

PHILIP GODLEWSKI,
Plaintiff

v.

CHRIS KELLY, et al.
Defendants.

: IN THE COURT OF COMMON PLEAS
: OF LACKAWANNA COUNTY
:
: CIVIL DIVISION 2024 APR -1 P 3: 21
:
: JURY TRIAL DEMANDED
: CLERK OF JUDICIAL RECORDS CIVIL DIVISION
:
: No.: 2021-CV-2195

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**MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION FOR MODIFICATION
AND RECONSIDERATION OF THE COURT'S SANCTIONS ORDER**

Defendants, Chris Kelly and The Scranton Times, L.P. ("Defendants"), by and through their attorneys, Haggerty Hinton & Cosgrove LLP, file the following Memorandum in Opposition to Plaintiff's Motion:

I. BACKGROUND

Plaintiff, Phillip Godlewski, filed this defamation case on May 24, 2021. He alleges Defendants defamed him in an article published on February 14, 2021 and he seeks \$5 Million in damages. The article in question discusses Plaintiff's criminal history and states "Lackawanna County detectives said Godlewski had sex with the [minor] girl in cars and homes he had access to as a real estate agent." Further, the article noted he pled guilty to corruption of a minor and admitted to having a sexual relationship with a 15-year-old girl. "Godlewski, 28 at the time, was sentenced to three to 23 months, with the first three months to be served under house arrest and the balance as probation," according to the article. Plaintiff now claims he never had sex with the fifteen-year-old girl and Defendants defamed him by stating such. Plaintiff further claims that the Chris Kelly's opinion column impugns his fitness as a realtor and associates him with January 6th insurrection at the U.S. Capitol.

Defendants have filed multiple motions to compel and for sanctions against Plaintiff due to his failure to provide timely and proper discovery responses. On January 22, 2024, the Court

filed a Memorandum and Opinion and a separate Order granting in part and denying in part Defendants' Second Motion for Sanctions and Third Motion for Sanctions. These ruling were the subject of a long hearing held before the Court on February 6, 2023 and comprehensive briefing afterwards.

With regard to the Second Motion for Sanctions, the Court held Plaintiff must surrender his cell phone to Defendants for forensic inspection within ten (10) days and remit the sum of \$2,500 within thirty (30) days to Lackawanna Pro Bono, Inc. The parties stipulated to postpone the production of Plaintiff's cell beyond the 10-day deadline since Plaintiff was going on a trip and Defendants had filed a motion for summary judgment which may make an expensive forensic inspection of Plaintiff's phone moot. With regard to the sanction payment to Lackawanna Pro Bono, it was received by Lackawanna Pro Bono about three weeks late. (See Exhibit A attached hereto.) This is just another example of how Plaintiff fails to follow the rules of Court. The Court should order Plaintiff to send Lackawanna Pro Bono a second payment due to his failure to abide by the Order of Court.

With regard to Defendants' Third Motion for Sanctions, the Court's January 22, 2024 Order directed Plaintiff to produce verified responses to information "previously ordered" by the Court on November 14, 2022. The January 22, 2024 Order also directed Plaintiff to remit a payment to The Scranton Times, L.P. within thirty (30) days or face an additional monetary sanction of \$500 per day. Plaintiff failed to adhere to this directive and instead filed a motion for reconsideration on February 15, 2024.

II. ARGUMENT

Defendants' Third Motion for Sanctions was filed on December 28, 2022 at considerable time and expense. Prior to this motion the Court conducted a hearing on Defendants' First

Motion for Sanctions on November 14, 2022 and issued an Order of the same date granting the motion. (A true and correct copy of the November 14, 2022 Order is attached hereto and marked as Exhibit "B".) The Order gave Plaintiff 10 days to respond to outstanding discovery requests from Defendants. Again, Plaintiff failed to comply with an Order of Court. The certified outstanding discovery responses were not supplied within 10 days. Defense counsel even sent Plaintiff's counsel emails on December 5th and 7th requesting compliance with the Court's November 14th Order. (See Exhibit "C" attached hereto.) Long after the Court's November 14th Order deadline of ten (10) days, Plaintiff's counsel gave the matter some attention and he satisfied 4 out of 5 of the Court-ordered discovery items. Plaintiff has never complied with the Court Order compelling him to produce his videos. Plaintiff's delay and non-compliance with the Court's Order is reason enough for the \$5,000 financial sanction in the Court's January 22, 2024 Order.

On January 30, 2023 the Court accepted the parties' stipulation as to four of the five items but the Court's Order noted Plaintiff had still not complied with the November 14, 2022 Order compelling the production of videos. (See Exhibit "D" attached hereto.) At the hearing on November 14, 2022, Plaintiff's counsel, Timothy Kolman, advised the Court he didn't realize that rumble.com did not have all of Plaintiff's videos and he would be happy to get them to defense counsel. (See Exhibit "E" attached hereto.) These videos were never sent to defense counsel and at the hearing on February 6, 2023 Plaintiff simply claimed he did not have them. He could have given a verified response to this response many months before this testimony, but he didn't. (See Exhibit "F", pp. 142-148.)

42 Pa. C.S.A. §2503(7) permits a party to request a reasonable counsel fee against another party for "dilatatory, obdurate or vexatious conduct during the pendency of a matter." Pa.

R.C.P. 4019 permits the Court, upon motion, to make an appropriate order for sanctions if a party fails to serve answers to interrogatories or fails to produce documents requested under Rule 4009 or fails to “obey an order of court respecting discovery.” The purpose of allowing the imposition of sanctions for a failure to comply with discovery is to ensure compliance with proper orders of court and the adequate and prompt completion of discovery. *Taylor v. City of Philadelphia*, 692 A. 2d 308, 313 (Pa. Cmwlth. 1997). It is well-settled that the imposition of sanctions for discovery violations is vested in the sound discretion of the trial court. *Schweikert v. St. Lukes Hospital of Bethlehem*, 886 A. 2d 265, 268 (Pa.Super. 2005). Here the Court acted within its sound discretion by imposing a modest sanction upon Plaintiff.

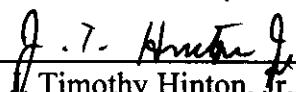
III. CONCLUSION

Plaintiff has willfully failed to respond to proper discovery by Defendants and Orders of Court compelling discovery. He has violated Orders of Court following a motion to compel and a motion for sanctions. Plaintiff’s conduct has caused Defendants considerable legal fees and has been a burden on the Court’s valuable time. Plaintiff’s motion for reconsideration should be denied. The Court should add \$500 per day as an additional sanction on top of the \$5,000 sanction since Plaintiff did not comply with the Court’s thirty (30) day deadline. That deadline expired February 22, 2024.

RESPECTFULLY SUBMITTED,

HAGGERTY HINTON & COSGROVE LLP

Date: April 1, 2024

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

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

MAURI B. KELLY
LACKAWANNA COUNTY
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CLEGG
RECORDS CIVIL DIVISION

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

MAILED
 2024 APR -1 P 3:21
 CLERK OF JUDICIAL
 RECORDS CIVIL DIVISION


CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April 2024, I caused to be served by electronic mail, a true and correct copy of the foregoing Memorandum in Opposition to Plaintiff’s Motion for Modification and Reconsideration of the Court’s Sanctions Order upon all parties:

Timothy M. Kolman, Esq.
Timothy Bowers, Esq.
Kymberley Best, Esq.
414 Hulmeville Ave.
Pennel, PA 19047
TKolman@kolmanlaw.com
TBowers@kolmanlaw.com
KBest@KolmanLaw.com
Attorneys for Plaintiff

RESPECTFULLY SUBMITTED,

HAGGERTY HINTON & COSGROVE LLP

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

Tim Hinton

From: Lackawanna Pro Bono <probono.lc1@gmail.com>
Sent: Friday, March 15, 2024 4:47 PM
To: Tim Hinton
Subject: Check Received for Godlewski Sanctions

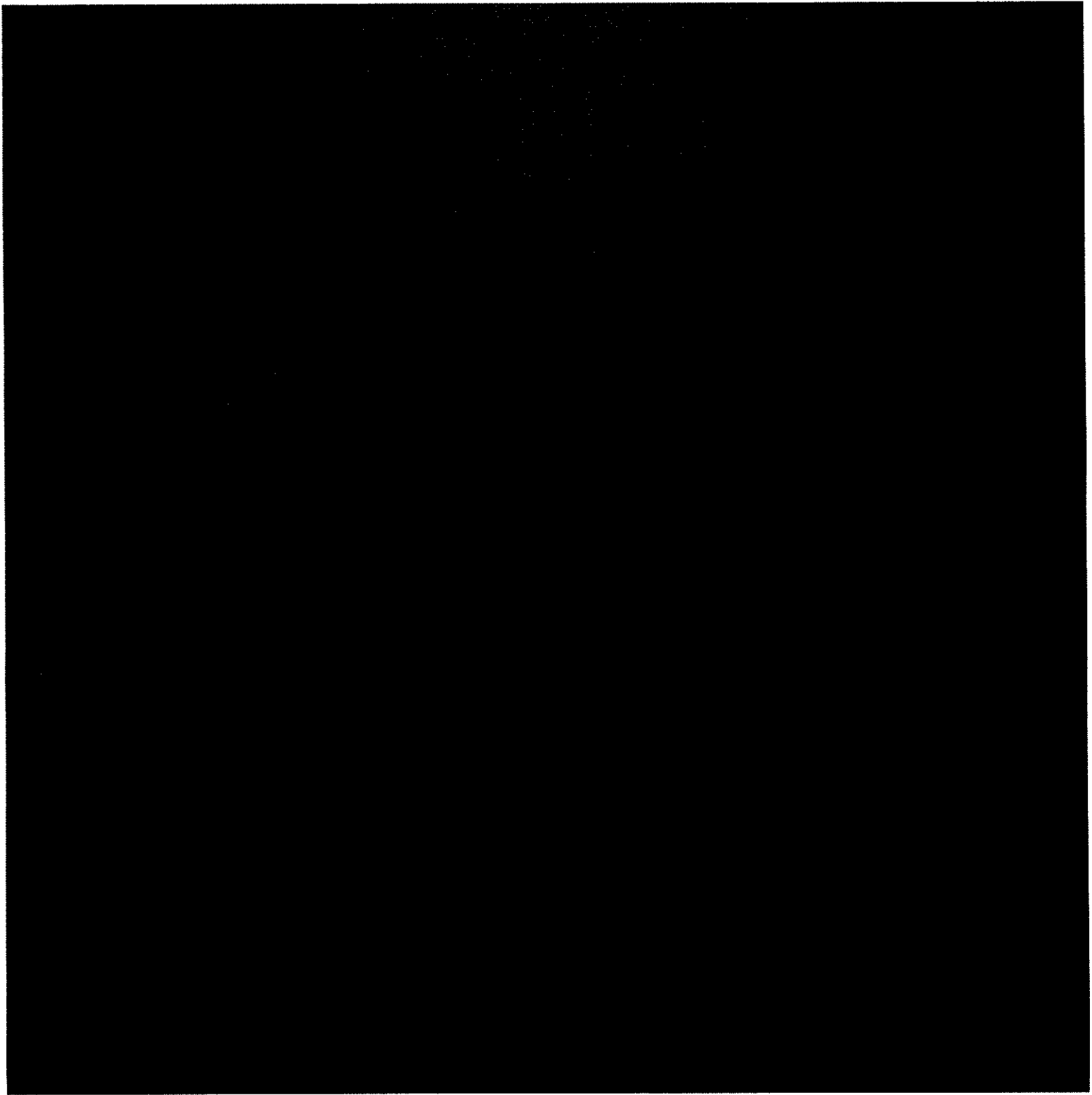
Tim:

I thought you might want to know that in today's mail we received a \$2500 check from Kolman Law in payment for the sanctions Judge Minora ordered in the Godlewski case. It's always a little uncomfortable to benefit from someone else's misfortune (or, more accurately, disrespect for the Court system), but the check was a pleasant surprise!

Have a good weekend -

Sylvia Hahn
Lackawanna Pro Bono
(570) 961-2714 (Office)
(570) 795-4115 (Cell)





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PHILIP GODLEWSKI,
Plaintiff

v.

CHRIS KELLY, et al
Defendants.

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

MAURI B. KELLY
LACKAWANNA COUNTY CIVIL DIVISION

2022 NOV 14 JURY TRIAL DEMANDED
No.: 2021-CV-2195

CLERK OF JUDICIAL
RECORDS CIVIL DIVISION
ORDER

AND NOW, on this 14th day of November 2022, upon consideration of Defendants'

Motion for Sanctions, it is hereby ORDERED, ADJUDGED and DECREED as follows:

Plaintiff shall produce to Defendants' counsel within ten (10) days of the date of this

Order the following:

- (a) Plaintiff's full individual federal tax returns and the tax returns for any businesses he held an ownership interest in filed with the IRS for all years from 2016 to the present and serve Defendants' counsel with a verified supplemental answer to Defendants' Request for Production of Documents (Set I), Nos. 2 and 3;
- (b) Plaintiff's live videos streamed or uploaded to any social media outlets or platforms including but not limited to: Youtube, DLive, Telegram, Rumble, etc., identifying each video by the date of the live from January 1, 2020 to the present date;
- (c) Any Diplomas, Certificates and/or transcripts from the Harvard Business School concerning any programs or classes Phil Godlewski attended there;
- (d) Any documents evidencing Plaintiff's purchase of any guns, rifles or any firearms in 2020 or 2021; and
- (e) A Verification for Plaintiff's Answers to Interrogatories (Set II).

Defendants are also awarded \$2,345 for counsel fees to be paid by Plaintiff as a sanction due to Plaintiff's failure to properly respond to discovery requests. This amount shall be paid to "The Scranton Times, L.P." within ~~ten (10)~~ ^{thirty (30)} days of the date of this Order. If Plaintiff fails to adhere to this Order in any respect, he shall be subject to further sanctions as ordered by the Court.

BY THE COURT

Sr. J.



Tim Hinton

From: Tim Hinton <timhinton@haggertylaw.net>
Sent: Wednesday, December 7, 2022 8:30 AM
To: 'Kathleen A. Carrozza'; 'Sarra Small'
Cc: 'Timothy M. Kolman, Esq.'
Subject: RE: Godlewski v. Kelly, et al. Case No. 2021-CV-2195

Kat- Please give me an update on the Harvard Certificate and portable hard drive with all his videos. My client is pressuring me to follow up on the Sanctions Order compelling these items.

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

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

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To ensure compliance with Treasury Department regulations, we inform you that, unless otherwise indicated in writing, any U.S. Federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or applicable state and local provisions or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein.

From: Tim Hinton [mailto:timhinton@haggertylaw.net]
Sent: Monday, December 5, 2022 10:30 AM
To: 'Timothy M. Kolman, Esq.' <TKolman@KolmanLaw.com>; 'Kathleen A. Carrozza' <KCarrozza@KolmanLaw.com>; 'Sarra Small' <SSmall@KolmanLaw.com>
Subject: FW: Godlewski v. Kelly, et al. Case No. 2021-CV-2195

Dear Tim, Kat and Sarra- Please see the link below. This was played at the Nov 14th hearing. The Harvard Certificate is on the wall behind Phil (still not produced) and he says on the video clip below he has a copy of every Live video he has ever done in his safe. Whatever he has he needs to copy onto a portable hard drive and get it to me. We have been waiting for this for over a year, and now Plaintiff has already lost a Motion to Compel and a Motion for Sanctions on this issue.

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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 the



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

*Notified
2-1-23*

ORDER

AND NOW, this 30th day of January 2023, upon receiving the joint Stipulation signed by counsel for all Parties, it is hereby **ORDERED**:

MAURI B. KELLY
 CLERK OF JUDICIAL
 RECORDS CIVIL DIVISION
 LACKAWANNA COUNTY
 2023 FEB - 1 P 1:55

1. The attached Stipulation is accepted by the Court.
2. Defendants shall not seek any additional discovery from Plaintiff regarding the production of Plaintiff's tax returns or tax filings and Defendants have withdrawn their Interrogatories (Set VI), Nos. 1-4.
3. Defendants' Third Motion for Sanctions is denied as moot with respect to the matters stated in paragraphs 1(a), (c), (d), and (e) of the Court's November 14, 2022 Order, but not with respect to the matter raised in paragraph 1(b) of the Court's Order of November 14, 2022 relating to production of video recordings.
4. Plaintiff's Motion for a Protective Order filed on January 6, 2023 is denied since the discovery issues are now moot.

BY THE COURT:

[Signature]

 Sr. J.



PHILIP GODLEWSKI,
Plaintiff

v.

CHRIS KELLY, et al.
Defendants.

MAURI B. KELLY
LACKAWANNA COUNTY CLERK OF THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

2023 FEB -2 P 2:45
CIVIL DIVISION

CLERK OF JUDICIAL
RECORDS CIVIL DIVISION JURY TRIAL DEMANDED

No.: 2021-CV-2195

.....
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.

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: Timothy M. Kolman
Timothy M. Kolman, Esq.
Kolman Law, P.C.
414 Hulmeville Ave.
Pennel, PA 19047
Attorneys for Plaintiff,
Philip Godlewski

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C O U R T O F C O M M O N P L E A S
L A C K A W A N N A C O U N T Y

<hr/>		X	
PHILIP GODLEWSKI,		X	
		X	
Plaintiff,		X	
		X	
- vs -		X	No. 21-CV-2195
		X	
CHRIS KELLY, TIMES SHAMROCK		X	
COMMUNICATIONS, SCRANTON		X	
TIMES-TRIBUNE, LARRY HOLEVA,		X	
		X	
Defendants.		X	
<hr/>		X	
		X	

TRANSCRIPT OF PROCEEDINGS
OF MOTION FOR SANCTIONS

BEFORE: HONORABLE CARMEN D. MINORA, S.J.
DATE: NOVEMBER 14, 2022
PLACE: Lackawanna County Courthouse
Scranton, Pennsylvania 18503

A P P E A R A N C E S

For the Plaintiff: TIMOTHY COLEMAN, ESQUIRE
For the Defendant: J. TIMOTHY HINTON, ESQUIRE

Mark Wozniak
Official Court Reporter



1 With respect to the tax returns, he
2 doesn't have them. We produced everything
3 that he has, and we said --

4 THE COURT: What do you me he
5 doesn't have it? What do you mean he
6 doesn't have taxes? I want to know how he
7 does that because I'd like to emulate that
8 if it's legal.

9 MR. COLEMAN: He hasn't filed. I'm
10 sure Mr. Hinton will use that, but the ones
11 that we did give him I think are corporate
12 tax returns. He hasn't filed tax returns.
13 That's number one.

14 THE COURT: Wait. So the
15 distinction you're drawing is that he may
16 have entities that he owns that have filed
17 but he has not filed individually? Is that
18 the distinction you're making?

19 MR. COLEMAN: That's correct, your
20 Honor. He hasn't filed individually. So we
21 produced the tax returns we have, but he
22 hasn't filed individually.

23 Now, as far as the social media
24 outlets and platforms are concerned, what we
25 did was we said you need to go to

1 rumble.com, but that's where our client's
2 at. Go to rumble.com and every single one
3 of his videos is there.

4 ~~I now hear today from Mr. Hinton~~
5 ~~that they're not there, in fact. That some~~
6 ~~are there, some are not, and that as a~~
7 ~~result he now needs all of those videos on a~~
8 ~~hard drive, which I'm happy to give him. I~~
9 ~~didn't realize that Rumble.com, he couldn't~~
10 ~~get them.~~

11 As far as the diplomas and
12 certificates are concerned, I believe we
13 answered that issue in the interrogatories,
14 but what Mr. Hinton has shown me is there --
15 and this is the first time I've seen it, is
16 that there is or appears to be a diploma
17 from Harvard behind him for a mastery in
18 negotiation. I do remember my client saying
19 that he did get a diploma and that's it.
20 Now, what Mr. Hinton wants is he wants to
21 see it, he wants a facsimile of it, and
22 probably wants to see the back of it as
23 well. So I appreciate that perhaps he wants
24 a little more there than we gave him.

25 And as for firearms, to purchase

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C O U R T O F C O M M O N P L E A S
L A C K A W A N N A C O U N T Y

PHILIP GODLEWSKI,	X	
	X	
Plaintiff,	X	
	X	
-vs-	X	No. 21-CV-2195
	X	
CHRIS KELLY, ET AL,	X	
	X	
Defendants.	X	
	X	

T R A N S C R I P T O F P R O C E E D I N G S

B E F O R E : H O N O R A B L E C A R M E N D . M I N O R A

D A T E : F e b r u a r y 6 , 2 0 2 3

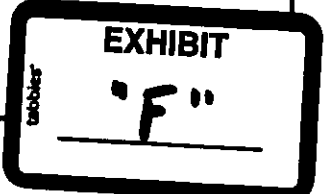
P L A C E : L a c k a w a n n a C o u n t y C o u r t h o u s e
2 0 0 N . W a s h i n g t o n A v e n u e
S c r a n t o n , P e n n s y l v a n i a 1 8 5 0 3

A P P E A R A N C E S

F o r t h e P l a i n t i f f : T I M O T H Y K O L M A N , E S Q U I R E

F o r t h e D e f e n d a n t : T I M O T H Y H I N T O N , E S Q U I R E

Linda Krehel
Official Court Reporter



1 How does that fit into the discovery rules?

2 MR. HINTON: I'll leave it.

3 THE COURT: You understand why I'm
4 asking that?

5 MR. HINTON: I do, Your Honor, but
6 this has been a game, you know. You've seen
7 the filings. It took a year to find out
8 that he possess no Harvard Certificate, that
9 he filed no tax returns. That's fine. All
10 I wanted was a response nailing it down. It
11 took discovery, motion to compel, motion for
12 sanctions. Then they violated your order.
13 They were supposed to give them to me within
14 ten days; they didn't do that. They waited
15 forty, fifty days. Mr. Kolman and I-- I got
16 them-- I had to write them for him, what I
17 wanted. I got them, we nailed it down. We
18 didn't nail down one thing, though, and it's
19 his lives. He broadcast to millions of
20 people, and he's hiding his lives. He's
21 basically said to me, you know, all I got--
22 I don't have them. I don't have any lives.
23 He's saying-- You know, despite what he says
24 to his followers, Your Honor-- And if I
25 could play this because this is on point to

1 an issue that's remaining, the live videos.

2 THE COURT: How long?

3 MR. HINTON: Two minutes.

4 THE COURT: Just turn the volume up.

5 MR. HINTON: I will.

6 MR. KOLMAN: Just ask for an offer

7 of proof, Judge.

8 THE COURT: Pardon?

9 MR. KOLMAN: I'm asking for an offer
10 of proof. What is it?

11 THE COURT: I think he just
12 explained it, but I-- What is the offer of
13 proof, Tim? Before you play it, what's the
14 offer?

15 MR. HINTON: He says he has his live
16 videos in a safe, in a digital safe.

17 THE COURT: Do the best you can,
18 Linda.

19 (Whereupon, the following is the
20 video being played and Mr. Godlewski is
21 speaking.)

22 I'm doing this for my children. I
23 guess it's two-fold. I know what's
24 happening. I know what's about to happen.
25 I know where we're going, and I want to

1 document all of it. Every minute of every
2 single time I go live I have all these
3 saved, not only, you know, on a computer or
4 in a cloud somewhere, or on Rumble or
5 YouTube or whatever, but I have every one of
6 my lives that I've ever done in digital
7 files that I keep in my safe so my kids will
8 some day go back and be able to watch
9 whatever ones they want to watch of their
10 dad talking to hundreds of thousands of
11 people telling them of what's to come,
12 educating, teaching, and comforting a lot of
13 people through the process of which I'm
14 doing right now, and I've been doing. And,
15 secondly--

16 (Whereupon, the video ended.)

17 MR. HINTON: So, I mean, he's saying
18 to his millions-- Mr. Godlewski, I asked a
19 simple request. Give me a copy of your live
20 videos. Don't make me go searching the
21 internet trying to find these things, and
22 he's basically done just that. Go to
23 Rumble, see what you can get from Rumble. I
24 don't have any. But he tells his millions I
25 have them all saved digitally in a file.

1 You ordered him to supply me those
2 on November 14th within ten days. He has
3 defied your order. That is a reason we're
4 here, too. Not just hiding the text
5 messages. Give me your live videos.

6 This guy is a Holocaust denier--

7 MR. KOLMAN: Okay. Objection, Your
8 Honor.

9 MR. HINTON: He's got--

10 MR. KOLMAN: Objection.

11 MR. HINTON: He's got videos all
12 over the place.

13 MR. KOLMAN: Objection.

14 MR. HINTON: On multiple platforms.

15 MR. KOLMAN: Your Honor, that was
16 answered. What happened was that his
17 Facebook-- these were on Facebook, and then
18 Facebook deleted his presence, and with it
19 all those files. The only place where those
20 files are is on Rumble. So--

21 THE COURT: He just said they were
22 in a safe, too.

23 MR. KOLMAN: Yeah. And I think he
24 should be asked about that, instead of Mr.
25 Hinton coming to, you know, conclusions

1 which are incorrect and also laughing in the
2 interim, which I think is unprofessional.

3 THE COURT: Well, follow up on this.
4 Let's go.

5 BY MR. HINTON:

6 Q. So where's the safe?

7 A. I don't know what you're referencing. I'm
8 sorry.

9 Q. You just listened to the video. You said
10 you have a copy of all your videos for your children's
11 sake so they can see all the good you've done. You've
12 got them digitally saved in a safe. Where is the safe?

13 A. The concept of digitally saving something is
14 in direct contrast to physically saving something,
15 first of all. You can't digitally save something
16 physically. So when that's--

17 THE COURT: Sure you can. You can
18 back it up and make it a hard copy and put a
19 hard copy in a safe.

20 MR. GODLEWSKI: Yeah, but--

21 THE COURT: I'm an idiot on
22 computers and--

23 MR. GODLEWSKI: You don't call that
24 digitally, though. That would be physically
25 saving it to a thumb drive or something like

1 that. I'm not able to do that with the
2 platforms that I run. The safe comment,
3 although I probably used it out of context,
4 and I can see how it could be misconstrued,
5 the safe comment went towards an old
6 mechanism that YouTube had in place. I
7 was-- When I was starting my live broadcast
8 the only place that I would do my live
9 broadcast on was Facebook. On the
10 Inauguration of 2021, January 20th Facebook
11 suspended and deleted my account
12 permanently. Every single live that I used
13 to store on Facebook had been deleted. On
14 that day, or in the days following that day,
15 I then transitioned to YouTube. YouTube had
16 an encrypted software feature at the time
17 anyway. I would ask when that video was
18 taken because it's old. That was when I was
19 still on YouTube. In fact, I saw the
20 YouTube logo on it while I was just watching
21 it.

22 YouTube had an encryption software
23 type thing that they called a digital safe.
24 That is literally what they called them.
25 Now, the context that I said it on that

1 video was improper, and I can see how you
2 might have been misled to think that a safe
3 means, you know, a combination safe. That's
4 not what I meant. YouTube had all of my
5 videos from January 20th up to the point
6 that I said that. YouTube deleted my
7 account.

8 BY MR. HINTON:

9 Q. So Facebook deleted your account, YouTube
10 deleted your account?

11 A. That's correct.

12 Q. What about your videos on Telegram?

13 A. All of my videos are on Telegram.

14 Q. Well, you have the ability to remove stuff
15 from your channel, correct? You can make them
16 accessible or not accessible? Aren't you in charge of
17 your channel?

18 A. Sure I am, but I don't know what you mean
19 remove from. I don't know what you--

20 Q. You can delete posts?

21 A. Oh, sure, yes.

22 Q. Okay. And posts might include a video that
23 you do?

24 A. Yes.

25 Q. Okay.