

PHILIP GODLEWSKI,

Plaintiff

v.

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

Defendants

: IN THE COURT OF COMMON PLEAS
: OF LACKAWANNA COUNTY

NO. 2021 CV 2195

NOTIFIED AUG 13 2024

2024 AUG -9 P 4: 08
JEROME J. NEALON
CLERK OF COURT
LACKAWANNA COUNTY

ORDER

AND NOW, this 9th day of August, 2024, upon receipt and review of the correspondence from plaintiff's counsel dated August 9, 2024, indicating for the first time that counsel is unavailable for the oral argument that was scheduled for August 21, 2024, at 10:30 a.m., per the Order of July 5, 2024, that was served upon counsel five weeks ago, it is hereby ORDERED and DECREED that the oral argument on defendants' motion for summary judgment is RESCHEDULED for Monday, August 19, 2024, at 2:00 p.m. in Courtroom No. 1, Lackawanna County Courthouse, since plaintiff's counsel has represented that they will not depart for South Carolina until August 20, 2024, to attend an event on August 21, 2024.

BY THE COURT:



Terrence R. Nealon

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) and (d) by transmitting time-stamped copies via electronic mail to:

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August 9, 2024

Sent Via E-Mail (GillarC@lackawannacounty.org)

Hon. Terrence R. Nealon
Lackawanna County Courthouse
200 N. Washington Ave.
Scranton, PA 18503

RE: Godlewski v. Kelly, et al.
2021-CV-2195

Dear Judge Nealon:

I write in response to Your Honor's letter dated July 5, 2024. Please excuse the delay in writing, as we wanted to carefully consider the issues presented in Your Honor's letter and in Attorney Hinton's letter of July 3, 2024.

I understand Your Honor's office policy and we appreciate Your Honor's efforts to conclude this matter prior to Ms. Cosgrove assuming her duties. However, I do notice that Lacka. Co. R.C.P. 214 (a) indicates that it is the general policy of the Court to assign as trial judge any judge who decided a dispositive motion. Assuming, *arguendo*, that Defendants' Motion for Summary Judgment is denied, it would seem entirely likely that trial would occur during Ms. Cosgrove's time in Your Honor's service, and as such, I respectfully raise this matter for Your Honor's consideration.

On a related point, we do appreciate the Court's effort to ensure a proper and speedy resolution of this matter by moving oral argument up to Wednesday, August 21, 2024. I am the attorney who briefed this matter and would very much prefer to present the oral argument. However, my partner (and wife) Kymberley Best, and I have a pre-planned trip which we booked on June 23, 2024, to see our son graduate from United States Army Basic Combat Training in Fort Jackson, South Carolina. We are scheduled to depart on August 20th. Family day is August 21st and graduation is August 22nd. We return to Pennsylvania on August 26th. We would be greatly appreciative, should Your Honor retain this case, if the Court would reschedule the argument to accommodate this special trip.

Your Honor's kind attention and consideration to this matter is greatly appreciated.

Respectfully,

KOLMAN LAW, P.C.

/s/ Timothy A. Bowers

Timothy A. Bowers, JD

cc: J. Timothy Hinton, Esquire (*via e-mail*)