

PHILIP GODLEWSKI,

Plaintiff,

v.

CHRIS KELLY et al.,

Defendants.

IN THE COURT OF COMMON PLEAS  
OF LACKAWANNA COUNTY, PA

No: ~~2022-cv-2195~~

21 - CV 2195

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. Reconsideration of this matter is expressly granted.

B. Argument on reconsideration shall be held on the \_\_ day of \_\_\_\_\_ 2024 at \_\_\_\_ o'clock \_\_\_\_M in Courtroom No. \_\_\_\_\_ of the Lackawanna County Courthouse.

C. Plaintiff shall file a brief in support of his Motion for Reconsideration not later than the \_\_\_\_ day of \_\_\_\_\_, 2024.

D. Defendants shall file a brief in opposition to the Motion for Reconsideration not later than the \_\_\_\_ day of \_\_\_\_\_, 2024.

BY THE COURT:

\_\_\_\_\_  
TERRENCE R. NEALON, J.

**SCANNED  
BK**

PHILIP GODLEWSKI, : IN THE COURT OF COMMON PLEAS  
Plaintiff, : OF LACKAWANNA COUNTY, PA  
 :  
v. : No: 2021-CV-2195  
 :  
CHRIS KELLY et al., :  
Defendants. : JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION RECONSIDERATION**  
**OF THE COURT'S ORDER DOCKETED**  
**SEPTEMBER 3, 2024 GRANTING DEFENDANTS'**  
**MOTION FOR SUMMARY JUDGMENT**

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

1. On August 30, 2024 the Court's Memorandum setting forth its opinion on the Motion for Summary Judgment filed by Defendants was entered upon the docket by the Clerk of Judicial Records.
2. On September 3, 2024 the Court's Order granting Defendant's Motion for Summary Judgment was entered on the docket by the Clerk of Judicial Records.
3. Godlewski files this Motion, without waiver of any other issues that Godlewski may raise on appeal, requesting reconsideration of the Court's finding that Godlewski is collaterally estopped from denying a sexual relationship with Brienna DuBorgel ("DuBorgel") while DuBorgel was a minor, and the Court's finding that Godlewski failed to demonstrate actual malice on the part of the Defendants due to the alleged redaction of the transcript of Larry Holeva's deposition.

COUNT I - COLLATERAL ESTOPPEL

4. Paragraphs 1 through 3 of this Motion are restated and reincorporated by reference as though fully set forth.

5. In its Memorandum at pp. 34 - 37, the Court concludes that Godlewski's guilty plea in the underlying criminal case operated to collaterally estop Godlewski from denying that Godlewski has a sexual relationship with DuBorgel while DuBorgel was a minor, thereby establishing the truth of the assertion in the Scranton Times article that Godlewski and DuBorgel engaged in such a relationship.

6. The Court raised the collateral estoppel theory *sua sponte*. While Defendants made much argument about the effect of the plea agreement as undermining Godlewski's credibility, Defendants did not assert a theory of issue preclusion.

7. The Court based its ruling on *Com. Dept. of Transportation v. Mitchell*, 517 Pa. 203, 212, 535 A.2d 581, 585 (1987) and its progeny.

8. Neither party briefed *Mitchell* and its progeny in their submissions to the Court.

9. Pa.R.C.P. 1030 (a) provides that the defenses of estoppel and res judicata must be pleaded in a responsive pleading under the heading "New Matter."

10. Pa.R.C.P. 1032 (a) provides that a party waives defenses not presented by preliminary objection, answer or reply.

11. Defendants did not plead the defenses of estoppel and res judicata in their new matter.

12. Defendants have waived the defenses of estoppel and res judicata in this matter by failing to plead them in new matter.

13. Additionally or in the alternative, Godlewski respectfully suggests that the Court erred in finding that the statements in the affidavit of probable cause formed the basis for Godlewski's guilty plea as the majority of appellate and trial level opinion suggests that the Court must look to the indictment, information, and written and/or oral guilty plea colloquy to determine the factual basis of the plea and not to the criminal complaint or other documents.

14. By email dated July 25, 2023, Godlewski requested the Lackawanna County Court Administrator to produce transcripts. See true and correct copy of email attached hereto as Exhibit 1.

15. The transcript request sought production of the plea hearing transcripts from Godlewski's hearings on November 12, 2010, and July 11, 2011. See true and correct copy of transcript request attached hereto as Exhibit 2.

16. On July 26, 2023, Catherine Nardoizzi of the Court Administrator's office indicated that the transcripts were unavailable because the Court Administrator could not contact the court reporters. See Exhibit 1.

17. Godlewski is unable, through no fault of his, to produce the transcripts.

18. Additionally or in the alternative, there are sufficient factual conflicts between the text of the criminal complaint, the affidavit of probable cause, the guilty plea colloquy, and the information that there exists a genuine issue of material fact as to the factual basis for the plea and the Court is unable to conclude the factual basis of the guilty plea for purposes of res judicata and/or collateral estoppel in a civil case as, at summary judgment, the non-moving party must be given the benefit of factual doubts.

19. Godlewski respectfully requests that the Court reverse its ruling that Godlewski has not presented enough evidence of the falsehood of the claims regarding the sexual relationship with DuBorgel and permit Godlewski's defamation and false light invasion of privacy claims to proceed to trial.

COUNT II - ACTUAL MALICE

20. Paragraphs 1 through 19 of this Motion are restated and reincorporated by reference as though fully set forth.

21. In its August 30, 2024, Memorandum at pp. 49 and 50, the Court concluded that Godlewski failed to adduce sufficient evidence of actual malice as the Court was unable to read the alleged "sweeping redactions" in the transcript of the deposition of Lawrence Holeva.

22. By telephone conversation with Lackawanna County Clerk of Judicial Records Mauri B. Kelly, Godlewski's counsel has verified the following:

A. The copy of Holeva's deposition submitted with Godlewski's original filings in opposition to the Motion for Summary Judgment was not redacted in any way. Instead, it contained numerous passages of text highlighted in color. This highlighted version is in the physical file with the Clerk of Judicial Records.

B. The scanning equipment and software used by the Clerk of Judicial Records interprets text highlighted in color as redacted and shows it that way on the scanned versions of documents available on the Clerk's website.

C. The original filing containing the copy of the deposition with the color-highlighted passages was available to the Court on the date of the argument on the Motion for Summary Judgment.

D. In the event of an appeal, the Clerk of Judicial Records will transmit to the Superior Court the original filings showing the copy of the deposition with color-highlighted text rather than redacted text.

23. Godlewski attaches hereto a true and correct copy of the deposition of Lawrence Holeva without annotations as Exhibit 3.

24. Godlewski suggests that the Court should reconsider the issue of actual malice in light of the evidence filed of record by Godlewski and permit Godlewski's defamation and false light invasion of privacy claims to proceed to trial.

WHEREFORE, Plaintiff Philip Godlewski respectfully requests that the Honorable Court enter an Order providing the following relief:

- A. Vacating its Order and Judgment of September 3, 3024.
- B. Finding that Godlewski has adduced sufficient evidence of the falsehood of the allegations concerning the sexual relationship with DuBorgel to entitle Godlewski to proceed to trial.
- C. Finding that Godlewski has adduced sufficient evidence of actual malice on the part of Defendants to entitle Godlewski to proceed to trial.
- D. Setting a date for a jury trial in this matter.
- E. Such other relief as the Court may deem just.


Respectfully submitted,

**KOLMAN LAW, PC**

DATE: September 13, 2024

/s/ Timothy M. Kolman  
Timothy M. Kolman, PA51982

  
Timothy A. Bowers, PA77980

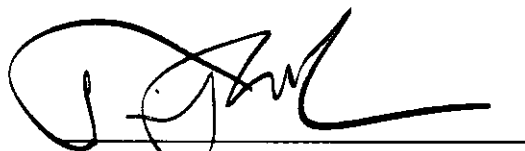
  
Kymberley L. Best, PA94596  
414 Hulmeville Avenue  
Pennel, PA 19047  
(215) 750-3134  
*Attorneys for Plaintiff.*

**COMBINED CERTIFICATE**

I HEREBY CERTIFY that I have, this 13th day of September 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

RECEIVED  
67-1  
2024 SEP 13 10:10 AM  
JUDICIAL CENTER  
PHILADELPHIA, PA

**FW: Transcript Request for Docket No. CR-2613-2010**

Sarra Small <SSmall@KolmanLaw.com>

Fri 9/6/2024 5:02 PM

To: Timothy Bowers, Esq. <TBowers@KolmanLaw.com>; Timothy M. Kolman, Esq. <TKolman@KolmanLaw.com>; Kym Best <KBest@KolmanLaw.com>; Kathleen A. Carrozza <KCarrozza@KolmanLaw.com>

Hi All!

TimB, per your email yesterday, I am forwarding you my email to Lackawanna County in which I requested the transcript from Phil's criminal hearing and the response thereto!

**From:** Cathene Nardozzi <NardozziC@lackawannacounty.org>

**Sent:** Wednesday, July 26, 2023 9:46 AM

**To:** Sarra Small <SSmall@KolmanLaw.com>

**Subject:** RE: Transcript Request for Docket No. CR-2613-2010

Good morning. I received your request. Unfortunately, because of the length of time we don't have these transcripts available. The one date was a per diem that filled in for us and I have no contact info and the other reporter has left the County employ. If you have any further questions, please let me know. Thank you! Cathene

**From:** Sarra Small <SSmall@KolmanLaw.com>

**Sent:** Tuesday, July 25, 2023 3:54 PM

**To:** Cathene Nardozzi <NardozziC@lackawannacounty.org>

**Cc:** Timothy M. Kolman, Esq. <TKolman@KolmanLaw.com>; Timothy Bowers, Esq. <TBowers@KolmanLaw.com>; Kathleen A. Carrozza <KCarrozza@KolmanLaw.com>

**Subject:** Transcript Request for Docket No. CR-2613-2010

Good afternoon.

Please see attached transcript request concerning the above referenced matter.

Thank you.

**Sarra Small** | Paralegal

p: +1 215-750-3134 | f: +1 215-750-3138

e: SSmall@KolmanLaw.com

414 Hulmeville Avenue

Penndel, PA 19047

**Exhibit 1**



**KOLMAN LAW P.C.**  
COMPLEX LITIGATION SINCE 1991

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## Request for Transcript or Copy

Lackawanna County



Pursuant to Pa.R.J.A. 4007(A), this form must be completed by any person requesting a transcript for any court proceeding. Additional requirements may be found in the local rules of court for each judicial district. Local rules may be found by following the appropriate link at: <http://www.pacourts.us/courts/courts-of-common-pleas/>

If the cost of the transcript presents an economic hardship, there are reduced rates available to those who qualify. See Pa.R.J.A. 4007(E). Copies of this request must be served in accordance with Pa.R.J.A. 4007(B). A deposit determined by local rule may be required.

**I. Case Information**Case Caption:  
Com. v. Philip GodlewskiDocket Number:  
CR-2613-2010Presiding Judge:  
Hon. Vito P. GeruoloDate(s) of Proceeding:  
November 12, 2010, July 11, 2011

Court Reporter Name (if available):

Case Type (check the appropriate box):  Criminal  Civil  Family  Orphans' Court  JuvenileType of Proceeding:  Suppression  Argument  Trial  Plea  Sentence

or "Other" (please specify): \_\_\_\_\_

PCRA  Yes  NoIs the Transcript Associated with an Appeal?  Yes  NoChildren's Fast Track:  Yes  No**II. Requestor Information**

Name of Requestor/Attorney ID Number (if applicable): Timothy M. Kolman

I am:  Counsel for Philip Godlewski  Unrepresented  Not a party to this actionAgency/Firm: Kolman Law, PC Court Represented:  Yes  No

Street Address: 414 Hulmeville Road City: Penndel State: PA Zip: 19047

Email: tkolman@kolmanlaw.com Phone: 215-750-3134 Fax: 215-750-3138

Does this request qualify for a reduced rate pursuant to Pa.R.J.A. 4007(E)?  Yes  No

If Yes, please provide proof of authorization for a reduced rate or an affidavit required by Pa.R.J.A. 4008(B)(4) requesting a waiver of all or a portion of the costs.

**III. Transcript Items Requested** Entire proceeding  Jury Voir Dire  Opening statements  Closing arguments  Jury Instructions Testimony (specify each witness): Pre/Post trial hearing (specify): Other (specify):**Exhibit 2**

**IV. Transcript Delivery and Cost**

For the original transcript request, please select from the following:

Delivery Time:	<input type="checkbox"/> Ordinary	<input checked="" type="checkbox"/> Expedited	<input type="checkbox"/> Daily	<input type="checkbox"/> Same Day
Original Transcript:	+\$2.50	+\$3.50	+\$4.50	+\$6.50 (cost per page)
Copy for Requestor: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	+\$0.50	+\$0.75	+\$1.00	+\$1.25 (cost per page)

Note: Expedited, Daily, and Same Day Requests are only available where provided by the judicial district or court reporter. Costs payable by requestor shall not exceed the rates prescribed in Pa.R.J.A. 4008(A)(1) and (D)(1).

Requesting Governmental Agency Rate (if applicable):  Yes  No

Manner of Delivery:  Electronic (PDF) Format  Hard copy (add \$0.25 per page to page rates)

Other (if offered, extra charges may apply):  Complex Litigation  Real Time Feed

Special Requests (if offered):  Minuscript/Condensed  ASCII  Include Word Index  Other

If Other, please specify: \_\_\_\_\_

Are you requesting a photocopy of an existing transcript?  Yes  No (For photocopy rates, please see Pa.R.J.A 4008(D))

Requestor's Signature: /s/ Timothy M. Kolman, Esquire

Date: July 25, 2023

*Note: The first requestor of a transcript is obligated to pay for the original transcript, which is filed with the court, plus the copy rate if the requestor desires a personal copy (subject to any cost sharing with additional parties).*



# For Court Use Only

Date of Request: _____	Docket Number: _____
Case Caption: _____	
Name of Requestor: _____	
Email: _____ Phone: _____ Fax: _____	
Are the costs waived or reduced? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Date Deposit Received: _____	Deposit Check/M.O. Number: _____
Date Transcript Assigned: _____	Transcript to be Prepared By: _____
Transcript Due Date: _____	Date Transcript Completed: _____
Date Balance Received: _____	Balance Check/M.O. Number: _____
Date Transcript Sent to Requesting Parties: _____	

Ordinary, County Paid	\$	X	pages	=\$	Estimated Cost	\$
Ordinary, Private Paid	\$	X	pages	=\$	Less Deposit	-\$
Expedited	\$	X	pages	=\$	Balance Due	\$
Daily	\$	X	pages	=\$	Adjusted Cost (+/-)	=\$
Same Day	\$	X	pages	=\$	Final Page Total	
+Hard Copy	\$0.25	X	pages	=\$	Final Balance	\$
+Requestor Copy	\$	X	pages	=\$		
+Additional Charges	\$	X	pages	=\$		
Is the cost of the transcript being shared between parties? <input type="checkbox"/> Yes <input type="checkbox"/> No						
Photocopy of Existing Transcript: <input type="checkbox"/> Yes <input type="checkbox"/> No						

*Notes:*

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IN THE COURT OF COMMON PLEAS  
OF LACKAWANNA COUNTY, PENNSYLVANIA

PHILIP GODLEWSKI, : CIVIL DIVISION  
:   
Plaintiff :   
:   
VS :   
: NO. 2021-CV-2195  
CHRIS KELLY, et al. :   
:   
Defendants :

DEPOSITION OF LAWRENCE HOLEVA  
Taken at the Lackawanna Bar Association,  
233 Penn Avenue, Scranton, PA 18503, on Tuesday,  
December 19, 2023 at 2:04 p.m., by Allison M.  
Ross, RPR.

\* \* \*  
VERITEXT LEGAL SOLUTIONS  
MID-ATLANTIC REGION  
4949 Liberty Lane  
Suite 200  
Allentown, PA 18106





Page 2

1 APPEARANCES:  
 2 -- ON BEHALF OF THE PLAINTIFF:  
 3 KOLMAN LAW, P.C.  
 BY: TIMOTHY M. KOLMAN, ESQUIRE  
 4 TIMOTHY A. BOWERS, ESQUIRE  
 414 Hulmeville Avenue  
 5 Pennel, PA 19047  
 724.989.7759  
 6  
 7 -- ON BEHALF OF THE DEFENDANTS:  
 8 HAGGERTY HINTON & COSGROVE LLP  
 BY: J. TIMOTHY HINTON, ESQUIRE  
 9 1401 Monroe Avenue  
 Suite 2  
 10 Dunmore, PA 18509  
 570.344.9845  
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Page 4

1 STIPULATION  
 2 It is hereby stipulated by and between  
 3 counsel for the respective parties that all  
 4 objections except as to the form of the question  
 5 are reserved to the time of the trial.  
 6 \* \* \*  
 7 LAWRENCE HOLEVA, called as a witness,  
 8 being duly sworn, testified as follows:  
 9 \* \* \*  
 10 EXAMINATION  
 11 BY MR. BOWERS:  
 12 Q. Hello, Mr. Holeva. My name is Tim  
 13 Bowers. We met informally before the deposition.  
 14 I represent Mr. Godlewski, and I have some  
 15 questions for you today. All right?  
 16 A. Sure.  
 17 Q. Would you prefer for me to call you  
 18 Mr. Holeva or Larry?  
 19 A. Larry is fine.  
 20 Q. Larry. Okay. I'm Tim and so is Tim and  
 21 so is Tim.  
 22 So have you ever been deposed before?  
 23 A. I have.  
 24 Q. How long ago?  
 25 A. At least 20 years ago.

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1 INDEX TO WITNESSES  
 2 DEPOSITION OF PAGE  
 3 Lawrence Holeva  
 4 By Mr. Bowers 4  
 5  
 6  
 7  
 8  
 9 -----  
 10 INDEX TO EXHIBITS  
 11 EXHIBIT PAGE  
 12 1 - newspaper column 25  
 13 2 - police criminal complaint 29  
 14 3 - information 31  
 15 4 - guilty plea colloquy 33  
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1 Q. So quite a while. So just a few ground  
 2 rules. When you give an answer, you have to give  
 3 a verbal linguistic answer like yes or no instead  
 4 of uh-huh or uh-uh. Okay?  
 5 A. Yes.  
 6 Q. Sometimes we get excited about asking  
 7 questions or giving answers and we may end up  
 8 talking over each other. Will you wait until I  
 9 finish the question before answering?  
 10 A. Absolutely.  
 11 Q. And in return, I'll give you the courtesy  
 12 of making sure you're finished with your answer  
 13 before I start another question. All right?  
 14 A. Thank you.  
 15 Q. Sometimes lawyers come out with a  
 16 horribly mangled garbled question that may be  
 17 unintelligible to regular people. If I ask  
 18 anything that you don't understand because it's  
 19 come out as a bad question, will you tell me so?  
 20 A. Yes.  
 21 Q. And if I ask you a question and you  
 22 answer it, can I presume that you've heard and  
 23 understood the question before answering?  
 24 A. Yes.  
 25 Q. Okay. Is there anything affecting your

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1 ability to understand questions put to you and to  
2 give accurate answers today?  
3 A. No.  
4 Q. So let's move into the actual questions  
5 then. Are you currently employed?  
6 A. Yes.  
7 Q. Where are you employed?  
8 A. I'm employed at the Scranton  
9 Times-Tribune.  
10 Q. In what capacity are you employed?  
11 A. I'm the executive editor.  
12 Q. I saw a recent article in the Washington  
13 Post. Do you anticipate that's going to continue  
14 after this recent takeover?  
15 A. Yes.  
16 Q. How long have you been the executive  
17 editor?  
18 A. Twelve years.  
19 Q. What was your job before being executive  
20 editor?  
21 A. I was the managing editor of the Citizens  
22 Voice in Wilkes-Barre and the Standard Speaker in  
23 Hazleton.  
24 Q. How long were you managing editor of  
25 those papers?

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1 A. Eight years.  
2 Q. So we're back about 20 years now of  
3 history. Are those other papers were they owned  
4 by the same group as the Scranton Times?  
5 A. Yes.  
6 Q. And before being managing editor there,  
7 how were you employed?  
8 A. I was employed as a journalist in  
9 different capacities since 1983.  
10 Q. Okay.  
11 A. 1987 with the Scranton Times. 1983 to  
12 1987 with the former Scrantonian Tribune which  
13 was a competitor.  
14 Q. When you were employed as a journalist  
15 before becoming an editor, what sort of  
16 journalism did you do? What beats did you have?  
17 A. I started off covering municipal news. I  
18 moved and I covered cops and courts. I changed  
19 papers and I took a city beat. I covered the  
20 City of Scranton and the Scranton neighborhoods.  
21 I moved to sports where I was a ten-year baseball  
22 writer, four years as an assistant sports editor,  
23 and then I moved back into the news department in  
24 Scranton in 1998.  
25 Q. What was your favorite thing to do?

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1 A. Covering baseball.  
2 Q. You never covered Mr. Godlewski playing  
3 baseball, did you?  
4 A. I didn't know he did.  
5 Q. You might have been a little young for  
6 that when you were covering sports.  
7 MR. GODLEWSKI: '98 to 2002.  
8 THE WITNESS: I just left sports.  
9 MR. BOWERS: Don't --  
10 MR. GODLEWSKI: Oh, sorry.  
11 BY MR. BOWERS:  
12 Q. How long were you covering cops and  
13 courts doing criminal stuff?  
14 A. I did that for about a year and a half.  
15 Q. Did you become familiar with the way a  
16 criminal case flows at that point?  
17 A. Yes. I covered Wayne County Court.  
18 Q. Okay. How many cases do you think you  
19 covered over the course of your year and a half?  
20 A. Six because one was a long extended case.  
21 Q. What was it?  
22 A. It was a murder case.  
23 Q. Okay. And you were there from arrest  
24 through jury verdict?  
25 A. Yes.

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1 Q. Tell me about being an executive editor.  
2 I don't know the newspaper world. What are your  
3 duties as executive editor?  
4 A. Currently or under the old ownership  
5 because they're quite different?  
6 Q. Let's do old ownership because that's  
7 when the article would have been published that  
8 gave rise to this lawsuit. So let's talk about  
9 that period of time.  
10 A. As the executive editor of the group, I  
11 oversee the managing editors of each property.  
12 So the managing editor in Scranton, Wilkes-Barre,  
13 Hazleton, and Pottsville would report to me. I  
14 would set vision and strategy. I would handle  
15 our union negotiations. I would handle our  
16 budgets. It was more of an administrative job  
17 overseeing the journalism.  
18 Under the new company, it's quite  
19 different because it's a larger company and  
20 corporate management handles the unions, the HR  
21 issues, the budgeting, and more of the  
22 administrative work.  
23 Q. So you've now been able to return more to  
24 the actual journalism side of that?  
25 A. Yes.

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1 Q. In 2021 would you have had any direct  
2 involvement with selection of material for  
3 columns in one of the newspapers?  
4 A. No.  
5 Q. Who would have done that?  
6 A. The managing editor at the newspaper.  
7 Q. And the managing editor would work under  
8 your strategic direction?  
9 A. Correct.  
10 Q. At that point in time had you issued any  
11 strategic direction for sort of selection of  
12 material for columns?  
13 A. No.  
14 Q. That brings up a term that I would like  
15 to ask you about. I understand that you have a  
16 distinction in journalism between columns and  
17 maybe news articles?  
18 A. Correct.  
19 Q. Can you tell me about that distinction.  
20 A. Yes. A news article would not reflect a  
21 writer's opinion. A column would have more  
22 latitude to add opinion. And that's the biggest  
23 differentiation.  
24 Q. Could you tell me more about that  
25 latitude to add opinion. I'm gathering that that

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1 latitude is not without boundaries?  
2 A. Correct. The opinion still needs to be  
3 based in fact.  
4 Q. Okay. How does basing that opinion in  
5 fact differ from, say, gathering facts for a news  
6 article?  
7 A. I don't know.  
8 Q. Okay. Maybe not the best question. If  
9 one of your writers were going to produce a  
10 column on a subject, what research or  
11 investigation would you expect them to conduct in  
12 order to generate material for the column?  
13 A. The same research they would conduct if  
14 they're writing a news story.  
15 Q. What research is that?  
16 A. I don't know specifically what you're  
17 asking.  
18 Q. Okay. Let's back up and make sure I  
19 understand.  
20 Whether someone is writing an article, a  
21 news article, or an opinion column, you expect  
22 them to do similar research to generate a factual  
23 basis, correct?  
24 A. Yes.  
25 Q. What does research to generate a factual

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1 basis look like for a reporter or a columnist?  
2 A. I think it would depend what the subject  
3 matter they were reporting on.  
4 Q. Okay. Tell me more about that.  
5 A. It would require them to base their  
6 reporting on accurately obtaining information.  
7 Q. What does it mean to accurately obtain  
8 information in journalism?  
9 A. It means to have multiple sources. The  
10 sources may be documentation. They may be  
11 information derived from an interview. They may  
12 be -- it may be information derived from data  
13 depending on what the subject matter you're  
14 researching would be.  
15 Q. Okay. With respect to documents, is  
16 there a standard in your paper for judging the  
17 reliability or credibility of a document to be  
18 used as a source?  
19 A. Yes.  
20 Q. What is that standard?  
21 A. Generally, if it's a legal document it  
22 would meet our standard.  
23 Q. How about interviews? Is there a  
24 standard for determining the credibility of  
25 someone who's interviewed or the reliability?

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1 A. Yes.  
2 Q. What is that standard?  
3 A. You would test their credibility to make  
4 sure that they had direct knowledge or had  
5 expertise in whatever that area of research might  
6 be.  
7 Q. Okay. Let's talk about writing a column  
8 about a criminal prosecution. And you are  
9 familiar, again, with writing -- with journalism  
10 in that field because you've done it yourself,  
11 right?  
12 A. Yes.  
13 Q. What sort of documents would you expect  
14 that your columnists would look at before forming  
15 -- writing a column and forming opinions about a  
16 criminal prosecution?  
17 MR. HINTON: Objection to the form of the  
18 question. You can answer.  
19 THE WITNESS: I think that depends on  
20 what they were writing about. In some cases it  
21 might be a court document, it might be a  
22 transcript of a court document, it might be a  
23 police report. It may be an interview with  
24 someone who has knowledge of the investigation  
25 because they did the investigation. And there's

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1 probably others that I'm overlooking, but that  
2 would be pretty much standard.  
3 Q. Okay. Would you expect that, you know,  
4 one of your journalists would look at a criminal  
5 complaint?  
6 A. Yes.  
7 Q. Would you expect that they would look at  
8 an affidavit of probable cause?  
9 A. Yes.  
10 Q. And just to clarify, those are terms with  
11 which you're familiar from your experience?  
12 A. Yes.  
13 Q. Would you expect one of your columnists  
14 to look at an information?  
15 A. Yes.  
16 Q. Would you -- do you understand the  
17 difference between a criminal complaint and an  
18 information?  
19 A. Yes.  
20 Q. What's your understanding of the  
21 difference between the two?  
22 A. The criminal information is what is going  
23 to happen before the complaint is filed.  
24 Q. All right. Would it surprise you to  
25 learn that it's actually the other way around?

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1 A. No, it wouldn't. Actually, as I said  
2 that to you I wasn't certain.  
3 Q. Would it surprise you to learn a  
4 complaint is filed first and then followed by an  
5 information?  
6 A. Correct, that does not surprise me.  
7 Q. Okay. Do you understand that what is in  
8 the information supersedes what's in a criminal  
9 complaint?  
10 MR. HINTON: Let me object to the form of  
11 the question.  
12 THE WITNESS: Yes.  
13 MR. BOWERS: Okay.  
14 BY MR. BOWERS:  
15 Q. If a Defendant in a criminal case pled  
16 guilty, would you expect your reporter or your  
17 journalist to review the guilty plea colloquy?  
18 A. Yes.  
19 Q. In your opinion, would it be necessary to  
20 review all of these documents to gather accurate  
21 information about the nature of a criminal  
22 prosecution?  
23 A. It may.  
24 Q. When may it?  
25 A. It depends on the scope of the case and

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1 what's included in the information.  
2 Q. Okay.  
3 A. Those would be judgments, and that's kind  
4 of what journalism is based on, a judgment.  
5 Q. Okay. Are there any guidelines that  
6 affect that judgment?  
7 A. No.  
8 Q. Are there any ethical standards that  
9 affect that judgment?  
10 A. Yes. And the ethical standard would be  
11 that we would pursue information to the best of  
12 our ability to get a complete story.  
13 Q. In the context of reporting on a criminal  
14 case, would it be consistent with that ethical  
15 requirement to pursue information to the best of  
16 your ability to review every available  
17 document --  
18 A. Yes.  
19 Q. -- that's filed at the court system?  
20 A. Yes.  
21 Q. If a journalist does not review all of  
22 those documents, might that indicate a lapse in  
23 their ethical obligation to pursue information to  
24 the best of their ability?  
25 A. Not necessarily.

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1 Q. When would it not?  
2 A. If you don't know that that exists.  
3 Q. Do you have experience reporting on court  
4 cases?  
5 A. Yes.  
6 Q. You're familiar with all those documents,  
7 right?  
8 A. Correct.  
9 Q. How long did it take you to become  
10 familiar with the fact that those things were all  
11 filed in criminal cases?  
12 MR. HINTON: Let me object to the form of  
13 the question. We're talking in vagueness here.  
14 You haven't defined all things.  
15 MR. BOWERS: All right.  
16 BY MR. BOWERS:  
17 Q. How long did it take you to realize that  
18 a criminal complaint is something that's filed in  
19 a criminal case?  
20 A. Not very long.  
21 Q. Okay. It's not hard to figure out when  
22 you're starting?  
23 A. Correct.  
24 Q. How long did it take you to learn that  
25 there's such a thing as an information that's

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1 filed?  
2 A. Not very long either.  
3 Q. Would it be the same thing for a guilty  
4 plea colloquy?  
5 A. I couldn't answer that. I've never had a  
6 case that was pled.  
7 Q. Okay. All right.  
8 A. The cases I covered were cases that were  
9 criminal trials.  
10 Q. Very good. But would you agree with me  
11 that knowledge of the existence of and sequence  
12 of filings in a criminal case is something that a  
13 reporter picks up fairly quickly?  
14 A. Yes.  
15 Q. And any veteran journalist, you know,  
16 working for the Scranton Times should know the  
17 sequence of filing in a criminal case?  
18 A. If that's their beat, yes.  
19 Q. Then it would be consistent with their  
20 ethical responsibility that you told us about  
21 earlier to view each of those documents to get  
22 information that's reliable, correct?  
23 A. Yes.  
24 Q. Tell me about the process of writing a  
25 column for the Scranton Times. How is the column

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1 initiated?  
2 MR. HINTON: Generally speaking?  
3 MR. BOWERS: Generally speaking, not with  
4 respect to the column that's the subject of this  
5 litigation, general speaking.  
6 THE WITNESS: The idea would be initiated  
7 by the columnist.  
8 BY MR. BOWERS:  
9 Q. And how are your columnists employed?  
10 How were they employed in 2021? I understand  
11 that may have changed.  
12 A. They worked out of a central office. The  
13 column ideas generally bubbled up from them to a  
14 supervising editor. They would file a column, it  
15 would get edited, and there would be questions  
16 asked, and it would get handed back, and there  
17 would be revisions made, and sometimes there  
18 would be more questions asked. But that would be  
19 the process of...  
20 Q. So let's start -- let's take a column  
21 from the start. The columnist has an idea for  
22 the column, correct?  
23 A. Yes.  
24 Q. Writes the column, correct?  
25 A. Correct.

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1 Q. And then sends that column to the  
2 supervising editor, correct?  
3 A. Yes.  
4 Q. And I think you mentioned that the  
5 supervising editor may have questions and sends  
6 it back down to the columnist?  
7 A. Yes.  
8 Q. What sort of questions might a  
9 supervising editor have?  
10 A. It could be anything, organizational  
11 issues, informational issues, writing style  
12 problems. He will put the column through the  
13 same general paces an editor would put a story  
14 through.  
15 Q. And then the column is revised, correct?  
16 A. Yes.  
17 Q. And then the column is sent back to the  
18 supervising editor?  
19 A. Yes.  
20 Q. Assuming the supervising editor thinks  
21 that the column is in good shape at that point  
22 what happens next?  
23 A. It moves through a copy editing process.  
24 It would go to a copy desk. And in our setup,  
25 that needs to have at least one other editing

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1 scrutiny.  
2 Q. Who provides that other editing scrutiny?  
3 A. An editor on the copy desk. It's not one  
4 editor. There's multiple people, and it will  
5 depend on what their work schedule and work flow  
6 is for that day.  
7 Q. And what is that person looking for in  
8 their scrutiny?  
9 A. The same thing the supervisor editor was  
10 looking for. They will spot-check fact. They  
11 will make sure that the column is -- has clarity,  
12 that it's accurate, that it's got no grammatical  
13 issues, that it meets the newspaper's standards  
14 for publication.  
15 Q. Can you describe to me the process of  
16 spot-checking facts.  
17 A. Yes. Every fact that's in a story would  
18 have a CQ, a correct that the reporter would say  
19 where they obtained the information. And that's  
20 in a news story that I'm really speaking about.  
21 The editor would spot-check those to see that  
22 that was accurate. For instance, if it was a  
23 name, they would have to find out is that name  
24 spelled correctly. If there's a URL in the  
25 story, they would have to put that URL into a

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1 browser and make sure that takes you to the  
2 correct website and not to another website. If  
3 there's a phone number, they would be required to  
4 dial that number and make sure that's who  
5 answered the phone. Those would be spot-checks.  
6 Q. Would spot-checking involve review of  
7 court documents if they were reporting on a  
8 criminal case?  
9 A. Most likely not.  
10 Q. Are there circumstances in which it would  
11 since you indicated that it was most likely not  
12 the case?  
13 A. Yes, depending on who the supervisory  
14 editor was on the first read.  
15 Q. All right.  
16 A. So in this case, a column would be going  
17 to a higher level supervisory editor, so there's  
18 less chance that it would have gone through a  
19 spot-check of documents at the next level of  
20 editing.  
21 Q. All right. At what level would it have  
22 gone through a check of documents?  
23 A. If the first draft of the story was not  
24 handled by a senior editor, if it was handled by  
25 a junior editor. So that would be a regular news

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1 story that came through the desk. And if the  
2 supervisory editor had it afterwards they would  
3 spot-check.  
4 Q. That's for a regular news story, correct?  
5 A. Correct.  
6 Q. What about a column?  
7 A. That would only happen at the supervisory  
8 level on first draft.  
9 Q. What happens next?  
10 A. The editor who gives the story its final  
11 edit would place it on a news page, they would  
12 write a headline, they would proof the page, and  
13 another editor would read the story on the page  
14 to make sure that the headline matched the  
15 content of the story, that it matched the visual  
16 of the story if, in fact, there was a visual of  
17 the story to make sure that information on the  
18 page other than the story was also accurate and  
19 that would be a photograph, did the caption read  
20 accurately, does the jump line go to the right  
21 page. They would get the page if it was jumping  
22 and they would verify that it was landing on the  
23 right page that we sent readers to.  
24 Q. So that final edit is really about  
25 formatting to make sure everything is in place

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1 correctly?  
2 A. Correct. It's a proofing.  
3 Q. And would it be accurate to say then that  
4 content review would have happened at previous  
5 levels?  
6 A. Yes.  
7 Q. And is this the process that is followed  
8 every time a column is written?  
9 A. Yes.  
10 Q. At any point in time do questions about  
11 columns come to you in your capacity as executive  
12 editor?  
13 A. Yes.  
14 Q. When might a question about a column rise  
15 to the level of you as an executive editor?  
16 A. It would only happen if the managing  
17 editor or designee for a column raised a question  
18 with them.  
19 Q. How frequently does that happen?  
20 A. Rarely.  
21 Q. What sorts of things raise questions that  
22 are brought to you?  
23 A. Gosh, I can't even think of one that did,  
24 but they do on occasion. I want to think of  
25 columns. A column that would raise a suspicion

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1 that there was an issue with it. I'm trying to  
2 think of one that -- I'm trying to think of an  
3 example and I can't, but there have been.  
4 Q. In your 12 years as an executive editor,  
5 how often do you think that that's happened?  
6 A. Ten.  
7 Q. All right. I would like to move our  
8 discussion more specifically to the column that's  
9 the subject matter of this case.  
10 A. Sure.  
11 Q. So I'm going to show you -- I have a copy  
12 of it. I've marked it as Deposition Exhibit No.  
13 1.  
14 (Exhibit 1 was marked for  
15 identification.)  
16 BY MR. BOWERS:  
17 Q. Do you recognize this as a copy of the  
18 column written by Chris Kelly that ran on  
19 February 14, 2021 titled QAnon Realtor Sells  
20 Rabbit Holes on YouTube?  
21 A. Yes.  
22 Q. First, did this column, was it a column  
23 that a managing editor raised a question with to  
24 you?  
25 A. No.

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1 Q. So it never -- this column never came to  
2 your level prior to its publication?  
3 A. Correct.  
4 Q. Are you familiar with the column?  
5 A. Subsequently I have become familiar with  
6 it.  
7 Q. When did you first read the column?  
8 A. I read it on Sunday, February 14, 2021.  
9 Q. Part of your job is to make sure you read  
10 each paper that you're executive editor for when  
11 it comes out?  
12 A. Yes.  
13 Q. Are you familiar with the general content  
14 of the column?  
15 A. Yes.  
16 Q. Are you familiar with the fact that the  
17 column asserts that Philip Godlewski pled guilty  
18 to a crime involving sexual contact with a minor?  
19 A. Yes.  
20 Q. What sort of investigation of that fact  
21 would you have expected Mr. Kelly to do prior to  
22 writing the column?  
23 A. He would have done research work that  
24 would have included speaking to a county  
25 detective, reviewing paperwork that may be

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1 available on it, reading the history of the case  
2 which, you know, we would have in electronic  
3 archives.  
4 Q. When you say reviewing information, are  
5 there particular documents that you would have  
6 expected Mr. Kelly to have reviewed prior to  
7 writing the column?  
8 A. Yes.  
9 Q. What would those documents be?  
10 A. Whatever documents existed in this case.  
11 And I don't know that, but I assume there's a  
12 police report, a transcript of some court record.  
13 I don't know more beyond this since it wasn't a  
14 column that I edited or managed.  
15 Q. Based on your experience as a journalist,  
16 would you expect Mr. Kelly in the fulfillment of  
17 his ethical obligation to pursue information to  
18 the best of his ability to review the criminal  
19 complaint?  
20 A. Yes.  
21 Q. Would you expect Mr. Kelly in the  
22 exercise of his ethical obligation to pursue  
23 information to the best of his ability to review  
24 the information?  
25 A. Yes.

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1 Q. Would you -- I'm sorry these are a little  
2 repetitive. Would you expect Mr. Kelly in the  
3 exercise of his ethical obligation to pursue  
4 information to the best of his ability to review  
5 the terms of the guilty plea colloquy?  
6 A. Yes.  
7 Q. In your opinion, based on your experience  
8 in journalism, would you say it's necessary to  
9 review those documents to accurately know whether  
10 or not Phil Godlewski pled guilty to a crime  
11 involving sex with a minor?  
12 MR. HINTON: Objection. You're going  
13 beyond his involvement in managing and serving as  
14 an executive director. It's outside the scope of  
15 his -- he's a fact witness. He's not your expert  
16 witness here.  
17 MR. BOWERS: Let me rephrase.  
18 BY MR. BOWERS:  
19 Q. Would you, as an executive editor of the  
20 Scranton Times, expect Chris Kelly to review all  
21 of these documents in drafting a column about  
22 Phil Godlewski?  
23 A. I would expect that Chris would or any  
24 journalist would review whatever is available,  
25 whatever they can find on that case --

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1 Q. Okay.  
2 A. -- until they make a determination that  
3 they've got source or sufficient source to assert  
4 something as a fact.  
5 Q. I'm going to show you a copy of what I  
6 marked for identification as Deposition Exhibit  
7 2.  
8 (Exhibit 2 was marked for  
9 identification.)  
10 BY MR. BOWERS:  
11 Q. I'm going to represent to you that this  
12 is a copy of the police criminal complaint that  
13 was filed in Mr. Godlewski's case. Do you see  
14 that it appears to be a police criminal complaint  
15 naming Philip Godlewski as the Defendant?  
16 A. I'm having a hard time following it just  
17 because my eyes are bothering me.  
18 Q. Sure. Take your time. I will direct you  
19 to the very top.  
20 A. Yes.  
21 Q. Do you see the words police criminal  
22 complaint?  
23 A. Absolutely.  
24 Q. Do you see Commonwealth of Pennsylvania  
25 versus Philip Godlewski?

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1 A. Thank you.  
2 Q. You've seen criminal complaints before in  
3 your experience as a journalist, correct?  
4 A. Yes.  
5 Q. I'm going to direct you to a page of the  
6 complaint that's got a Bate stamp on the bottom  
7 that says ST0616.  
8 Do you see at Offense Number 7 -- it's  
9 toward the top of the complaint -- that there's a  
10 charge of corruption of minors?  
11 A. Yes.  
12 Q. And do you see that the accusation in  
13 that criminal complaint is that in that on or  
14 about January 2008 through the present, the  
15 Defendant, Philip Godlewski, being 18 years of  
16 age and upwards, did corrupt or tend to corrupt  
17 the morals of the victim, redacted, a minor under  
18 the age of 18 years, by engaging in acts of  
19 sexual intercourse or aided, abetted, enticed, or  
20 encouraged a minor in the commission of a crime  
21 or knowingly assisted or encouraged such minor in  
22 violating his or her parole or court order?  
23 A. Yes.  
24 Q. And there is an acquisition in there  
25 Mr. Godlewski engaged in sexual intercourse with

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1 a minor, correct?  
2 A. Yes.  
3 Q. What's your understanding of the  
4 importance of an accusation in a criminal  
5 complaint?  
6 A. (No response.)  
7 Q. Let me rephrase that. That's a bad  
8 question.  
9 As a journalist, do you read accusations  
10 in a criminal complaint as the truth?  
11 A. No, it's an allegation.  
12 Q. Allegation. Good. And would you have  
13 expected Mr. Kelly to review the criminal  
14 complaint prior to writing the February 14, 2021  
15 column about Mr. Godlewski?  
16 A. Yes.  
17 Q. Okay. I'm going to show you a copy of  
18 what's marked for identification as Deposition  
19 Exhibit 3.  
20 (Exhibit 3 was marked for  
21 identification.)  
22 BY MR. BOWERS:  
23 Q. I'll represent to you that this is the  
24 information filed in Mr. Godlewski's case. Does  
25 that appear to be what it is to you?

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1 A. Yes.  
2 Q. Do you now recall after we talked about  
3 the sequence of criminal complaint versus  
4 information that an information is filed after a  
5 criminal complaint?  
6 A. Yes.  
7 Q. And would you recall from your experience  
8 that an information is filed once a case -- a  
9 criminal case passes through the magistrate's  
10 office and goes to the Court of Common Pleas?  
11 A. Yes, that's correct.  
12 Q. And would it be your understanding that  
13 an information is the document upon which the  
14 Commonwealth proceeds to charge a Defendant?  
15 A. Yes.  
16 Q. So how many counts do you see on  
17 Mr. Godlewski's information?  
18 A. One.  
19 Q. And what is that count?  
20 A. A corruption of minors.  
21 Q. And can you read the description of that  
22 offense. Don't worry about the citation and the  
23 grading but just what it says he did.  
24 A. Unlawfully, being at the age of 18 years  
25 and upwards, corrupt or tend to corrupt a morals

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1 of any minor less than 18 years of age, or did  
2 aid, abet, entice, or encourage any such minor in  
3 the commission of any crime, or did knowingly  
4 assist or encourage such minor in violating his  
5 or her parole or any order of the court to wit;  
6 the Defendant did repeatedly have inappropriate  
7 text messages and contact with a minor.  
8 Q. Is there any allegation in there of  
9 sexual contact specifically?  
10 A. No.  
11 Q. No. Would you have expected Mr. Kelly to  
12 review the information prior to writing his  
13 article about Mr. Godlewski?  
14 A. If available, yes.  
15 Q. I'm going to show you what I've marked  
16 for identification as Deposition Exhibit 4.  
17 (Exhibit 4 was marked for  
18 identification.)  
19 BY MR. BOWERS:  
20 Q. I'll represent to you this is a copy of  
21 Mr. Godlewski's guilty plea colloquy that he  
22 entered in that case. Are you familiar with what  
23 a guilty plea colloquy is?  
24 A. Yes.  
25 Q. What's your understanding of what it is?

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1 A. This would be the final disposition  
2 before the Court had accepted the plea.  
3 Q. And have you seen these before?  
4 A. No.  
5 Q. Not this particular one but a guilty plea  
6 colloquy in general?  
7 A. Oh yes, I have.  
8 Q. And is a guilty plea colloquy something  
9 that you would expect Mr. Kelly to have reviewed  
10 prior to writing his article -- his column about  
11 Mr. Godlewski?  
12 A. Again, if it was available, yes, or if it  
13 was necessary. There would be a time where you  
14 might not because you have the information from  
15 another source.  
16 Q. Okay.  
17 A. Whether that be someone with firsthand  
18 knowledge of the case or documentation.  
19 Q. Let's focus on this document for a moment  
20 then we can talk about those things.  
21 I'm going to direct you to page 3 of it  
22 which is also marked with a Bate stamp ST 0586.  
23 Do you see paragraph 16? It says, The  
24 elements of the crimes charged are as follows?  
25 A. Yes.

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1 Q. And would you agree with me that it says  
2 being of the age of 18 or older, by an act  
3 corrupts or tends to corrupt the morals of a  
4 minor?  
5 A. Yes, I think.  
6 Q. Is there any reference in paragraph 16 to  
7 sexual contact between Mr. Godlewski and a minor?  
8 A. No. It's vague enough that it doesn't  
9 say that.  
10 Q. And if we look at paragraph 17, would you  
11 agree with me that it says, The District Attorney  
12 indicates this is what you did on the date of the  
13 crime charged and there's nothing written in  
14 after that?  
15 A. Yes.  
16 Q. So is there any factual indication in the  
17 guilty plea colloquy that Mr. Godlewski had  
18 sexual intercourse with a minor?  
19 A. No.  
20 Q. Does it appear from the text of the  
21 guilty plea colloquy that Mr. Godlewski admitted  
22 to having sex with a minor?  
23 A. No.  
24 Q. Based on the documents that you have in  
25 front of you, would you consider it consistent

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1 with a journalist's ethical obligation to pursue  
2 information to the best of his ability to end an  
3 inquiry about whether or not Mr. Godlewski had  
4 sex with a minor with this information?  
5 A. Again, I think it depends on what other  
6 information the journalist knows to be factual,  
7 and you would have obtained that in a lot of  
8 different ways. As I read number 16, it appears  
9 to be intentionally vague. It's not specific  
10 about what constituted those corruption of a  
11 minor. It's an admission but not a detail.  
12 Q. So to come back to my question, based on  
13 these documents alone that you've seen, you  
14 couldn't conclude that he admitted to having sex  
15 with a minor?  
16 A. Correct.  
17 Q. And if I understand you, you are of the  
18 opinion that a journalist would need more  
19 information in order to conclude that  
20 Mr. Godlewski admitted to having sex with a  
21 minor?  
22 A. Yes.  
23 Q. What information or rather what sources  
24 of information would you expect a journalist in  
25 the discharge of the ethical obligation to pursue

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1 information to the best of his ability to look at  
2 to verify that?  
3 A. Investigative files, investigative work,  
4 investigative insight, investigative sourcing.  
5 Q. Whose files -- when you say investigative  
6 files, whose files are you talking about?  
7 MR. HINTON: Objection to the form of the  
8 question. He said investigative sourcing.  
9 Doesn't just necessarily mean hard paper and hard  
10 files.  
11 MR. BOWERS: Mr. Holeva said a number of  
12 things. I believe files were one of them. We  
13 are going to go through the list.  
14 MR. HINTON: Then we focus right on just  
15 files.  
16 BY MR. BOWERS:  
17 Q. Do you need me to repeat the question?  
18 A. Yes, please.  
19 Q. When you said investigative files, whose  
20 files?  
21 A. It could be anyone who is investigating  
22 this case. I don't know if that's District  
23 Attorney. I don't know if that's municipal. I  
24 don't know at what level this case was --  
25 Q. So by investigative files, you're

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1 referencing law enforcement files?  
2 A. Yes.  
3 Q. Okay. Do you know if Mr. Kelly did any  
4 of that investigation?  
5 A. I don't know specifically on this case.  
6 Q. Okay. Fair enough. In addition to  
7 investigative files, what other sources would you  
8 expect would be necessary to make a determination  
9 about the issue of whether Mr. Godlewski admitted  
10 to having sex with a minor?  
11 A. Court files, independent interviews. I  
12 mean, it could be any type of investigative work  
13 that would lead you to make that conclusion or  
14 any conclusion.  
15 Q. If that investigative work beyond  
16 reviewing the three documents I've shown you was  
17 not done, would that be a breach of a  
18 journalist's ethical obligation to pursue  
19 information to the best of his ability prior to  
20 writing a story that says Phil Godlewski admitted  
21 to having sex with a minor?  
22 A. Yes.  
23 Q. Okay. And, again, because you weren't  
24 directly involved with this article, you don't  
25 know whether that investigation was done,

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1 correct?  
2 A. Correct.  
3 Q. Have you told me all the sources of other  
4 information you would expect a journalist to  
5 investigate prior to writing the column about  
6 Mr. Godlewski?  
7 A. Yes.  
8 MR. BOWER: One moment, please.  
9 (A short break was taken at 2:48 p.m.;  
10 after which, the following occurred at 2:49 p.m.)  
11 BY MR. BOWERS:  
12 Q. Larry, I would like to ask you, if I can,  
13 about some other aspects of the Chris Kelly QAnon  
14 Realtor Sells Rabbit Holes on YouTube. And you  
15 have the copy in front of you I see?  
16 A. Yes.  
17 Q. In addition to the accusation in it that  
18 Mr. Godlewski had sexual intercourse with a  
19 minor, there are a number of accusations about  
20 Mr. Godlewski's involvement with the January 6  
21 insurrection at the Capitol, correct?  
22 MR. HINTON: Objection to the form of the  
23 question. Can you point him out to the specific  
24 accusations.  
25 MR. BOWERS: Okay. I'm asking him for

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1 his recollection.  
2 MR. HINTON: Of this ten-page article  
3 that you put in front of him?  
4 MR. BOWERS: Let me rephrase the question  
5 a little bit.  
6 MR. HINTON: Why don't you point him to  
7 the paragraphs that you claim Mr. Godlewski was  
8 involved in the insurrection.  
9 MR. BOWERS: I appreciate your educating  
10 me on the way to take a deposition and ask a  
11 question.  
12 MR. HINTON: I'm giving you a lot of  
13 leeway, Tim. You've been extremely vague in all  
14 of your questions here today. So I'm giving you  
15 some leeway, but let's talk specifics.  
16 BY MR. BOWERS:  
17 Q. Larry, are you familiar with the entire  
18 content of the article?  
19 A. Yes.  
20 Q. Would you agree with me that the  
21 accusation that Mr. Godlewski had sexual  
22 intercourse with a minor is not the only  
23 accusation about Mr. Godlewski contained in the  
24 column?  
25 A. Yes.

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1 Q. Based on your recollection of the column,  
2 what else does it assert about Mr. Godlewski?  
3 A. It asserts that he is involved with  
4 QAnon. Do you want me to look at the column or  
5 take this off recollection?  
6 Q. Just tell me your recollection of it  
7 first and then we can look at specifics.  
8 A. It asserts that he had some USA Today  
9 exposure in the January 6th riot at the Capitol.  
10 Q. Okay. And that's your recollection based  
11 on reading the column as, you know, the day it  
12 was printed as an average Scranton Times reader  
13 might see it, correct?  
14 A. Correct.  
15 Q. And you understood those things to refer  
16 to Phil Godlewski, correct?  
17 MR. HINTON: Objection to the form of the  
18 question. You can answer.  
19 THE WITNESS: Specific parts were  
20 directed at Mr. Godlewski. There was also a lot  
21 of QAnon generalities in this column.  
22 BY MR. BOWERS:  
23 Q. When the column suggests that  
24 Mr. Godlewski beat the drum of the QAnon  
25 movement, how did you understand that accusation?

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1 A. That he was spreading the word of the  
2 QAnon movement.  
3 Q. Did you understand it to mean that he was  
4 a leader in that movement?  
5 A. No.  
6 Q. What sort of research would you have  
7 expected Mr. Kelly to do in the discharge of his  
8 ethical obligation to pursue information to the  
9 best of his ability to perform in verifying that  
10 Mr. Godlewski beat the drum of the Q movement?  
11 A. It would mean that he had talked with  
12 enough people who had listened or heard of  
13 Mr. Godlewski's involvement with QAnon.  
14 Q. How many people?  
15 A. I don't know if there's a specific answer  
16 to that.  
17 Q. I'm going to direct you to page -- the  
18 second page, and I'm going to look at the  
19 paragraph that is next to the bottom that starts  
20 the Capitol riot. Would you agree with me that  
21 it says, The Capitol riot is empirical evidence  
22 that we ignore this insidious war on truth at our  
23 peril. Despite the demolition of all its  
24 so-called prophecy, the Q movement marches on,  
25 Godlewski happily calls out the cadence.

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1 A. Yes, I see it.  
2 Q. Would you agree with me that that  
3 connects Mr. Godlewski to the Capitol riots?  
4 A. Not directly.  
5 Q. Would you agree with me that it creates  
6 the implication that Mr. Godlewski was involved  
7 in the Capitol riots?  
8 MR. HINTON: Objection.  
9 THE WITNESS: I wouldn't even go that  
10 far, but it does indicate that he is calling out  
11 in support of the Q movement.  
12 BY MR. BOWERS:  
13 Q. What sort of sources or research should  
14 Chris Kelly have done in his pursuit of his  
15 ethical obligation to pursue information to the  
16 best of his ability in determining that Godlewski  
17 happily calls out the cadence of a Q movement  
18 that it perpetrated a riot at the Capitol?  
19 MR. HINTON: Objection to the form of the  
20 question. That's not what it says, but you can  
21 answer.  
22 THE WITNESS: A reporter who is covering  
23 this would have multiple sources, whatever they  
24 may be, interviews with people, witness to  
25 literature, documentation whether that be video

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1 or written word, and information you would derive  
2 from interviews.  
3 Q. Have you now told me every source of  
4 information that you would expect a reporter to  
5 look to to pursue the -- to discharge the ethical  
6 obligation to pursue information to the best of  
7 his ability prior to writing the column about  
8 Mr. Godlewski?  
9 A. To the best of my knowledge I have.  
10 Q. And if a reporter had not, in fact,  
11 examined all of the sources of information prior  
12 to writing the column about Mr. Godlewski, would  
13 that be a breach of the ethical obligation?  
14 A. We're talking ethical obligations of two  
15 different things, an opinion story or a news  
16 article. It certainly would on a news article.  
17 The columnist has latitude in an opinion piece,  
18 but the fact is still going to be the fact. And  
19 --  
20 Q. Just to be clear, did you tell me earlier  
21 that you would expect the same research to be  
22 done whether it was a news article or an opinion  
23 column?  
24 A. On fact I did, yes.  
25 Q. And would you agree with me that the

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1 question of whether Mr. Godlewski beats the  
2 cadence of the Q movement is a matter of fact?  
3 A. Yes.  
4 Q. So that's not a matter of opinion?  
5 A. Correct.  
6 Q. And that's something that can be  
7 demonstrated through witness interviews, correct?  
8 A. Sure.  
9 Q. Or review of literature, correct?  
10 A. Yes.  
11 Q. Or documentation, correct?  
12 A. Yes.  
13 Q. And that those things would be necessary  
14 to discharge the ethical obligation of a  
15 columnist writing the column about Mr. Godlewski,  
16 correct?  
17 A. Yes.  
18 Q. I'm going to direct you to the front  
19 page. Do you see that in the title of the column  
20 it says QAnon Realtor Sells Rabbit Holes?  
21 A. Yes.  
22 Q. And do you see that there's a cartoon  
23 that appears immediately below that showing what  
24 appears to be a parody of a real estate sign  
25 saying un-realtor?

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1 A. Yes.  
2 Q. Mr. Godlewski was working as a realtor at  
3 the time that this was published, correct?  
4 A. I know that from reading this column,  
5 yes.  
6 Q. What's the connection between  
7 Mr. Godlewski's activity as a realtor and  
8 political views he's expressed?  
9 A. I don't know.  
10 Q. Do you see any connection between the  
11 two?  
12 A. No.  
13 Q. What's the connection between  
14 Mr. Godlewski's work as a realtor and the  
15 accusation that he had sexual relations with a  
16 minor?  
17 A. I don't understand the question.  
18 Q. Well, this is a column about  
19 Mr. Godlewski's political beliefs, correct?  
20 MR. HINTON: Objection. The column  
21 speaks for itself.  
22 MR. BOWERS: You can answer.  
23 THE WITNESS: Yes.  
24 BY MR. BOWERS:  
25 Q. And you've said you don't see a

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1 connection between being a realtor and having a  
2 set of political beliefs, correct?  
3 A. Correct.  
4 Q. One could have any number of exotic  
5 political beliefs and be a perfectly good  
6 realtor, correct?  
7 A. Sure.  
8 Q. Similarly, one could be accused of having  
9 sexual intercourse with a minor and be a  
10 perfectly good realtor, correct?  
11 A. Yes.  
12 Q. Does being a realtor impact assessment of  
13 Mr. -- strike that. Does the fact that  
14 Mr. Godlewski -- strike that again. Does the  
15 fact that Mr. Godlewski is engaged in the  
16 business of selling real estate affect assessment  
17 of his political beliefs by the general public  
18 who are reading this?  
19 A. I wouldn't know that.  
20 MR. HINTON: Are you speaking for the  
21 general public?  
22 THE WITNESS: Yeah, I wouldn't know that.  
23 BY MR. BOWERS:  
24 Q. Does mention of the fact that  
25 Mr. Godlewski as a realtor do anything other than

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1 impugn his integrity as a realtor?  
2 MR. HINTON: Objection.  
3 THE WITNESS: I think the mention of  
4 Mr. Godlewski as a realtor is only an identifier.  
5 It speaks to who he does or what he does.  
6 BY MR. BOWERS:  
7 Q. Would you agree with me there's not just  
8 a mention somewhere in the article that he's a  
9 realtor? There is, in fact, a cartoon drawing  
10 the icon conspicuously to the fact that he's a  
11 realtor, correct?  
12 A. Yes.  
13 Q. And, in fact, that he is an unrealtor,  
14 correct?  
15 A. That is the parody of this illustration.  
16 Q. And does that not -- and it says that he  
17 sells rabbit holes as a realtor, correct?  
18 A. Again, as the parody of this illustration  
19 does say that.  
20 Q. And doesn't it suggest that Mr. Godlewski  
21 is, in fact, in some way not an honest realtor?  
22 MR. HINTON: Objection.  
23 THE WITNESS: I don't know how to answer  
24 that. I could tell you the unreal is the focus  
25 of this illustration. Unreal is, though, not

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1 believable.  
2 BY MR. BOWERS:  
3 Q. Is there a single factual allegation in  
4 this article that Mr. Kelly has in some way been  
5 a dishonest realtor?  
6 MR. HINTON: Objection to the form.  
7 Godlewski.  
8 MR. BOWERS: Sorry. I apologize. Let me  
9 rephrase.  
10 BY MR. BOWERS:  
11 Q. Is there any factual allegation in this  
12 article that Mr. Godlewski is a dishonest  
13 realtor?  
14 A. No.  
15 MR. HINTON: Hold on. Let me object to  
16 the form of the question. Do you want to read  
17 the article and take a look at it, Larry, or do  
18 you want to go by memory?  
19 THE WITNESS: I can go by memory I think  
20 on this one.  
21 MR. HINTON: Okay.  
22 THE WITNESS: I don't see anything in  
23 this article that questions his ability to be a  
24 realtor other than a character assessment based  
25 on the criminal elements that were included in

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1 this.  
2 BY MR. BOWERS:  
3 Q. And the criminal elements that were  
4 included in the column, have nothing to do with  
5 his profession as a realtor, do they?  
6 MR. HINTON: Let me object to form of the  
7 question and point out that the article  
8 specifically says last February Godlewski was  
9 charged with theft by deposition, forgery, and  
10 related charges --  
11 MR. BOWERS: Counsel, you're not  
12 testifying.  
13 MR. HINTON: The Real Estate Commission  
14 has taken his license.  
15 MR. BOWERS: You're not testifying here  
16 today.  
17 MR. HINTON: You have put in front of him  
18 a ten-page article and said go by memory of what  
19 it says. Go ahead, sir.  
20 MR. BOWERS: I think Mr. Holeva is  
21 perfectly capable for answering for himself.  
22 MR. HINTON: Go ahead.  
23 BY MR. BOWERS:  
24 Q. So Mr. Holeva, is there an allegation  
25 that crimes he committed were in connection with

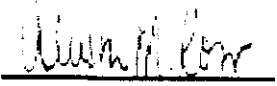
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1 his profession as a realtor?  
2 A. No.  
3 Q. And is there any allegation that his  
4 activities as, you know, an alleged proponent of  
5 the QAnon movement impacted his pursuit of the  
6 profession of realty?  
7 A. Not directly, no.  
8 Q. And yet, the headline leads with the fact  
9 that he's a realtor, correct?  
10 A. Yes.  
11 Q. And the cartoon chosen focuses on the  
12 fact that Mr. Godlewski was a realtor, correct?  
13 A. Yes. Again, it's a parody and play on  
14 the fact that he was a realtor, unreal.  
15 Q. And do you think a reader would  
16 understand the title and the cartoon taken  
17 together to suggest that Mr. Godlewski is not an  
18 honest realtor?  
19 A. I think that's the reader's  
20 determination. I don't necessarily know that to  
21 be the fact.  
22 Q. But you can't say that such an  
23 interpretation would be unreasonable, correct?  
24 A. No, no.  
25 MR. BOWERS: Mr. Holeva, thank you so

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1 much for answering our questions.  
2 (The deposition concluded at 3:07 p.m.)  
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1 CERTIFICATE  
2 I hereby certify that the proceedings and  
3 evidence are contained fully and accurately in  
4 the notes taken by me on the within proceedings  
5 and that this is a correct transcript of the  
6 same. +  
7  
8   
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10 Allison M. Ross, RPR  
11 Notary Public  
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