

PHILIP GODLEWSKI

Plaintiff

v.

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

Defendants

IN THE COURT
OF COMMON PLEASE
OF LACKAWANNA COUNTY

CIVIL DIVISION

JURY TRIAL DEMANDED

NOTIFIED JAN 24 2024

NO. 2021 CV 2195

MAURIE B. KELLY,
LACKAWANNA COUNTY
2024 JAN 21 AM 10:13
CLERK OF SUPERIOR
COURT CIVIL DIVISION

ORDER

AND NOW, this 22nd day of January 2024, consistent with the foregoing

Memorandum, it is hereby **ORDERED** as follows:

- (1) The Second Motion for Sanctions, filed by Defendants, Chris Kelly, Times Shamrock Communications, The Scranton Times, L.P., and Larry Holeva, is **GRANTED** in part and **DENIED** in part as follows:
 - (a) Plaintiff, Phillip Godlewski, is directed to surrender to Defendants within ten (10) days of the date of this Order for forensic inspection his mobile phone(s) associated with the phone number as set forth in Defendants' motion;
 - (b) Defendants shall not disseminate the data obtained pursuant to this inspection to anyone other than Defendants' counsel, his immediate staff, and an expert witness retained by Defendants related to the inspection of the phone;
 - (c) As a sanction for failing properly to preserve evidence, Plaintiff is directed to remit within thirty (30) days of the date of this Order the sum of Two

Thousand Five Hundred (\$2,500.00) made payable to Lackawanna Pro Bono, Inc., 233 Penn Avenue, Scranton, PA 18503;

- (d) Plaintiff is directed to provide personal verified responses and not through counsel in a manner delineated in the foregoing to all either unanswered or unverified discovery requests within twenty (20) days of the date of this Order;
 - (e) A failure to abide by this directive subjects Plaintiff to potential future sanctions pursuant to Rule 4019 of the Pennsylvania Rules of Civil Procedure, including the entry of default judgment against Plaintiff as allowed by Rule 4019(c)(3); and
 - (f) In all other respects, Defendants' motion is **DENIED**.
- (2) Defendants' Third Motion for Sanctions is **GRANTED** in part and **DENIED** in part as follows:
- (a) Plaintiff is directed to provide verified responses in a manner delineated in the foregoing in regard to the information previously ordered by this Court to be produced as set forth in this Court's November 14, 2022, Order;
 - (b) As a sanction for having failed to provide verified and complete answers to discovery as directed in this Court's November 14, 2022, Order, Plaintiff is directed to remit within thirty (30) days of the date of this Order the sum of Five Thousand (\$5,000.00) Dollars made payable to The Scranton Times, L.P.; and
 - (c) A failure to abide by this directive subjects Plaintiff to the additional monetary sanction of payment in the sum of Five Hundred (\$500.00)

