

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

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**DEFENDANTS ANSWER TO PLAINTIFF’S MOTION FOR RECONSIDERATION**

Defendants, Chris Kelly and The Scranton Times, L.P. (collectively referred to herein as “Defendants”), by and through their counsel, hereby file this Answer to Plaintiff’s Motion for Reconsideration:

1. Denied. The Court’s Memorandum and Order were filed with the Clerk of Judicial Records on August 30, 2024 and served upon counsel for all parties.
2. Denied. The Order was separately docketed with the Clerk of Judicial Records on September 3, 2024.
3. No response is required. Paragraph 3 of Plaintiff’s Motion speaks for itself.

**COUNT I – COLLATERAL ESTOPPEL**

4. No response is required.
5. Denied. The Court’s Opinion, pp. 34-37, speak for themselves.
6. Denied. Defendants’ Brief in Support of Motion for Summary Judgment, pp 14-15, states:

Godlewski waived his right to have a Preliminary Hearing in in his 2010 criminal case on September 27, 2010. (A true and correct copy of the Waiver of Preliminary Hearing is included in the Exhibit List and marked as Exhibit “16”.) Judge Geroulo conducted a Pre-Trial Conference on November 12, 2010. (See Case Summary and Guilty Plea Colloquy is included in the Exhibit List and marked as Exhibit “17”.) At that conference Godlewski and the prosecutor agreed to a plea bargain whereby Godlewski would plead guilty to the corruption charge under 18 Pa.C.S.A. § 6301(a)(1) and all the other charges would be dismissed.

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 LACKAWANNA COUNTY

(Exhibit "17", See ST 3798, ¶13; Exhibit "2", pp. 240-241.) At the time Godlewski was charged and when he signed the Guilty Plea Colloquy, § 6301(a) read:

(1) Whoever, being of the age of 18 years and upwards, by any act corrupts or tends to corrupt the morals of any minor less than 18 years of age, or who aids, abets, entices or encourages any such minor in the commission of any crime, or who knowingly assists or encourages such minor in violating his or her parole or any order of court, commits a misdemeanor of the first degree.

(2) Any person who knowingly aids, abets, entices or encourages a minor younger than 18 years of age to commit truancy commits a summary offense. Any person who violates this paragraph within one year of the date of a first conviction under this section commits a misdemeanor of the third degree. A conviction under this paragraph shall not, however, constitute a prohibition under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

(See Exhibits "12" and a true and correct copy of the Information is included in the Exhibit List and marked as Exhibit "18".)

Godlewski and the prosecutor agreed upon a sentence of 3 months home confinement to 23 months. Godlewski's counsel reserved the right to withdraw the guilty plea if the Court did not accept the recommended sentencing.

Godlewski's Guilty Plea Colloquy signed November 12, 2010 states:

11. Do you understand that by pleading guilty you are admitting that you did things you are charged with and that if you plead not guilty, the Commonwealth cannot force you to take the stand and either admit or deny that you did the things you are charged with? Yes.

Godlewski admitted he did the "things" he was charged with. (Exhibit "2", pp. 235-241, specifically p. 240.) He was charged with corruption of a minor for having sexual intercourse with the minor victim. The Guilty Plea Colloquy was signed by Godlewski and his attorney. (Exhibit "17" and Exhibit "2", p. 235.) An Information was filed by the District Attorney charging Godlewski with corruption of a minor for "repeatedly [having] inappropriate text messages and contact with a minor." (Exhibit "18".)

7. Denied. The Court's Opinion and Order speak for themselves.

8. The parties' briefs speak for themselves. Certainly, the Court is not limited to rely only on the cases cited in the parties' briefs.

9. Denied. The Defendants' Answer and New Matter speaks for itself. Further, Defendants' Answer, paragraph 51, specifically states: "Denied. Defendant Chris Kelly is an

honest journalist and learned Plaintiff pled guilty to a crime which involved sexually corrupting a 15-year-old girl.” The New Matter also includes the following statements regarding defenses asserted by Defendants: “8. The publication complained of is a fair and accurate summary of the statements made in legal court filings and governmental records that have been placed in the public domain and open for public inspection” and “18. The statements complained of are true or substantially true.” Defendants have clearly presented a truth defense which the Court has now accepted based upon Plaintiff’s guilty plea and his signed guilty plea colloquy. Moreso, Plaintiff’s counsel asserted an argument about the meaning and effect of the guilty plea in pages 22-24 of his Brief in Opposition to the Motion for Summary Judgment.

10. Denied. Defendant did not waive its defense that the article was substantially true based upon Plaintiff’s guilty plea to corrupting the morals of the minor based on the predicate acts of his sexual relationship with the minor.

11. Denied. The Defendants’ New Matter speaks for itself. In any event, the Court was not limited to just the cases cited in the parties’ briefs in determining the legal significance of Plaintiff’s guilty plea in 2011 and the effect it has on the issues in this case.

12. Denied. Defendants have the right to prove the truth of the statements in the newspaper column and they asserted this right in their New Matter.

13. Denied. The Court committed no error of law.

14. Exhibit 1 speaks for itself.

15. Exhibit 2 speaks for itself.

16. Exhibit 1 speaks for itself.

17. Denied.

18. Denied.

19. Denied.

COUNT II – ACTUAL MALICE

20. No response is required.

21. Denied as stated. Defendants do agree the Court concluded Plaintiff failed to produce sufficient evidence of actual malice to proceed to trial. See the Court's Memorandum Opinion, pp. 45-50.

22. Plaintiff seems to be blaming the Court for the fact his counsel sent in a marked up (highlighted) Exhibit to the Clerk of Judicial Records for filing and it was illegible when copied.

23. No response is required.

24. Defendants submit that the Court should deny Plaintiff's Motion.

WHEREFORE, Defendants, Chris Kelly and The Scranton Times, L.P., respectfully request that Plaintiff's Motion for Reconsideration be denied.

RESPECTFULLY SUBMITTED,

HAGGERTY HINTON & COSGROVE LLP

Date: 9-16-2024

By: J. T. Hinton, Jr.

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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**

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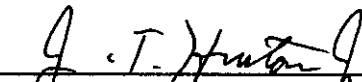
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**CERTIFICATE OF SERVICE**  
.....

I hereby certify that on this 16<sup>th</sup> day of September 2024, I caused to be served by electronic mail, a true and correct copy of the foregoing Motion for Summary Judgment upon all parties:

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*Attorney for Plaintiff*

RESPECTFULLY SUBMITTED,

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