

PHILIP GODLEWSKI,

Plaintiff

v.

CHRIS KELLY, and THE SCRANTON
TIMES, L.P.,

Defendants

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

NO. 2021 CV 2195

Notified
9-17-24
2024 SEP 16 P 3:52
LACKAWANNA COUNTY
CHRIS KELLY

ORDER

AND NOW, this 16th day of September, 2024, inasmuch as (1) a Memorandum and Order were filed on August 30, 2024, granting defendants' motion for summary judgment, (2) on Saturday, September 14, 2024, plaintiff's counsel forwarded a copy of "Plaintiff's Motion [for] Reconsideration of the Court's Order Docketed September 3, 2024 Granting Defendants' Motion for Summary Judgment" to the undersigned's administrative assistant, (3) pursuant to 42 Pa.C.S. § 5505, a trial court loses the power to act on a motion for reconsideration and its original order if it fails to expressly grant the motion for reconsideration within 30 days of the entry of the original order, Blucas v. Agiovlasis, 179 A.3d 520, 525 n.5 (Pa. Super. 2018), Lichtman v. Glazer, 111 A.3d 1225, 1230 (Pa. Cmwlth. 2015), *app. denied*, 633 Pa. 758, 125 A.3d 779 (2015), and (4) the Deputy Court Administrator in charge of the scheduling of oral arguments has reported that the next available date and time for oral argument before the undersigned is well beyond September 30, 2024, (*see* attached email communication dated 9/16/24), it is hereby ORDERED and DECREED that:

1. By no later than September 19, 2024, defendants shall file an answer to plaintiff's motion for reconsideration;
2. On or before September 23, 2024, plaintiff shall file and serve his brief in support of plaintiff's motion for reconsideration;

3. By no later than September 27, 2024, defendants shall file and serve their brief in opposition to plaintiff's motion for reconsideration;

4. Copies of the parties' filings shall be served upon the undersigned via nealont@lackawannacounty.org; and

5. Plaintiff's motion for reconsideration will be submitted for a decision upon the filing and service of defendants' brief in opposition to plaintiff's motion for reconsideration.¹

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:

Timothy M. Kolman, Esquire
Timothy Bowers, Esquire
Kymberley L. Best, Esquire
Kolman Law, P.C.
414 Hulmeville Avenue
Pennell, PA 19047
Counsel for Plaintiff

tkolman@kolmanlaw.com
tbowers@kolmanlaw.com
kbest@kolmanlaw.com

J. Timothy Hinton, Jr., Esquire
Haggerty, Hinton & Cosgrove, LLP
Suite 2, 1401 Monroe Avenue
Dunmore, PA 18509
Counsel for Defendants

timhinton@haggertylaw.net

¹ One of the arguments raised in plaintiff's motion for reconsideration is that the submitted transcript of the deposition of Lawrence Holeva did not contain redactions as stated in the Memorandum and Order of August 30, 2024, and instead "contained numerous passages of text highlighted in color" for some reason. As reflected by the attached exhibit, the apparent highlighting appears as redactions that cannot be deciphered. Moreover, the original files for civil actions are maintained in the Clerk of Judicial Records Office in the Lackawanna County Government Center, 123 Wyoming Avenue, Scranton, and are rarely, if ever, removed by judges to be viewed in the Lackawanna County Courthouse, 200 North Washington Avenue, Scranton, for fear of original filings being lost or misplaced. A "clean" copy of Mr. Holeva's deposition transcript has been attached to plaintiff's motion for reconsideration and will be reviewed and considered in its entirety when addressing plaintiff's motion for reconsideration.

Terrence Nealon

From: Stacey Harris
Sent: Monday, September 16, 2024 12:39 PM
To: Terrence Nealon
Subject: RE: Scheduling Matters for Oral Argument

Good afternoon Judge,

You have one opening in February on 2/6 at 9:00 a.m. After that your next date is 3/4 at 9:00 a.m.

From: Terrence Nealon <NealonT@lackawannacounty.org>
Sent: Monday, September 16, 2024 10:46 AM
To: Stacey Harris <HarrisS@lackawannacounty.org>
Subject: Scheduling Matters for Oral Argument

Since you handle the scheduling of all oral arguments before judges who are assigned to civil cases, could you please let me know what is the earliest date on which you would be able to schedule an oral argument before me on a case dispositive motion? Thanks.

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY, PENNSYLVANIA

1			
2	PHILIP GODLEWSKI,	:	CIVIL DIVISION
3		:	
4	Plaintiff	:	
5	VS	:	
6		:	NO. 2021-CV-2195
7	CHRIS KELLY, et al.	:	
8		:	
9	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 Dummore, PA 18509
 570.344.9845
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

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.

Page 3

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
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

Page 5

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

Page 6

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?

Page 7

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?

Page 8

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.

Page 9

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.

Page 10

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 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED] that distinction.
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 Q. Could you tell me more about that
25 latitude to add opinion. I'm gathering that that

Page 11

1 latitude is not without boundaries?
2 [REDACTED]
3 [REDACTED]
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 [REDACTED]
14 [REDACTED]
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

Page 12

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 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
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?

Page 13

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

[REDACTED]

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

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.

[REDACTED]

9 Q. What happens next?

[REDACTED]

24 Q. So that final edit is really about
25 formatting to make sure everything is in place

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

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.

Page 34

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.

Page 35

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
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 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 Q. Based on the documents that you have in
25 front of you, would you consider it consistent

Page 36

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 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
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

Page 37

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 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Page 38

1 [REDACTED]
2 [REDACTED]
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 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
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,

Page 39

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

Page 40

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.

Page 41

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?

Page 42

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.

Page 43

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

Page 44

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.

Page 45

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
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 unrealector?

Page 46

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.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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:
[REDACTED]

Page 47

1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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

Page 48

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 unrealector,
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.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Page 49

1 [REDACTED]
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.
[REDACTED]
[REDACTED]
[REDACTED]

