

PHILIP GODLEWSKI,

MAURI B. KELLY  
IN THE COURT OF COMMON PLEAS  
LACKAWANNA COUNTY  
OF LACKAWANNA COUNTY, PA

v.

2024 FEB 15 A 11:15  
No: 2021-CV-2195

CHRIS KELLY et al.,

CLERK OF JUDICIAL  
RECORDS CIVIL DIVISION  
Defendants. : JURY TRIAL DEMANDED

**MOTION FOR MODIFICATION AND  
RECONSIDERATION OF DISCOVERY ORDER**

COMES NOW Plaintiff Philip Godlewski ("Godlewski") by and through his counsel, Kolman Law, P.C. and make the following Motion:

1. On January 23, 2024 the Court entered a Memorandum and Order concerning Defendants' Second and Third Motions for Sanctions. See true and correct copy of Memorandum and Order attached hereto as Exhibit 1.
2. The Third Motion sought relief for various alleged violations of the Court's Order of November 14, 2022 relating to Godlewski's alleged failure to provide various documents.
3. In its Memorandum and Order, the Court found that Godlewski failed to abide by the November 14, 2022 Order. See Exhibit 1, p. 5.
4. As a result of the finding of violation of the November 14, 2022 Order, the Court imposed a monetary sanction and an obligation to provide verified answers. See Exhibit 1, pp. 7-8.
5. On January 24, 2023, the parties entered a stipulation providing that the Third Motion was to be denied as moot with respect to the issues raised pursuant paragraphs 1 (a), (c), (d), and (e) of the November 14, 2022 Order. See true and correct copy of Stipulation attached hereto as Exhibit 2.

6. The Stipulation preserved Defendants' claims with respect to paragraph 1(b) (relating to live videos from social media platforms) of the November 22, 2024 Order. See Exhibit 2.

7. On the issue of the videos, Godlewski offered the following testimony at the hearing on this matter:

A. On November 14, 2022 this Court entered an Order compelling Godlewski to produce certain videos of Godlewski's broadcasts using social media.

B. Defendants played a video in which Godlewski referenced "digital files that I keep in my safe..." [TR 144: 6-7]

C. Godlewski testified that the safe comment was used out of context. [TR 147: 2-3]

D. Godlewski testified that his Facebook account was suspended and deleted on or about January 20, 2021. [TR 147: 9-11]

E. Godlewski testified that he transitioned to YouTube and that YouTube had encryption software that YouTube referred to as a digital safe. [TR 147: 15-23]

F. YouTube deleted Godlewski's account. [TR 148: 6-7]

G. All of Godlewski's live stream videos are available on Rumble to anyone for free. [TR 149: 5-12]

8. Godlewski respectfully suggests that he has complied with the request for videos to the best of his ability.

9. It appears that the Discovery Court may have been unaware of the January 24, 2023 Stipulation (as it was filed some time after the hearing on the sanctions motions) and may not have taken the Stipulation into consideration in fashioning its Memorandum and Order.

10. Godlewski respectfully requests that the payment of sanctions relating to the Third Motion be stayed pending reconsideration.

WHEREFORE, Plaintiff Philip Godlewski respectfully requests that the Honorable Court modify and reconsider its Memorandum and Order of January 22, 2024.

Dated: February 15, 2024

Respectfully submitted,

**KOLMAN LAW, P.C.**

/s/ Timothy M. Kolman

Timothy M. Kolman, PA51982

Timothy A. Bowers, PA77980

Kymerley L. Best, PA94596

414 Hulmeville Avenue

Penndel, PA 19047

(215) 750-3134


Attorneys for Plaintiff.

**COMBINED CERTIFICATE**

I HEREBY CERTIFY that I have, this 15th day of February 2024, served a true and correct copy of the foregoing document by email upon the following:

J. Timothy Hinton, Esquire  
timhinton@haggertylaw.net  
Counsel for Defendants

I 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.



Timothy A. Bowers, PA77980

MAURI B. KELLY  
LACKAWANNA COUNTY  
FEB 15 A 11: 15

CLERK OF JUDICIAL  
RECORDS CIVIL DIVISION

PHILIP GODLEWSKI  
 Plaintiff  
 v.  
 CHRIS KELLY, TIMES SHAMROCK  
 COMMUNICATIONS, SCRANTON  
 TIMES-TRIBUNE, LARRY HOLEVA  
 Defendants

IN THE COURT  
 OF COMMON PLEAS  
 OF LACKAWANNA COUNTY

CIVIL DIVISION

JURY TRIAL DEMANDED

NO. 2021 CV 2195

NOTIFIED JAN 24 2024

MAIRI B. KELLY  
 LACKAWANNA COUNTY  
 2024 JAN 24 AM 13  
 CLERK OF JUDICIAL  
 SERVICES 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

**Exhibit 1**

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)

Dollars per day to Scranton Times, L.P. for each day Plaintiff remains in non-compliance with this directive; and

(d) In all other respects, Defendants' motion is **DENIED**.

**BY THE COURT:**

  
\_\_\_\_\_, Sr.J.  
**Carmen D. Minora, Senior Judge**

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

Timothy M. Kolman, Esquire  
Kolman Law  
[tkolman@kolmanlaw.com](mailto:tkolman@kolmanlaw.com)

J. Timothy Hinton, Jr., Esquire  
Haggerty Hinton & Cosgrove  
[timhinton@haggertylaw.net](mailto:timhinton@haggertylaw.net)

PHILIP GODLEWSKI,  
Plaintiff

v.

CHRIS KELLY, et al.  
Defendants.

MAURIL B. KELLY  
IN THE COURT OF COMMON PLEAS  
OF LACKAWANNA COUNTY

CIVIL DIVISION

JURY TRIAL DENIED

No.: 2021-CV-2195

2023 JAN 24 A 10:32

CLERK OF JUDICIAL

SECOND CIVIL DIVISION

**STIPULATION**

It is hereby STIPULATED and AGREED, by and between all Parties in this lawsuit as follows:

1. Defendants hereby agree not to seek any additional discovery from Plaintiff regarding the production of Plaintiff's tax returns or tax filings.
2. The Parties agree that they have resolved the following issues raised in Defendants' Third Motion for Sanctions (numbers correspond to Paragraphs in that Motion and the Court's Order dated November 14, 2022):
  - 1(a). Relating to certain tax returns.
  - 1(c). Relating to certificates, diplomas, etc., from educational institutions.
  - 1(d). Relating to documents evidencing the purchase of firearms.
  - 1(e). Relating to a verification for Plaintiff's answers to Defendants' second set of Interrogatories.
3. The Parties agree that Defendants' Third Motion for Sanctions shall be denied as moot with respect to the issues raised in paragraphs 1 (a), (c), (d) and (e), but not with respect to the issue raised in paragraph 1(b) of the Court's Order of November 14, 2022, relating to video recordings.

**Exhibit 3**



4. This Stipulation resolves all issues raised in Plaintiff's Motion for Protective Order and the parties agree that the motion is now moot.
5. The Parties desire an Order of Court be entered as attached hereto.

By: J. Timothy Hinton, Jr.  
J. Timothy Hinton, Jr., Esq.  
**Haggerty Hinton & Cosgrove LLP**  
1401 Monroe Ave., Suite 2  
Dunmore, PA 18509  
Attorneys for Defendants,  
*Chris Kelly, Times Shamrock  
Communications, The Scranton Times-  
Tribune, The Scranton Times, L.P.,  
and Larry Holeva*

By: /s/ Timothy M. Kolman  
Timothy M. Kolman, Esq.  
**Kolman Law, P.C.**  
414 Hulmeville Ave.  
Penndel, PA 19047  
Attorneys for Plaintiff,  
*Philip Godlewski*

**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**

PHILIP GODLEWSKI,  
Plaintiff

v.

CHRIS KELLY, et al.  
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 18 day of January 2023, I caused to be served by electronic mail, a true and correct copy of the foregoing Stipulation upon all parties:

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

RESPECTFULLY SUBMITTED,

HAGGERTY HINTON & COSGROVE LLP

By: *J. Timothy Hinton, Jr.*  
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, The Scranton Times, L.P.,  
and Larry Holeva*

PHILIP GODLEWSKI,	:	IN THE COURT OF COMMON PLEAS
Plaintiff,	:	OF LACKAWANNA COUNTY, PA
	:	
v.	:	No: <del>2022</del> -cv-2195
	:	
CHRIS KELLY et al.,	:	21
Defendants.	:	JURY TRIAL DEMANDED

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_ 2024, upon consideration of Plaintiff's Motion for Reconsideration, it is hereby ORDERED as follows:

A. A hearing shall be held on the \_\_\_\_ day of \_\_\_\_\_ 2024 at \_\_\_\_ o'clock \_\_\_\_M.

B. The requirement for Godlewski to surrender his cell phone for forensic inspection within 10 days of this Court's Memorandum and Order of January 23, 2024 is stayed pending further order of this Court.

C.. The payment of sanctions with respect to Defendants' Third Motion provided in this Court's Memorandum and Order of January 23, 2024 is stayed pending further order of this Court.

BY THE COURT:

\_\_\_\_\_  
, J.