimeter rifle, correct?
10 A. Correct.
11 Q. You didn't actually get that rifle; did you?
12 A. No.
13 Q. Okay. Is that the same thing as the AR-15?
14 A. No, that's a different model, but -- it is an
15 AR-15, but it's not the model that I ended up
16 purchasing.
17 Q. Okay. Where did you get an AR-15 from?
18 A. I don't remember his name, but it was a guy
19 in Dunmore.
20 Q. And did you truthfully fill out the
21 application for that purchase?
22 A. No. You don't need an application for a long
23 gun. I didn't know that.
24 Q. Okay.
25 A. The handgun you do, in Pennsylvania. A long

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1 gun like an AR or a shotgun or something like
2 that -- long gun refers to the barrel length, I believe.
3 You don't need to fill out an application for that.
4 Q. So when did you buy the AR-15?
5 A. Did you say that this was posted in March?
6 Q. It's some time before the lawsuit.
7 A. It's possible that I bought -- I don't know
8 if I bought it prior to this application or before, but
9 I would think that I bought it prior to the application
10 at The Cabin and that this would have been my second
11 purchase. It's possible. But I was declined for that
12 purchase.
13 Q. So after you were declined for that purchase,
14 did you then go buy the AR-15 in Dunmore?
15 A. No, I believe it would have predated this
16 denial.
17 Q. So you were attempting to get a second
18 AR-15-type rifle.
19 A. Yes. I believe so, yes. From what I
20 remember, yes. This was a very bad time for me.
21 Q. Now, you were out on bail in the bank
22 records/bad checks case at that time.
23 A. No.
24 Q. Yeah. You were charged in 2020 in the
25 Mariotti case.

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1 A. Yeah, but I was never out on bail. I was
2 never incarcerated so...

3 Q. Okay. So they didn't make you post any bail
4 for the misdemeanor charges there?

5 A. No.

6 Q. Okay.

7 A. I think it was R.O.R.

8 Q. But after you pled guilty, you had to give up
9 all weapons, correct?

10 A. Yes.

11 Q. As part of your parole?

12 A. Correct.

13 Q. And so who's holding the AR-15 now?

14 A. I don't know if my dad has it or Amanda does.

15 Q. Amanda Turoni?

16 A. Yeah. She had it for a period of time when I
17 was incarcerated. She may have given it to my father
18 and I believe it's at his house.

19 Q. But the statements here you made to your
20 followers are not true?

21 A. I wouldn't say that. I would say that
22 they're me being cautious, me being protective of my
23 family. I wanted people to know that -- you understand,
24 like, there's tens of thousands, if not hundreds of
25 thousands of people, seeing this and your client wrote

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1 an article about me that said I was a pedophile. So I
2 want all of those people who are pedophile killers to
3 know that we're armed.

4 Q. Okay.

5 A. It was a deterrent post.

6 Q. But your wife really wasn't armed?

7 A. No. She didn't like guns.

8 Q. And on this particular day, you didn't go out
9 and get an AR-15 that particular day?

10 A. We didn't discuss what particular day it was,
11 so I can't tell you a particular day. If you give me
12 the particular day, I might be able to figure it out.
13 But we don't know that.

14 Q. So I have seen your lawsuit against Jeanette
15 Gary where you sued her for saying you were scamming
16 seniors; is that correct?

17 A. Amongst other things, but yes.

18 Q. Yeah. And you couldn't get service on her
19 and you, kind of, gave up on the lawsuit; is that
20 correct?

21 A. We voluntarily withdrew the lawsuit. I do
22 know where she lives now, but I think the case in front
23 of me is more pressing.

24 Q. Okay. And you've threatened suits against
25 Will Bird and Jordan Sather and Charles Kizis; is that

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1 correct?

2 A. Kizis, I think, is his name, but yes.

3 Q. He's a kid you know from Riverside, right?

4 A. I knew of Kizis. I think he was in my
5 fifth-grade class or my fourth-grade class. I think he
6 left the school district after that. I don't -- if he
7 was in Riverside School District, I don't remember him.
8 But I know of him.

9 Q. So they -- Jordan Sather defamed you?

10 A. Oh, yeah.

11 Q. Charges Kizis defamed you?

12 A. Yes.

13 Q. Jeanette Gary defamed you?

14 A. Yes.

15 Q. Rolling Stone Magazine has defamed you?

16 A. Absolutely.

17 Q. The Daily Beast has defamed you?

18 A. Yes.

19 Q. The Young Turks have defamed you?

20 A. I don't know who that is.

21 Q. They have a television show, actually. They
22 do --

23 A. Have they?

24 Q. They're on TV.

25 A. No. No. Have they defamed me? I've never

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1 seen the show.

2 Q. They went through your, you know, criminal
3 history --

4 A. You could go through my criminal history
5 without defaming me.

6 Q. They said you slept with a minor.

7 A. Well, then they defamed me.

8 Q. Brian Kates?

9 A. Oh, yes.

10 Q. He's defamed you?

11 A. Yes.

12 Q. Have you sued any of these people?

13 A. Not yet.

14 Q. Why not?

15 A. This case is more important.

16 Q. Do you realize the statute of limitations in
17 most jurisdictions is one year?

18 A. My attorneys know the statute of limitations.

19 Q. Do you realize many of the statute of
20 limitations for cases against these people has already
21 expired?

22 A. Based on the point of defamation from what
23 date?

24 Q. From the date of publication.

25 A. It's ongoing.

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1 Q. No, from the date of publication.
 2 A. Of one particular article. There's been
 3 subsequent ones.
 4 Q. So they keep defaming you?
 5 A. Yes.
 6 Q. How did you resolve things with Thaddeus
 7 Rucker? How did you get him off the air? Did you pay
 8 him?
 9 A. Thad Rucker -- no, I didn't pay him. Thad
 10 Rucker --
 11 Q. That was Mr. Pool to you, that guy, under
 12 that handle.
 13 A. Was that his handle? I don't know.
 14 Q. Yeah.
 15 A. But I know a Thad Rucker and Thad Rucker had
 16 a YouTube channel which appeared to be dedicated to me.
 17 Where I drew the line and where I started digging it --
 18 a lot of people have YouTube channels dedicated to me.
 19 The don't necessarily agree with the things that I say
 20 and they think that I'm lying because I say them. So
 21 Thad Rucker would -- any time I spoke or any time I did
 22 anything would just decimate that information into, you
 23 know, a laughable offense and everybody laugh at Phil.
 24 But then he brought my kids into it.
 25 Q. Okay.

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1 A. And then I drew the line right there and I
 2 offered \$5,000 to anyone that could get me information
 3 on Thad Rucker. And I was very careful. I told
 4 everybody do not approach, do not do anything, take
 5 matters into your own hands. And the very next day, I
 6 had all of the information of Thad Rucker, from his
 7 Social Security number to his address to his place of
 8 work to his aliases, his wife's name, his kids' names.
 9 And the very next day, I called him and I said, Thad,
 10 this is going to stop or I am going to -- I have you
 11 dead-to-right for several criminal complaints. And I
 12 also told Thad Rucker that I know on his record, he has
 13 a sexual offense against minors, ironically. The guy
 14 that's saying bad things about me has a sexual offense
 15 against minors. So I did tell him that I was prepared
 16 to expose that unless he stops. We had a nice little
 17 conversation for about ten or 15 minutes. He
 18 apologized. He said that he was, you know, just trying
 19 to have fun and make people laugh. And I understood
 20 that, but there's a line that you can't cross which, in
 21 my mind, was my children so...
 22 Q. So Rolling Stone Magazine, national audience?
 23 A. I would say so, yes.
 24 Q. Daily Beast, national audience?
 25 A. Less. Less.

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1 Q. Then Rolling Stone?
 2 A. Yeah. I don't know what their audience is.
 3 I have no idea. But I know that just the term Rolling
 4 Stone is a national term.
 5 Q. Did it hurt your reputation, Rolling Stone
 6 Magazine?
 7 A. I believe so. The Rolling Stone Magazine was
 8 a spinoff of your article.
 9 Q. Well, they were covering our court filings
 10 here.
 11 A. They were covering defamation. Which is also
 12 defamation, ironically. But if your article was never
 13 written, those articles were never written either. So I
 14 chose to go to the first one; that's you.
 15 Q. So the -- did you ever meet Larry Holeva?
 16 A. I believe he was at our hearing on February
 17 6th. He was sitting next to Chris Kelly?
 18 Q. I don't think so.
 19 A. Then, no. But even then, I wouldn't have met
 20 him.
 21 Q. Do you know what his role is for the Scranton
 22 Times?
 23 A. I think he owns it. Is he the editor?
 24 Q. No. He's an editor.
 25 A. Okay. Is he Chris Kelly's editor?

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1 Q. I don't --
 2 A. Okay.
 3 Q. Do you whether he had any involvement at all
 4 in the article that Chris Kelly wrote?
 5 A. If he's Chris Kelly's editor, I believe that
 6 he has to approve what comes -- what Chris Kelly's
 7 articles are. So I think that there is a role.
 8 Q. Do you have any information that he edited
 9 Chris Kelley's article?
 10 A. I'm not -- unless I'm not remembering, not
 11 that I'm aware of right now.
 12 Q. Do you have any information that Chris Kelly
 13 knew that you did not have sex with Brie when she was 15
 14 years old?
 15 A. I'm sorry. You're asking me the state of
 16 mind to another person?
 17 Q. Yeah. Yeah.
 18 MR. KOLMAN: Wait. Wait. Wait.
 19 Objection. You're asking him to speculate about what
 20 Chris Kelly might have known?
 21 MR. HINTON: Yes, I am.
 22 THE WITNESS: No, I would have no idea
 23 to someone else's state of mind.
 24 BY MR. HINTON:
 25 Q. Okay. So for instance, do you have any

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1 knowledge or information that Chris Kelly was out to get
2 Phil Godlewski by writing that you had sex with a
3 15-year-old?
4 MR. KOLMAN: Objection.
5 THE WITNESS: I think the article speaks
6 for itself.
7 BY MR. HINTON:
8 Q. Yeah, but do you have any information that he
9 knew that was false when he wrote it?
10 A. He doesn't have to have information that he
11 knew it was false. He has to prove what he's saying
12 prior to writing it. All of your discovery is glitz and
13 glam. He didn't have any of this before he wrote the
14 article so...
15 Q. Okay. But did he know what he was writing
16 was false? That's my question.
17 A. If he didn't, he should have.
18 Q. Okay.
19 A. Because the means were out there publicly,
20 public knowledge, to gather the correct --
21 Q. Information?
22 A. -- opinion -- the correct information and
23 opinion in this case. It's gross negligence and that's
24 bad.
25 Q. So he didn't investigate good enough; that's

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1 your contention?
2 MR. KOLMAN: Objection.
3 THE WITNESS: He must not have.
4 Otherwise he wrote what he wrote on purpose.
5 BY MR. HINTON:
6 Q. But that's what I'm getting at. Do you know
7 that he purposely wrote a falsehood about you?
8 MR. KOLMAN: Objection. Asked and
9 answered.
10 THE WITNESS: I already answered that.
11 I don't --
12 MR. HINTON: I don't think so. He
13 danced around on this. I just want to get this done
14 today.
15 THE WITNESS: I believe I already
16 answered this. I don't know what his state of mind was.
17 I know he's a very left-leaning liberal writer based on
18 his prior articles. Would I think hypothetically that
19 he would not like somebody that's gaining popularity
20 like me that is a far-right conservative? I would think
21 so. I think that's why he chose to write the article to
22 begin with. He didn't have to write the article. It
23 wasn't a choice to write this article or lose your job.
24 He chose willingly to write the article and then apply
25 gross negligence to the facts of the article and he

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1 represented those items that he wrote as facts and they
2 were completely false.
3 BY MR. HINTON:
4 Q. Do you -- do you have any information that
5 Chris Kelly entertained serious doubts about what he
6 wrote about you in terms of having sex with a
7 15-year-old?
8 A. He should have had serious doubts. I had a
9 text message conversation with him about it prior to the
10 article coming out on February 12th.
11 Q. But I'm asking subjectively, do you know what
12 was in his mind when he wrote this article about you.
13 A. I would have no idea what someone else's
14 state of mind is; neither would you, neither would
15 anyone. I can't tell you what he was thinking. You
16 could ask him. We will for sure.
17 Q. Do you have any information that the
18 defendants, the Scranton Times, Larry Holeva, Chris
19 Kelly, harbored doubts as to the statements about you
20 having sex with a 15-year-old in the article?
21 A. I understand the process of writing an
22 article and submitting it to a newspaper means that it
23 has to go through an editor. So Chris Kelly, before he
24 wrote the article, the article must have gone to an
25 editor that must have been approved. That editor was

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1 hired and approved by the Scranton Times. Ultimately,
2 they are responsible for what goes into their news
3 publication regardless of who an editor is. In my
4 opinion, the Times is irresponsible.
5 Q. You called it gross negligence; is that
6 correct?
7 A. My term, yes.
8 Q. Just did not properly investigate the story?
9 A. He could have got the truth about my case in
10 under five minutes on the Internet.
11 Q. And he didn't do it?
12 A. No. I think he relied upon his own Scranton
13 Times article that says -- he stopped right there, I
14 think. I have no way to prove this nor prove his state
15 of mind, but I believe he read the past article on the
16 Times that says Coach pleads in case agree -- to sex
17 with minors. I think that's the extent of his
18 journalistic investigation.
19 Q. Do you have any information that his wife was
20 involved in publishing the article about you?
21 A. I heard that she was his editor. I'm not
22 sure if that's true. Some people have told me that.
23 Q. And where did you hear that from?
24 A. I don't remember.
25 Q. By the way, it's not true.

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1 A. It's not true?
2 Q. No.
3 A. Okay. Good. Is Holeva his editor?
4 Q. He's an executive editor. I'm sure you got
5 his name off the masthead. I don't think he was the
6 editor.
7 A. Maybe somebody else needs to be added. I
8 don't know. Ultimately, though, I think the Scranton
9 Times is irresponsible because they put these people in
10 place and if they're allowing defamatory and slanderous
11 articles like that to be written, they're responsible
12 for their content. They print it.
13 Q. Now, would you agree that based on everything
14 you know, Brienna did initially tell the police that she
15 was involved in a sexual relationship with you?
16 Initially, when she went to the police?
17 A. I believe she initially did, yeah.
18 Q. And then you received information that she
19 tried to recant that story?
20 A. Several times.
21 Q. And are you also aware that the detectives,
22 Michelle Mancuso particularly said to her, Brie, we have
23 the text messages between you and Phil. We know it's
24 still ongoing? Were you aware of that?
25 A. I was aware -- I wasn't aware of that

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1 specifically, but I was aware that they declined her
2 request to recant. And they said -- this is what she
3 told me. They said that if you recant, we may have to
4 file against you for filing a false police report.
5 That's a felony in Pennsylvania. And as a 16,
6 17-year-old kid, I don't know what I would have done in
7 that situation, which is why I didn't necessarily blame
8 Brie for what happened after that. I believe that there
9 was also -- I don't want to call it conspiracy, but also
10 some sort of influence from the DA's Office by the hand
11 of Michelle Mancuso or Justin Leri or Kolcharno that
12 stopped Brie from doing the right thing before it got
13 too far. She pled the Fifth Amendment on the stand to
14 reverse all of that.
15 Q. Did you know in advance that she was going to
16 plead the Fifth Amendment on that day?
17 A. No.
18 Q. You didn't know?
19 A. I was surprised. Joe was very surprised.
20 Oh. I'm sorry. There were rumors circulating that Brie
21 had been telling people that she was advised by counsel,
22 which I never knew who it was, for her to get out of
23 this scot-free, to plead the Fifth Amendment that day.
24 So Joe and I were actually aware that it may happen.
25 When it happened, we were very surprised because we

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1 heard a lot of rumors during the case that don't
2 necessarily pan out the truth. But, yes, I did -- I was
3 made aware through rumblings, private investigator as
4 well as Facebook and different comments that you saw in
5 different areas, that she was thinking about doing that.
6 Q. Phil, who -- I questioned you on February 6th
7 in front of Judge Minora about the financial opportunity
8 that you were offering to Brie in late May of 2021, I
9 believe it was.
10 A. Yep.
11 Q. 2022. I forget which one. Tell me again
12 what the financial opportunity is that you were offering
13 her.
14 A. It would have been -- I don't think at that
15 time -- if it was '21, it could have very well been 7K
16 Metals. It would have been '21? So it was probably 7K
17 Metals.
18 Q. I'm sorry. I'm sorry. It was not '21. It
19 was 2022. It was not 7K Metals. Because 2021, you
20 started 7K Metals after you came out of jail?
21 A. Correct.
22 Q. So you came out of jail in August.
23 A. So it would have been May of '22?
24 Q. May of '22. Like, May 28th, you sent a text
25 to her about a unique financial opportunity.

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1 A. Uh-huh.
2 Q. So you had already gotten 7K Metals going.
3 A. Yeah, so it wasn't 7K.
4 Q. Yeah. It wasn't Goldco, either, because --
5 A. No, it couldn't have been Goldco. It was
6 most likely Tax Refund -- or Max Refund, rather.
7 Q. Yeah, but that's not a multi-level marketing
8 company.
9 A. Oh, in this case, it would have been. So
10 Rumble and I ended up partnering with a company that's
11 called EZ-ERC. EZ-ERC is a massive
12 six-hundred-million-dollar ERC benefit company. There
13 were conversations between me and Rumble of whether we
14 partner with a massive company like that or I put my own
15 team together and instead of only getting a portion of
16 the commission from EZ-ERC, we get all the commission.
17 And that was a big difference; huge. Millions and
18 millions of dollars huge. Ultimately, I ended up
19 deciding that it was easier and probably not worth my
20 time to form another team, go through another set of
21 leads, go through another scheduling calendar, manage
22 all that. I was trying to take things off of my plate
23 so I could concentrate more on my family, not add new
24 things. So at the time that I was talking to Brie about
25 it, the way we were going to structure the team was, in

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1 a sense, she would get the maximum of commission based
2 on our structure. I wanted to help Brie financially if
3 I could.
4 Q. Okay. And you never set up a business to
5 fill her in like that, correct?
6 A. No. Subsequently?
7 Q. Yeah.
8 A. No.
9 Q. Okay. So, you know, am I correct that
10 there's nobody else that you've filled into Brie's slot
11 to make a lot of money?
12 A. No, that particular business didn't even --
13 it wasn't even structured that way. We outsourced to
14 the larger company. I still get commission, but no one
15 else does.
16 Q. No one else does?
17 A. That's right. It's just me. It's much
18 smaller too but...
19 Q. As it turns out, there was no position for
20 Brie?
21 A. At the time that I said it, there was. As it
22 turns out --
23 Q. You were thinking about it, but you didn't
24 put it into motion?
25 A. Well, I wouldn't say I didn't put it into

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1 motion. I would say that I chose a different path than
2 what I was talking to Brie about. It just didn't -- it
3 wasn't the best business model to do it that way. It
4 would have been beneficial to not only Brie, but
5 everybody else that I was going to put on my team. But
6 it would have required a lot more work for me and I
7 just -- again, I was trying to subtract, not add.
8 Q. But as it turns out, you didn't create a team
9 at all, right?
10 A. No, because we part -- well, I do have a
11 team, yeah. It's EZ-ERC Company.
12 Q. Right.
13 A. Those people. They're my team technically.
14 Q. But nobody like Amanda Turoni or nobody like
15 that?
16 A. No. No. No. No, we didn't go that route
17 ultimately.
18 Q. All right. So, Phil --
19 A. Tim, may I on the same topic? It could have
20 also been Lifewave. I don't remember what I was talking
21 talk to Brie about in that month. But I do remember in
22 2022, I was going to start an additional MLM company
23 called Lifewave. They have patches that you wear that
24 stimulate stem cells. And it's an MLM company similar
25 to 7K except a lot easier.

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1 7K caught wind of me wanting to do that
2 and talked me out of it. So I don't know -- I don't
3 remember what specific company I was talking about
4 getting Brie involved in. All I knew is either of the
5 companies that I would have had her involved in would
6 have been financially beneficial to her without doing
7 very much work.
8 Q. Phil, can you name for me any persons who
9 have refused to do business with you because they read
10 Chris Kelly's article?
11 A. Oh, boy. I'd have to go back and look. I
12 can't name them at this time. There have been hundreds,
13 if not more than that, that would send me an e-mail.
14 There's an entire hate group that refuses to do business
15 with me and tells lies about me all the time because
16 they're convinced that I'm a pedophile because of your
17 client's article. That hate group didn't exist prior to
18 the article. There were no hate groups and my career
19 was doing just fine. And I'd probably still be in it
20 today. It turns out that I turned my life around and
21 accelerated things and I'm doing better now, as you said
22 earlier. But to name a specific person, which I most
23 likely can do if I went back and looked, I think the
24 greater number is the unquantifiable people that will
25 not approach me and say, hey, I'm not doing business

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1 with you. Most people aren't going to say anything,
2 probably 80, 90 percent of people.
3 Q. Well, I just want to know, can you identify
4 any persons by name that won't do business with you
5 because of the Chris Kelly article?
6 A. Yeah. I've had people quit 7K.
7 Q. Okay. Can you give me their names?
8 A. I could. Not right now. I wasn't prepared
9 to bring names today. But I could get names for you,
10 sure.
11 Q. Okay. I need contact information for them
12 too.
13 A. Sure. Absolutely. I mean, I don't know if I
14 have contact information for some of the people. There
15 may have just been a message on Telegram where somebody
16 said something. They don't go by their real names on
17 Telegram often. So I'll get you what I have; you could
18 take it from there.
19 Q. Okay. So I remember you making statements on
20 social media that you said, I was a very bad person and
21 then I found God.
22 A. Uh-huh.
23 Q. Do you remember saying that?
24 A. Yes.
25 Q. When did you find God?

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1 A. When?
2 Q. Yes. Like, when did you have this
3 conversion? Was it after jail, before jail?
4 A. Around then. I lost my family. I didn't
5 see -- didn't see my boys for nine months.
6 Q. Well, Phil, when you were sending Brie
7 pictures of you naked masturbating in March of 2021
8 after Brie left you --
9 A. Dori.
10 Q. Were you -- after Dori left you, at that
11 point in time, you hadn't found God yet?
12 A. No.
13 Q. Okay.
14 A. It was a period of the article, that's when
15 everything changed, between the article and jail or
16 slightly after my release from jail that I was in
17 terrible shape mentally. I sought help because of the
18 shape that I was in. You have the reports. I was
19 afraid of harming myself. I was afraid of going out in
20 public. People, once again, for a case that was some
21 12, 13 years old, thought I was a pedophile. And I was
22 afraid and I drank a lot, stayed home a lot. Wasn't
23 communicating with my kids because of it -- not because
24 of it but because Dori seemed to think that the article
25 was a deterrent for the kids to be with me because she

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1 didn't know exactly what I thought, is somebody going to
2 knock on my door and blow me away.
3 Q. Phil, can you state for me the identity of
4 any persons that read the Chris Kelly article and think
5 less of you because they read that article?
6 A. I think you already asked me that. In fact,
7 you just asked me that and I said that as I sit here
8 now, I don't have their names. But there have been
9 numerous people in the last two-and-a-half years that
10 the article has been published and is still published
11 that think the article is accurate. And it has caused
12 hate groups to form which drive by my house, send nasty
13 messages to me, my friends, my in-laws, my new in-laws.
14 Anybody that I tag on Facebook, all sorts of messages
15 get sent to all of these people, including messages to
16 me. And I will absolutely share that list with you. Do
17 I have it right here and I can say, here you go? No.
18 But it's been bad.
19 Q. Phil, you've said your damages are not able
20 to be calculated.
21 A. I think what I said is it's unquantifiable.
22 But yes.
23 Q. And that's your truth, that they're
24 unquantifiable?
25 A. A hundred percent. How would I prove how

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1 many people don't follow me because of the article?
2 Q. Do you know, Phil, that in this case, you've
3 already stipulated that you have no economic damages?
4 A. I don't need economic dam -- my income has
5 gone up since your article.
6 Q. Right.
7 A. So I'm not suing for economic loss in terms
8 of that. I'm suing for what the article has already
9 done and will do in the future. That article has been
10 published now and on that website for two-and-a-half
11 years. How do I know that one of my children isn't
12 going to go to a birthday party some day and say -- and
13 get called, hey, your dad's a pedophile. Can you put a
14 number on that? Because I can't. It's unquantifiable.
15 Q. Phil, do you have any persons that you were
16 friends with before the article that said, Phil, I'm not
17 going to be friends with you anymore because I read what
18 Chris Kelly wrote and I believe it?
19 A. Tim, that's not -- that's not something that
20 happens in real life. People don't come to you and say,
21 hey, I'm no longer going to be friends with you because
22 of an article that I read. They just stop talking to
23 you. And yes, that has happened dozens, if not hundreds
24 of times, with my friends from high school, people in
25 the area that I used to do business with, many times.

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1 Q. Can you name them?
2 A. You just asked me that four times in the last
3 five minutes.
4 Q. Well --
5 A. Just now I just remembered one, so happens.
6 Q. Who is it?
7 A. I was still doing real estate and it was
8 Freddie Gray. Freddie Gray had a house on -- what the
9 heck street was that -- in Old Forge, his wife Emily,
10 Emily Gray. They cancelled their listing with me. A
11 \$200,000 house. Again, I'm not suing for economic loss.
12 You know that, you said that. I'm suing for what the
13 damage that your article has done to my family and to me
14 for years and years to come.
15 Q. Medically speaking, I think we've already
16 established that you haven't had any treatment after
17 those two therapy visits in John Kuna's office, correct?
18 A. I started to see a little bit more clearly
19 after my 30 days in jail. I met some good friends in
20 there, believe it or not, and a lot of them help talk me
21 through things. Amanda Turoni helped -- helped me a lot
22 on a friendship basis. And I think the overall harm --
23 the psychological harm that I was going through -- the
24 psychological period that I was going through, kind of,
25 got better after I got out. So I didn't feel the need

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1 to continue to go back. However, things have gotten
2 pretty bad again recently. And I'm strong guy and I
3 have, you know, a way to keep things bottled up and put
4 in a box. So I may go back. I guess it just depends on
5 how I feel mentally.
6 Q. Okay. The bad check charge, did you have
7 some people write character letters for you, Chip
8 Littler and did Ondi [ph] write one too to the judge?
9 A. I don't know if Ondi did, but I know Chip
10 did. I remember reading his. It was small and it was
11 brief. But yeah, there were probably hundreds of them.
12 Q. Do you have copies of those?
13 A. Uh-huh.
14 Q. Can you give those to your lawyer?
15 A. I need them back.
16 Q. I just wants copies.
17 A. They're important to me. You could have --
18 oh, copies?
19 Q. Yeah, I want copies of them, please.
20 A. Can I just drop them off at your office and
21 you can make copies?
22 MR. KOLMAN: You can give them to me,
23 I'll make copies.
24 THE WITNESS: When am I going to give
25 them to you? They're a binder, like, that thick.

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1 They're literally like this.
2 MR. KOLMAN: I don't want you dropping
3 off anything to him without me seeing it.
4 THE WITNESS: Okay. Well, I don't --
5 just how do I get you the binder? That's the only
6 thing. It's a pain in the ass.
7 MR. KOLMAN: Yeah. Well, you can send
8 it to me.
9 BY MR. HINTON:
10 Q. Phil, I'm almost done here.
11 A. All right. No, you go -- keeping going.
12 Q. No. In terms of your criminal record, Phil,
13 just to run through your crimes in the past, you had DUI
14 when you were -- 2002 or 2003?
15 A. I believe it would have been the summer of
16 '02.
17 Q. And then you had a crime in Ocean City,
18 Maryland or something, you destroyed some public
19 property, a car?
20 A. Yes.
21 Q. Then you had the corruption charge with Brie?
22 A. I wouldn't say I destroyed a car. I keyed
23 it.
24 Q. Okay. You keyed it?
25 A. But it was, by no means, destroyed.

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1 Q. Okay. You keyed a car. Then you pled guilty
2 to an M1 with Brie, corruption of the morals of a minor?
3 A. Correct.
4 Q. And then you pled guilty to passing a bad
5 check and doctoring bank records that were given to
6 Mariotti Lumber?
7 A. I believe it was tampering with records, yes.
8 Q. Okay. And I'm told you've -- no, not told.
9 I have the Decision. You lost your real estate license
10 with the Pennsylvania Real Estate Commission?
11 A. When a Realtor is -- or broker is
12 committed -- or charged with a crime --
13 Q. A fraud crime?
14 A. Any crime.
15 Q. Okay.
16 A. You have to report it to the Commission.
17 Number one, I didn't report it.
18 Q. So that's a strike?
19 A. That's a strike. Doesn't look good when they
20 go to decide your fate, in other words. Number two,
21 they sent me many big packets Certified Mail and they
22 asked me to explain the situation in a certain amount of
23 words. I never replied. So I wasn't going back to real
24 estate anyway. Whether or not they revoked it or
25 suspended was irrelevant to me, so I just let it go.

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1 Q. I think you got license suspensions?
2 A. Huh-uh.
3 Q. Nothing? No driver's license suspensions?
4 A. Oh, driver. I thought you meant real estate.
5 I've had my driver's license suspended a couple times,
6 yeah.
7 Q. All right. And then you had the false
8 statement charges involving the gun applications -- two
9 counts of false statements on gun applications down in
10 Wilkes-Barre, February 20 --
11 A. That was only one count.
12 Q. I think there's two counts. Two different
13 applications. And you talked about it on social media.
14 A. I did. It was -- yeah, I -- yes. I was
15 convicted of a misdemeanor for that. \$50 fine.
16 MR. HINTON: Okay, Phil. Those are all
17 the questions I have.
18 MR. KOLMAN: We're good. We have no
19 questions. Thank you.
20 THE VIDEOGRAPHER: We are going off the
21 record. The time is 5:06 p.m. This concludes today's
22 testimony given by Philip Godlewski. The total number
23 of media units was five and will be retained by
24 Veritext.
25 (Witness excused.)

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<p>1 (The deposition was concluded at 5:06 p.m.)</p> <p>2 * * *</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 PAGE LINE CHANGE REASON</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 SIGNATURE PAGE</p>
Page 319	Page 321
<p>1 INSTRUCTIONS TO WITNESS</p> <p>2 Read your deposition over carefully.</p> <p>3 It is your right to read your deposition and make</p> <p>4 changes in form or substance. You should assign a</p> <p>5 reason in the appropriate column on the errata sheet for</p> <p>6 any change made.</p> <p>7</p> <p>8 After making any change in form or</p> <p>9 substance which has been noted on the following errata</p> <p>10 sheet, along with the reason for any change, sign your</p> <p>11 name on the errata sheet and date it.</p> <p>12</p> <p>13 Then sign your deposition at the end</p> <p>14 of your testimony in the space provided. You are</p> <p>15 signing it subject to the changes you have made in the</p> <p>16 errata sheet, which will be attached to the deposition</p> <p>17 before filing. You must sign in the space provided.</p> <p>18 The witness need not be a notary public. Any competent</p> <p>19 adult may witness your signature.</p> <p>20</p> <p>21 Return the original errata sheet to</p> <p>22 the court reporter promptly! Court rules require filing</p> <p>23 within 30 days after you receive the deposition.</p> <p>24</p> <p>25 ERRATA SHEET</p>	<p>1 OF</p> <p>2 PHILIP GODLEWSKI</p> <p>3</p> <p>4 I hereby acknowledge that I have</p> <p>5 read the foregoing deposition, dated TUESDAY, JULY 25,</p> <p>6 2023, and that the same is a true and correct</p> <p>7 transcription of the answers given by me to the</p> <p>8 questions propounded, except for the changes, if any,</p> <p>9 noted on the attached errata sheet.</p> <p>10</p> <p>11</p> <p>12 SIGNATURE:</p> <p>13</p> <p>14 DATE:</p> <p>15</p> <p>16</p> <p>17</p> <p>18 WITNESSED BY:</p> <p>19</p> <p>20 DATE:</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Page 322

1 CERTIFICATE

2

3

4 I, Pamela Pratt, Court Reporter and

5 Notary Public in and for the Commonwealth of

6 Pennsylvania, certify that the foregoing is a true and

7 accurate transcript of the deposition of said witness

8 taken by me on the date and place hereinbefore set

9 forth.

10

11 I further certify that I am neither

12 attorney nor counsel for, nor related to or employed by,

13 any of the parties to the action in which this

14 deposition was taken, and further, that I am not a

15 relative or employee of any attorney or counsel employed

16 in this action, nor am I financially interested in this

17 case.

18

19

20 Pamela Pratt

21

22 Pamela Pratt, Court Reporter

23 Notary Public

24

25

Page 323

1 <Contact Name of Person Handling Read & Sign>

2 <Email of Person Handling Read & Sign>

3 _____, 20__

4 RE: Godlewski, Philip v. Kelly, Chris Et Al

5 7/25/2023, Philip Godlewski (#5957490)

6 The above-referenced transcript is available for

7 review.

8 Within the applicable timeframe, the witness should

9 read the testimony to verify its accuracy. If there are

10 any changes, the witness should note those with the

11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of

13 Deponent and Errata and return to the deposing attorney.

14 Copies should be sent to all counsel, and to Veritext at

15 (division email).

16

17 Return completed errata within _____ days from

18 receipt of testimony.

19 If the witness fails to do so within the time

20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

Page 324

1 Godlewski, Philip v. Kelly, Chris Et Al

2 Philip Godlewski (#5957490)

3 ERRATA SHEET

4 PAGE ___ LINE ___ CHANGE _____

5 _____

6 REASON _____

7 PAGE ___ LINE ___ CHANGE _____

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9 REASON _____

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17 _____

18 REASON _____

19 PAGE ___ LINE ___ CHANGE _____

20 _____

21 REASON _____

22 _____

23 _____

24 Philip Godlewski Date

25

Page 325

1 Godlewski, Philip v. Kelly, Chris Et Al

2 Philip Godlewski (#5957490)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Philip Godlewski, do hereby declare that I

5 have read the foregoing transcript, I have made any

6 corrections, additions, or changes I deemed necessary as

7 noted above to be appended hereto, and that the same is

8 a true, correct and complete transcript of the testimony

9 given by me.

10

11 _____

12 Philip Godlewski Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 _____ DAY OF _____, 20__.

16

17

18 _____

19 NOTARY PUBLIC

20

21

22

23

24

25

1 Timothy Kolman, Esq.
2 TKolman@KolmanLaw.com
3 August 17th, 2023
4 RE: Godlewski, Philip v. Kelly, Chris Et Al
5 7/25/2023, Philip Godlewski (#5957490)
6 The above-referenced transcript is available for
7 review.
8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.
12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 cs-midatlantic@veritext.com.
16
17 Return completed errata within 30 days from
18 receipt of testimony.
19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.
21
22 Yours,
23 Veritext Legal Solutions
24
25

Commonwealth of Pennsylvania Rules of Civil

Procedure

Title 231, Chapter 4000

Depositions and Discovery

Rule 4017

(c) When the testimony is fully transcribed a copy of the deposition with the original signature page shall be submitted to the witness for inspection and signing and shall be read to or by the witness and shall be signed by the witness, unless the inspection, reading and signing are waived by the witness and by all parties who attended the taking of the deposition, or the witness is ill or cannot be found or refuses to sign. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the person before whom it was taken with a statement of the reasons given by the witness for making the changes. If the deposition is not signed by the witness within thirty days of its submission to the witness, the person before whom the deposition was taken shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the refusal to sign together with the reason, if

any, given therefor; and the deposition may then be used as fully as though signed, unless the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

Tim Hinton

From: Tim Hinton
Sent: Wednesday, September 6, 2023 9:20 AM
To: 'Timothy Bowers, Esq.'
Cc: 'Timothy M. Kolman, Esq.'; 'Sarra Small'; 'Kathleen A. Carrozza'
Subject: RE: Godlewski - Admissions Set V and VI

Tim and Tim- Can you send me the letters sent to the Court in the Marriotti Lumber case and the listing of Phil's donors supporting his lawsuit against the Scranton Times. These are over due and with regard to the letters to Court, you are in violation of the Court's Order now.

J. Timothy Hinton, Jr.
Haggerty Hinton & Cosgrove LLP
1401 Monroe Ave. Suite 2
Dunmore, PA 18509

Direct Phone (272) 228-1297
Office Phone (570) 3449845
Fax (570) 343-9731
email: timhinton@haggertylaw.net

This E-mail, along with any attachments, is considered confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

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From: Tim Hinton <timhinton@haggertylaw.net>
Sent: Thursday, July 27, 2023 5:21 PM
To: 'Timothy Bowers, Esq.' <TBowers@KolmanLaw.com>
Cc: 'Timothy M. Kolman, Esq.' <TKolman@KolmanLaw.com>; 'Sarra Small' <SSmall@KolmanLaw.com>; 'Kathleen A. Carrozza' <KCarrozza@KolmanLaw.com>
Subject: RE: Godlewski - Admissions Set V and VI

Dear Tim and Tim – Phil testified on Tuesday he has a Notebook full of character letters and e-mails that were provided to the Court in Phil's bad check criminal case. Can you please get the Notebook and send me a copy of all the letters. These documents were already requested in RFP (Set VIII), # 15. The documents are discoverable since they go to Phil's character and reputation.

I have also requested Phil's listing regarding all the donations that were made to fund this lawsuit against my clients. See the attached documents. Phil admits he has a listing. These documents are discoverable since they may uncover bias on the part of certain witnesses who may be called as witnesses. These people have an interest in the lawsuit and parties and the Court have a right to know who they are.

Thanks.



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

.....

PLAINTIFFS' RESPONSE TO DEFENDANTS' INTERROGATORIES (SET VIII)

Plaintiff, by and through undersigned counsel, responds to Defendant's Interrogatories (Set VII) as follows:

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendants' Interrogatories (Set VIII) to the extent they are ambiguous, vague, over-broad, and/or unduly burdensome.
2. Plaintiff generally objects to Defendants' Interrogatories (Set VIII) to the extent they seek information protected by the attorney-client privilege and/or the attorney work-product doctrine.
3. Plaintiff generally objects to Defendants' Interrogatories (Set VIII) to the extent they improperly seek information that is not relevant to any of the issues in this dispute and/or are not reasonably calculated to lead to the discovery of admissible evidence.
4. Plaintiff generally objects to Defendants' Interrogatories (Set VIII) as discovery has not yet closed and this matter has not yet been prepared for trial.
5. Accordingly, these Answers are made without prejudice to Plaintiff's right to amend the answers set forth herein and/or to present additional information that is hereafter obtained or evaluated.
6. Plaintiff generally objects to Defendants' Interrogatories (Set VIII) to the extent they cause unreasonable annoyance, embarrassment, oppression, burden and/or expense.
7. Plaintiff generally objects to each of Defendants' Interrogatories (Set VIII) to the extent that their scope exceeds the scope of discovery permitted by the Pennsylvania Rules of Civil Procedure.
8. Plaintiff generally objects to Defendants' Interrogatories (Set VIII) to the extent that formulating full and complete answers would require Plaintiff to review documents not presently in Plaintiff's possession, custody and/or control.



9. Plaintiff generally objects to Defendants' Interrogatories (Set VIII) to the extent they imply that information is to be provided by more than one person other than the responding Plaintiff. These Interrogatory Answers have been made to the best of Plaintiff's knowledge, with the assistance of counsel. These answers do not represent the knowledge of any person other than the answering Plaintiff.
10. Plaintiff generally objects to the instructions provided in Defendants' Interrogatories (Set VIII) to the extent they are inconsistent with or exceed the requirements of the Pennsylvania Rules of Civil Procedure.
11. Plaintiff responds to Defendants' Interrogatories (Set VIII) subject to and without waiver of all the foregoing General Objections. Plaintiff has made reasonable efforts to respond to Defendants' Interrogatories (Set VIII) as Plaintiff understands and interprets them. If Defendant(s) subsequently seek(s) information not yet identified, Plaintiff reserves the right to supplement these Answers. Further, Plaintiff specifically reserves the right to supplement these Answers base upon information which is discovered in the process of preparing for hearings or trial and information not yet obtained.

SPECIFIC OBJECTIONS

Without waiver of the foregoing General Objections, Plaintiff responds as follows to Defendants' Interrogatories (Set VIII).

INTERROGATORIES

1. Did you have any actual or real text message communications with Brienna DuBorgel during the time period from February 24, 2010 through March 12, 2010?

ANSWER: No. Any such text messages would have been lost when the former phones were replaced with new.

2. Did you have any actual or real communications with Brienna DuBorgel in person or by phone during the time period from February 24, 2010 through March 12, 2010? If "yes", state the dates of such communications and the content of each communication.

ANSWER: Plaintiff does not recall specific conversations or communications during these specific dates.

3. Do any of the purported "incoming" text messages shown on ST 2790-2905 show the actual content of text message communications you actually sent to Brienna DuBorgel? If "yes", please identify those communications you admit you did make by reference to the number in the far left-hand margin of ST 2790-2905.

ANSWER: No.

4. Do any of the purported "outgoing" text messages shown on ST 2790-2905 in February or March 2010 show the actual content of text message communications you received from Brienna DuBorgel? If "yes", please identify those communications you received by reference to the number in the far left-hand margin of ST 2790-2905.

ANSWER: No.

5. Did you become engaged to Dori Gallagher in 2007?

ANSWER: Yes.

6. At the time you became engaged to Dori Gallagher were you pursuing an associate's degree in radiology at Johnson College?

ANSWER: Plaintiff does not recall if events occurred during the same time period.

7. At the time you became engaged to Dori Gallagher were you employed at Osmolia's Shell Service Station?

ANSWER: No.

8. Did you reside with Dori Gallagher at all times from June 1, 2008 through June 30, 2010? If there were any time periods you were not living with Dori Gallagher from June 1, 2008 to June 30, 2010, please set forth the dates of these time periods and state the addresses where you were living.

ANSWER: Yes.

9. Did John and Nancy Godlewski convey real estate at 430 Cayuga Street in Scranton to you and Dori Gallaher in June 2009 for \$57,500?

ANSWER: Plaintiff does not recall the exact date, month of transfer, nor purchase price.

10. Was Dori Gallagher employed at the Hampton Inn in Scranton from 2008 to 2010?

ANSWER: Plaintiff does not recall.

11. What were the make and model of your vehicles (and Dori Gallagher's vehicles) you claim were seized and searched by detectives in 2010?

ANSWER: Infiniti G37x and Infiniti FX35

12. Did you purchase or lease an Infiniti vehicle for Dori Gallagher in 2009 or 2010?

ANSWER: Plaintiff does not recall the exact year of purchase.

13. Did you host an open house as a realtor at 110 Springbrook Road in Moosic on February 28, 2010? (See attachments marked as ST 3542-3546)

ANSWER: Plaintiff does not recall. Plaintiff also does not recognize the address of the property in question.

14. Did you host any open houses on February 28, 2010 other than at 1100 Springbrook Road?

ANSWER: See response to Interrogatory number 13.

15. Identify your uncles you worked with at Osmolia's Shell Service Station in 2010.

ANSWER: Plaintiff was never employed by Osmolia's Shell Service Station.

16. What were the names and addresses of your living uncles in 2010?

ANSWER: Plaintiff is unsure of the addresses. Plaintiff's living uncles in 2010 were Joseph Osmolia, Michael Osmolia and Peter Osmolia.

17. Identify any information or evidence you have indicating the purported text messages shown on ST 2790-2905 (see attached) were fabricated.

ANSWER: Several individuals that were close to the people involved in the fabrication alerted Plaintiff of same. Said information was provided to Plaintiff's Private Investigator and Attorney at the time.

18. Identify any information or evidence you have indicating the purported text messages shown on ST 2790-2905 (see attached) are not authentic.

ANSWER: The text messages are not authentic because they contain language that was never used by Plaintiff in conversation/communication to Brie DuBorgel. Therefore, the legitimacy of the text messages is unverifiable.

19. What information or evidence do you have that the purported text messages shown on ST 2790-2905 (see attached) were altered to appear to be communications between you and Brienna DuBorgel?

ANSWER: The source of the purported text messages is in question. They were not taken from Plaintiff's cell phone, and no data from Plaintiff's cell phone was ever produced by the DA's office. The text messages were instead taken from Brie DuBorgel's cell phone, and they cannot be traced, in any way, back to Plaintiff, because they were never from Plaintiff to begin with.

20. Were you provided with the documents marked as ST 2790-2905 (see attached) in discovery while you were defending the 2010 criminal charges?

ANSWER: Plaintiff does not recall what was provided to Plaintiff or Plaintiff's counsel while defending Plaintiff's charges.

21. What was the approximate date and year you were provided with the documents marked as ST 2790-2905?

ANSWER: Plaintiff does not recall the approximate dates that Plaintiff was first provided with these documents, however Plaintiff does know it pre-dated the preliminary hearing.

22. What evidence did you or your attorneys present to the DA's office indicating the text messages (ST 2790-2905) were not authentic?

ANSWER: Plaintiff is unsure what Plaintiff's counsel presented to the DA's office. Plaintiff does recall that counsel had several private conversations with them (in person), which counsel informed Plaintiff were "very good for me".

23. Were you provided with the documents marked as ST 2784-2785 (see attached) in discovery while you were defending the 2010 criminal charges?

ANSWER: Plaintiff does not recall what was provided to Plaintiff or Plaintiff's counsel while defending Plaintiff's charges.

24. What was the approximate month and year you were provided the documents marked as ST 2784-2785?

ANSWER: Plaintiff does not recall the approximate dates that Plaintiff was first provided with these documents, however Plaintiff does know it pre-dated the preliminary hearing.

25. Identify any information or evidence you have indicating the documents marked as ST 2784-2785 (see attached) were not authored by you.

ANSWER: The source of the purported text messages is in question. They were not taken from Plaintiff's cell phone, and no data from Plaintiff's cell phone was ever produced by the DA's office. The text messages were instead taken from Brie DuBorgel's cell phone, and they cannot be traced, in any way, back to Plaintiff, because they were never from Plaintiff to begin with.

26. Did you or your attorney provide the DA's office any evidence indicating that ST 2784-2785 was not authored by you? If "yes" what evidence did you provide?

ANSWER: Plaintiff is unaware of what Plaintiff's counsel presented to the DA's office.

27. Identify any persons who performed a fingerprint analysis of the original document marked as ST 2784-2785.

ANSWER: Plaintiff does not recall if or when a fingerprint analysis was conducted.

28. Do you have any reports for a fingerprint analysis performed on the original document marked as ST 2784-2785?

ANSWER: Plaintiff does not recall if or when a fingerprint analysis was conducted.

29. Did you ever give an interview (a question and answer session) with a Taylor Police Officer or an employee of the DA's office about your relationship with Brienna DuBorgel at anytime prior to July 11, 2011? If "yes", please state the date of the interview and the interviewer's name?

ANSWER: No.

30. On November 26, 2021, you stated to SQvQge DQwg during a Telegram voice chat: "My, my fiancé is getting a little upset. She thinks that things are going on and this is all in text message guys. This isn't like, I still have the texts, in fact. I have every one of them from my trial, but anyway, so I tell her this and I tell her, my fiancé is upset and now this really has to end. This has to be, you know, the final conversation." **In the above statement, were you referring to your actual or real text message communications that you had with Brienna DuBorgel?** *[Note: Plaintiff admitted to a true and accurate transcript of his verbal statements made during the November 26, 2021 voice chat with SQvQge DQwg in Plaintiff's Response to Defendants' Request for Admissions (Set II), No. 5.]*

ANSWER: No. Plaintiff was not referring to Plaintiff's actual and/or real text message communications with Brienna DuBorgel.

31. Did your fiancée at the time, Dori Gallagher, get upset with you about your contacts with Brienna DuBorgel (as stated in No. 29 above) before you resigned as the JV baseball coach at Riverside High School?

ANSWER: Plaintiff does not recall if event occurred prior to or following Plaintiff's registration.

32. During the November 26, 2021 voice chat with SQvQge DQwg you stated you still had your actual text messages with Brienna DuBorgel. **Did you delete any of these text messages you stated you had from your 2010 case?** *[Note: Plaintiff admitted to a true and accurate transcript of his verbal statements made during the November 26, 2021 voice chat with SQvQge DQwg in Plaintiff's Response to Defendants' Request for Admissions (Set II), No. 5.]* If "yes", when did you delete or destroy these text messages, and why did you delete or destroy them?

ANSWER: No. Plaintiff never deleted any text messages between Plaintiff and Brienna DuBorgel from Plaintiff's 2010 case.

33. Why have you not produced the text messages you referred to on the November 26, 2021 voice chat with SQvQge DQwg in discovery during this case?

ANSWER: Plaintiff has not produced the text messages because such content no longer exists, as the conversations were not transferred from phone to phone.

34. Where were these text messages (as referenced in No. 31 above) located on November 26, 2021? (On a computer or in a folder, for example.)

ANSWER: See response to Interrogatory Number 33.

35. Did you provide copies of the text messages referred to during the November 26, 2021 voice chat with SQvQge DQwg to anyone? If "yes", identify all people or companies you provided the text messages to and state the dates you provided them with the text messages.

ANSWER: Plaintiff believes all text messages were provided to Plaintiff's counsel prior to Plaintiff's 2010 preliminary hearing. Plaintiff does not recall the exact dates said messages were provided, nor does Plaintiff recall the exact messages that were taken from Plaintiff's phone when seized by the DA.

36. On what date and occasion did you and/or your lawyer present evidence to the DA's office that the purported text messages (ST 2790-2905) were doctored or fabricated?

ANSWER: See response to Interrogatory Number 35.

37. What evidence did you or your attorneys present to the DA's office proving the purported text messages were doctored or fabricated?

ANSWER: See above.

38. Did you have any actual or real text messages with Brienna DuBorgel after you resigned as the JV baseball coach and prior to the time of your arrest on July 9, 2010? If "yes", state the dates of such text message communications.

ANSWER: Plaintiff does not recall if Plaintiff had any text messages with Brienna after July 9, 2010.

39. During what months and years did you have actual or real text message communications with Brienna DuBorgel prior to your arrest on July 9, 2010?

ANSWER: Plaintiff does not recall the specific time period of communications with Brienna DuBorgel.

40. When did you last see the actual or real text messages with Brienna DuBorgel that you referred to on November 26, 2021 in the Telegram voice chat with SQvQge DQwg?

ANSWER: Plaintiff believes sometime prior to 2010 preliminary hearing.

41. State the facts as to how you corrupted Brienna DuBorgel's morals prior to July 9, 2010? For example, what did you do to her or communicate to her?

ANSWER: It is Plaintiff's personal opinion, but it is Plaintiff's belief that the basis of Plaintiff's relationship with Brienna was improper as she was almost 10 years younger than Plaintiff and her mind was not able to interpret reality in the same way as Plaintiff. Plaintiff believes Brienna assumed many things to be true that were not. Because Plaintiff was older, Plaintiff should have known such prior to engaging in conversation. As such, Plaintiff believes that Plaintiff corrupted Brienna's morals which is why Plaintiff pled guilty to same.

42. State the facts as to how you intended to corrupt Brienna DuBorgel's morals prior to July 9, 2010? For example, what did you do to her or communicate to her?

ANSWER: See response to Interrogatory Number 41 above.

43. Before July 9, 2010, did you ever touch any part of Brienna DuBorgel's body with any part of your body?

ANSWER: Plaintiff believes that Plaintiff may have given Brienna a hug on 1 or 2 occasions which were in public places and in the presence of others.

44. On what dates did you take specific actions or make specific statements (as stated above) that corrupted or intended to corrupt Brienna DuBorgel's morals prior to July 9, 2010?

ANSWER: Plaintiff does not recall specific dates in relation to Plaintiff's response to Interrogatory Number 42 above.

45. List each college or university where you attended any classes (on-line or in person) and state the years you attended classes at each college or university.

**ANSWER: Duquesne University (2002-2003);
University of Scranton (2003-2004);
Pennsylvania Real Estate Academy (~2009);
Johnsons College (~2008);
Harvard Business Online (~2020, although Plaintiff now has information that this may be incorrect);
Regent University (~2020).**

46. Did you attend classes at any time at Duquesne University? If "yes", state the dates you attended classes at Duquesne University.

ANSWER: Yes. See response to Interrogatory Number 45.

47. Did you attend classes at any time at the University of Scranton? If "yes", state the dates you attended classes at the University of Scranton.

ANSWER: Yes. See response to Interrogatory Number 45.

48. Do you have any information or knowledge that the AT&T phone records (ST 515-521) supplied by Linda Vachino DuBergel to Joseph Moseyounas are not true, accurate and authentic? If "yes", set forth in detail all such information or knowledge.

ANSWER: Plaintiff does not have any information that the phone records are not true, accurate or authentic.

49. Did you send Brienna DuBorgel numerous text messages on January 8, 2009?

ANSWER: Plaintiff does not recall the exact dates the text messages were sent and/or received.

50. Did you ever send text messages to Brienna DuBorgel about her use of marijuana prior to 7/9/2010?

ANSWER: Plaintiff does not understand the question.

51. Do you have any information or knowledge that the AT&T wireless bills with wireless details for phone number 570-510-7619 (ST 3193-3499) covering the time period from 2/14/2010 to 3/12/2010 are not authentic? If "yes", set forth in detail all such information of knowledge.

ANSWER: See response to Interrogatory Number 49.

52. What was the date you commenced your subscription-based Locals (Locals.com) platform?

ANSWER: Plaintiff is unsure of the exact date, but Plaintiff's Locals platform commenced in July 2022.

53. State the number of your paid subscribers each month on Locals since you began live-streaming on Locals.

**ANSWER: July 2022 - 10,618;
August 2022 - 22,702;
September 2022 - 29,668;
October 2022 - 20,667;
November 2022 - 21,972;
December 2022 - 23,775;
January 2023 - 24,014;
February 2023 - 24,410;
March 2023 - 25,604;
April 2023 - 25,865;
May 2023 - 27,291;
June 2023 - 27,563;
July 2023 (current) - 27,661**

54. In your post to a Telegram chat room on 2/28/22 you stated: "Of late, I have been summoned and called upon to lead a very complex, very covert operation to restore the Republic of America to it's people." (See ST 3525.)

- a) Identify who summoned and called upon you?
- b) State the details of the covert operation you performed in response to being summoned and called upon as stated in this post.

ANSWER: Plaintiff is unable to provide details as it is a private contacting job.

55. What is The Great Awakening?

ANSWER: The Great Awakening purports that America is run by a Cabal of pedophiles, Satan-worshippers, and high-ranking Government and business Elites

who run a global child sex-trafficking operation, as well as other crimes against humanity. The information comes from a high-ranking government official (known only as "Q") who posts various proof on anonymous internet posting boards. The "Awakening" is a grass-roots movement to educate our population of the terror that they do not even know is happening right under their nose.

56. What is the Cabal as you use that term during your Live shows?

ANSWER: See response to Interrogatory Number 55.

57. What actions did you take to promote or fulfill The Great Awakening in 2022 as referred to by you on ST 3525? (Include any and all covert or clandestine operations you participated in to effectuate or promote The Great Awakening.)

ANSWER: Plaintiff cannot comment on covert or clandestine operations, as the essence of these operations are to be covert. Plaintiff can tell you though, that Plaintiff's Livestreams are an extension of the education that Plaintiff hopes to provide the general population of the horrors currently going on across our world.

58. Are you an Anon?

ANSWER: Plaintiff is unsure of Defendants' definition of Anon, therefore Plaintiff cannot accurately respond to the Interrogatory.

59. Are you a leader in the QAnon movement or The Great Awakening movement?

ANSWER: Plaintiff does not recognize the term "QAnon", therefore cannot claim to be a leader of something that is not defined. Plaintiff does believe, however, that Plaintiff is perceived to be a leader of The Great Awakening movement.

60. What is The Storm as you have referred to it during your live shows?

ANSWER: "The Storm" is a culmination/conclusion of The Great Awakening, in which the world elites will be striped of power, arrested, and the public will be shown the truth for the very first time.

61. Identify the source you referenced in your video on rumble.com/c/PhilGodlewski named The Primary – August 3rd, 2022 for your statement that the U.S. Supreme Court already over-turned the results of the 2020 Presidential election.

ANSWER: The Legal and Ethical Considerations of Investigating Journalism are a powerful tool for uncovering wrongdoings in society, government and corporate entities, and for holding those responsible for such wrongdoings accountable. In addition to legal considerations, ethical considerations are also important when it

comes to investigative journalism. These include ensuring accuracy in the reporting, protecting the safety of the source, and respecting the confidentiality of the source. Therefore, Plaintiff cannot and will not give the name of Plaintiff's source.

62. Have you seen documents from the U.S. Supreme Court over-turning the 2020 election?

ANSWER: No.

63. Was your cell phone for phone number 570-780-4567 taken from you by police or detectives at any time in 2010 or 2011? If "yes":

- (a) Who took it?
- (b) When was it taken and how long did they have it?
- (c) Did the police or detectives advise you about the results of any forensic analysis done on your phone? If "yes", who advised you of the results and what did he/she state?

ANSWER: (a) The Lackawanna District Attorney's Office; (b) It was taken after Plaintiff's arrest, but Plaintiff is unsure of the date. Plaintiff believes it was in their possession for approximately a week or two; and (c) No.

64. Did you or your attorney have your cell phone for phone number 570-780-4567 examined by any experts? If "yes":

- (a) Name the person or company who examined your phone?
- (b) When was your phone examined by an expert?
- (c) Were you given any reports on such examination?
- (d) Do you still have these reports?

ANSWER: No.

65. Identify all your sources for the statements you made claiming George H.W. Bush and George W. Bush tortured children to produce adrenochrome and then George H.W. Bush and George W. Bush ate the brains of children.

ANSWER: Plaintiff does recall making any such statement. The statements Plaintiff made in regard to said topic appear to be taken out of context as written in this Interrogatory.

66. Identify any and all "elites" (your term), politicians, and actors/actresses the you reported publicly on social media since November 1, 2020 to have tortured or killed children as part of the Cabal.

ANSWER: As reported in the major blockbuster movie "The Sound of Freedom", many of these "elites" are unknown to the general public, including Plaintiff. Some

prominent figures that have been linked to child sex-trafficking and/or adrenochrome are: Hillary Clinton, Huma Abedin, Ghislaine Maxwell, Harvey Winestein, Tom Hanks, Celine Dion, John Podesta, Adam Schiff, and many others.

67. Identify all people you sent refunds to who gave you donations for your legal fees in this lawsuit.

ANSWER: These refunds have not yet been processed due to logistical complications with GiveSendGo.com. Plaintiff is hoping to have this situation corrected in the very near future.

Date: August 23, 2023

Respectfully submitted:

/s/ Timothy M. Kolman

Timothy M. Kolman, Esquire.

Kolman Law, P.C.

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Attorney for Plaintiff

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

CERTIFICATE OF SERVICE

I, **Timothy M. Kolman, Esquire**, certify that on this ___ day of _____ 2023, I caused a true and correct copy of the foregoing *Plaintiff's Response to Defendants' Interrogatories (Set VIII)*, to be served upon the following parties via E-mail:

J. Timothy Hinton, Jr., Esquire
Haggerty Hinton & Cosgrove LLP
1401 Monroe Avenue, Suite 2
Dunmore, Pennsylvania 18509
Attorney for Defendants

Respectfully submitted:

Date: August 23, 2023

/s/ Timothy M. Kolman
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tkolman@kolmanlaw.com
Attorney for Plaintiff

VERIFICATION

I, Philip Godlewski, verify that the statements made in *Plaintiff's Interrogatories (Set VIII)*, are true and correct to the best of my knowledge and belief. I understand that false statements made herein are subject to the penalties of 18 PA. C.S., subsection 4904, relating to unsworn falsification to authorities.

Date: August 23, 2023

Is Philip Godlewski

Philip Godlewski