

|                   |   |                              |
|-------------------|---|------------------------------|
| PHILIP GODLEWSKI, | : | IN THE COURT OF COMMON PLEAS |
| Plaintiff,        | : | of LACKAWANNA COUNTY, PA     |
|                   | : |                              |
| v.                | : | CV-2023-1354                 |
|                   | : |                              |
| BRIENNA DuBORGEL, | : | CIVIL ACTION-LAW             |
| Defendant.        | : | JURY TRIAL DEMANDED          |

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_ 2024, upon consideration of Plaintiff's Motion to Strike Defendant's Motion for Partial Summary Judgment and for Finding of Contempt, it is hereby ORDERED as follows:

A. Defendant shall file an Answer not later than the \_\_\_\_ day of \_\_\_\_\_ 202\_\_.

C. A hearing shall be held on the \_\_\_\_ day of \_\_\_\_\_ 202\_\_ at \_\_\_\_ o'clock \_\_\_\_M. in Courtroom No. \_\_\_\_\_ of the Lackawanna County Courthouse.

BY THE COURT:

\_\_\_\_\_  
, J.

PHILIP GODLEWSKI, : IN THE COURT OF COMMON PLEAS  
 Plaintiff, : of LACKAWANNA COUNTY, PA  
 :  
 v. : CV-2023-1354  
 :  
 BRIENNA DuBORGEL, : CIVIL ACTION-LAW  
 Defendant. : JURY TRIAL DEMANDED

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 LACKAWANNA COUNTY  
 COURT OF COMMON PLEAS  
 RECORDS CIVIL DIVISION

**PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S  
 MOTION FOR PARTIAL SUMMARY JUDGMENT  
 AND FOR FINDING OF CONTEMPT**

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

1. On March 4, 2024 the Court entered a Stipulated Case Management Order ("Order"). See true and correct copy of Order attached hereto as Exhibit 1.
2. Paragraph 7 of the Order set September 30, 2024 as the deadline for filing dispositive motions.
3. The Lackawanna County Rules of Civil Procedure provide, "Nothing in this Rule shall preclude a Party from seeking an Amendment to the Case Management Schedule upon good cause shown. Nothing shall be preclude the Trial Court to Amend the Case Management Schedule upon request of a Party and upon good cause shown." Lacka. Co. R.C.P. 4000.2 (Explanatory Comment).
4. Defendant Brienna DuBorgel ("DuBorgel") filed her Motion for Partial Summary Judgment on October 31, 2024, 31 days after the deadline established by the Order.
5. DuBorgel did not seek prior leave of the Court and supply good cause for her failure to timely file her Motion for Partial Summary Judgment.

6. DuBorgel is in contempt of the Order for failing to timely file her Motion for Partial Summary Judgment and for doing so without complying with the requirements of the Explanatory Comment to Lacka. Co. R.C.P. 4000.2.

7. DuBorgel's Motion for Partial Summary Judgment should be stricken due to its untimely filing without leave of Court.

8. Godlewski has incurred counsel fees to enforce the provisions of the Order.

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

- A. Striking DuBorgel's Motion for Partial Summary Judgment.
- B. Finding DuBorgel in contempt of court.
- C. Directing DuBorgel to pay Godlewski's counsel fees in connection with this Motion.
- D. Providing such other relief as the Court may deem just.

Respectfully submitted,

DATE: 11/26/2024

**KOLMAN LAW, PC**

*Timothy M. Kolman*

Timothy M. Kolman, PA51982

Timothy A. Bowers, PA77980

*KyMBERLEY L. BEST*  
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 26th day of November 2024, served a true and correct copy of the foregoing document by email upon the following:

Gregory E. Fellerman, Esquire  
gef@fclawpc.com  
Edward J. Ciarimboli, Esquire  
ejc@fclawpc.com  
Molly Dempsey Clark, Esquire  
mclark@fclawpc.com  
Counsel for Defendant

THOMAS R. KELLY  
CLERK OF THE COURT  
RECORDS DIVISION  
NOV 26 12:27

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

PHILIP GODLEWSKI,  
Plaintiff,

v.

BRIENNA DuBORGEL,  
Defendant.

IN THE COURT OF COMMON PLEAS  
of LACKAWANNA COUNTY, PA

CV-2023-1354

NOTIFIED MAR - 4 2024

CIVIL ACTION-LAW  
JURY TRIAL DEMANDED

COURT OF JUDICIAL  
LACKAWANNA COUNTY  
MARI B. KELLY  
CLERK OF COURT  
MAR 11 A 0925

**STIPULATED CASE MANAGEMENT ORDER**

Upon Stipulation of the parties and their counsel, the Court enters the following

**Stipulated Case Management Order:**

1. February 22, 2024: Deadline for parties to agree to forensic expert for production of data from cell phones.
2. April 17, 2024: Deadline for depositions of the parties.
3. June 17, 2024: Deadline for discovery. Either party may certify readiness for trial.
4. July 17, 2024: Deadline for delivery of Plaintiff's expert report(s) to Defendant.
5. August 19, 2024: Deadline for delivery of Defendant's expert report(s) to Plaintiff.
6. August 30, 2024: Deadline for delivery of any supplemental/rebuttal expert reports.
7. September 30, 2024: Deadline for filing dispositive motions. Either party may request a settlement conference.

BY THE COURT:

DATE: 2/29/24

  
CARMEN D. MINORA, SJ

**Exhibit 1**


AGREED BY COUNSEL AND THE PARTIES:

**KOLMAN LAW, PC**

*Timothy M. Kolman*

\_\_\_\_\_  
Timothy M. Kolman, PA51982

  
\_\_\_\_\_  
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Counsel for Defendant.