IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

TERRY GENE BOLLEA professionally known as HULK HOGAN,

Plaintiff,

Case No.: 12012447-CI-011

vs.

HEATHER CLEM; GAWKER MEDIA, LLC aka GAWKER MEDIA; et al.,

Defendants.
_____/

OPPOSITION OF DEFENDANTS GAWKER MEDIA, LLC, NICK DENTON, AND A.J. DAULERIO TO PLAINTIFF'S MOTION FOR SETTING OF TRIAL DATE AND FOR SEVERANCE OF CLAIMS AGAINST KINJA, KFT

Plaintiff Terry Bollea's request to set a trial date is improper and should be denied. The Rules of Civil Procedure prohibit a trial date from being set because the pleadings have not closed. Plaintiff's request to avoid that rule by asking to sever his claims against one of the five remaining defendants is similarly improper. The claims against defendant Blogwire Hungary Szellemi Alkotást Hasznosító, KFT (referred to by plaintiff as "Kinja, KFT" and referred to herein as "Blogwire Hungary") cannot be severed because this Court lacks jurisdiction over those claims while Blogwire Hungary's appeal is pending. Severance would be improper in any event because, as plaintiff acknowledges, his claims against Blogwire Hungary are intertwined with his claims against the other defendants. Finally, even if a trial date could be set, plaintiff's request for trial to begin on June 1, 2015 is fundamentally unreasonable. Much discovery remains to be done, and the proposed date would not leave sufficient time for the Court to adjudicate dispositive motions and motions *in limine* in advance of trial, which is particularly

important given the sensitive nature of this case, the unique issues involved, and the fact that plaintiff is seeking $100 million in damages.

ARGUMENT

I. A TRIAL DATE CANNOT BE SET.

Plaintiff is simply wrong when he claims "it is time to set this matter for trial." *See* Mot. at 3. Florida Rule of Civil Procedure 1.440 is unambiguous: A trial date cannot be set until the case "is at issue." *Accord Precision Constructors, Inc. v. Valtec Const. Corp.*, 825 So. 2d 1062, 1063 (Fla. 3d DCA 2002) (per curiam) ("An action is not 'at issue' until the pleadings are closed."). That Rule is absolute and demands "strict compliance." *Globe Life & Acc. Ins. Co. v. Preferred Risk Mut. Ins. Co.*, 539 So. 2d 1192, 1193 (Fla. 1st DCA 1989); *accord, e.g.*, *Precision Constructors*, 825 So. 2d at 1063 ("Failure to adhere strictly to the mandates of Rule 1.440 is reversible error."); *Durand v. Durand*, 569 So. 2d 838, 839 (Fla. 3d DCA 1990) (holding that case should not have been set for trial until the pleadings had closed).

Here, as plaintiff notes, two defendants have not answered the complaint, Heather Clem and Blogwire Hungary. *See* Mot. at 3. The hearing on Ms. Clem's motion to dismiss is scheduled for October 22, but, even if the Court denies her motion, the pleadings on that aspect of plaintiff's suit will not close until she answers and, if she asserts counterclaims, until plaintiff answers those claims. *See, e.g.*, FLA. R. CIV. PRO. 1.440(a); *Bennett v. Cont'l Chemicals, Inc.*, 492 So. 2d 724, 726-27 (Fla. 1st DCA 1986) (en banc) (holding that trial notice was "premature" because "no answer had yet been filed crystallizing the issues" and a motion to dismiss counterclaims was pending). Even if the pleadings close with respect to plaintiff's claims against Ms. Clem, the pleadings with respect to Blogwire Hungary still will be open. Those

pleadings cannot close until after the District Court of Appeal resolves Blogwire Hungary's appeal. *See* Mot. at 2.

As long as the pleadings remain open, the case will not be "at issue," and no trial date can be set. *See Bennett*, 492 So. 2d at 727 n.1 ("An answer must be served by or a default entered against *all defending parties* before the action is at issue.") (emphasis added); 5 PHILIP PADOVANO, FLA. PRAC., CIVIL PRACTICE § 15:2 ("A case is not at issue with respect to any defendant in a multiple defendant case until it is at issue as to *all of the defendants.*") (emphasis added). Thus, plaintiff's request to set a trial date should be denied.

II. THE CLAIMS AGAINST BLOGWIRE HUNGARY SHOULD NOT BE SEVERED.

In an effort to dodge the absolute bar against setting a trial date until this case is "at issue," plaintiff asks the Court to sever his claims against Blogwire Hungary and "to permit the claims against the main Gawker defendants and Ms. Clem to proceed to trial." Mot. at 3. That request should be denied for two reasons: First, so long as Blogwire Hungary's appeal is pending, this Court lacks jurisdiction to sever the claims against it. Second, as Florida's appellate courts have repeatedly held, severance is not appropriate when, as in this case, the claims against one defendant are intertwined with the claims against other defendants.

1. The Court Lacks Jurisdiction To Sever The Claims Against Blogwire Hungary. When Blogwire Hungary filed a notice of appeal from this Court's denial of its motions to dismiss for lack of personal jurisdiction, this Court was divested of jurisdiction to consider any matter bearing on Blogwire Hungary's rights in this litigation. It is hornbook law that "a trial court is divested of jurisdiction upon notice of an appeal except with regard to those matters which do not interfere with the power and authority of the appellate court or with the rights of a party to the appeal which are under consideration by the appellate court." *Palma Sola*

Harbour Condo., Inc. v. Huber, 374 So. 2d 1135, 1138 (Fla. 2d DCA 1979). As Judge Padovano has explained, "[a]ppeals from orders determining personal jurisdiction are unlike appeals from most other nonfinal orders in the respect that almost all proceedings in the trial court, including discovery, will be suspended until resolution of the appeal." PHILIP PADOVANO, 2 FLA. PRACTICE, APPELLATE PRACTICE § 24:6. Because this Court's jurisdiction over Blogwire Hungary "is the subject matter of an interlocutory appeal, the trial court may not proceed in the cause as to such subject-matter until the appeal is heard and determined." *Ward v. Gibson*, 340 So. 2d 481, 483 (Fla. 3d DCA 1976); PADOVANO, *supra*, § 24:6 ("Nearly any action in the trial court during the pendency of the appeal [of a ruling on personal jurisdiction] could be characterized as an interference with the appellate court's jurisdiction."). Thus, exercising jurisdiction over Blogwire Hungary while the District Court of Appeal is considering its appeal would be "a departure from the essential requirements of the law." *Far Out Music, Inc. v. Jordan*, 438 So. 2d 912, 913 (Fla. 3d DCA 1983). Simply stated, the Court lacks jurisdiction to sever plaintiff's claims against Blogwire Hungary as long as the appeal remains pending.[1]

2. **Severance Is Not Appropriate Because The Claims Are Intertwined.** Even if this Court had jurisdiction to sever plaintiff's claim against Blogwire Hungary, severance would be inappropriate. Plaintiff bases his request for severance on the notion that the severance decision rests "'within the sound judicial discretion of the trial judge.'" Mot. at 3 (quoting *Burns v. Riccardi*, 356 So. 2d 1334 (Fla. 3d DCA 1978)). But, the only case plaintiff cites in support of his request is a three-paragraph opinion that includes no analysis and does not even include a description of the underlying litigation, let alone any explanation why a severance was

[1] While this rule governs in all circumstances, its application is particularly appropriate here given that plaintiff moved to dismiss Blogwire Hungary's appeal and the District Court of Appeals denied that motion.

appropriate on its particular facts. *See Burns v. Riccardi*, 356 So. 2d 1334 (Fla. 3d DCA 1978). As numerous cases explain, the court's discretion is not unbounded, and, under governing precedent, any severance here would be erroneous.

In Florida, "a single trial is preferred." *Yost v. Am. Nat'l Bank*, 570 So. 2d 350, 352 (Fla. 1st DCA 1990). In this state, "'the law does not look with favor upon a multiplicity of suits when plaintiffs' right to full and complete relief can be afforded in one action.'" *Id.* (citation omitted). Thus, it has long been held that "severance . . . should remain the exception." *Travelers Express, Inc. v. Acosta*, 397 So. 2d 733 (Fla. 3d DCA 1981).

The law is clear: "Where the facts and issues underlying the claims are intertwined, the trial court should conduct a single trial." *Bethany Evangelical Covenant Church of Miami, Florida, Inc. v. Calandra*, 994 So. 2d 478, 479 (Fla. 3d DCA 2008); *accord, e.g.*, *Solari v. Zublin Chile Ingenieria Y Construcciones*, 987 So. 2d 161, 163 (Fla. 3d DCA 2008) ("Florida courts have found it improper to sever claims when the facts underlying the claims of the respective parties are inextricably interwoven."). The reason for this rule is straightforward. If two trials proceed on connected issues there is an "increased possibility of inconsistent verdicts," *Bethany Evangelical Covenant Church*, 994 So. 2d at 479, and the parties and the court must incur the extra "expense associated with multiple actions," *Yost*, 570 So. 2d at 352.

In this case, the factual and legal issues underlying the claims against each defendant are intertwined. Indeed, plaintiff has admitted this precise point, arguing previously that his claims against the defendants "are inextricably intertwined and involve questions of law or fact common to all of the defendants." Pl.'s Mot. for Remand at 8 (attached hereto as Exhibit 1). In moving to sever his claims against Blogwire Hungary, plaintiff again concedes this point, acknowledging that "the claims against [Blogwire Hungary] . . . are dependent on whether Gawker is found

liable." Mot. 2; *accord id.* at 4 (admitting "[i]f the other Gawker defendants are found not to be liable, that will foreclose any claim against" Blogwire Hungary). These concessions alone should end the matter.

Cases decided by Florida's appellate courts underscore that a severance would be erroneous. For example, the Third District Court of Appeal held that a trial court's decision to sever claims against two defendants was erroneous. In *Bethany Evangelical Covenant Church of Miami, Florida, Inc. v. Calandra*, 994 So. 2d 478, 479 (Fla. 3d DCA 2008), a mother filed suit claiming that a teacher at a local church had "engaged in inappropriate and offensive contact with [her] minor child." She sued not only the teacher and the church, but also the regional and national entities overseeing the church, claiming those entities could be held liable on theories of *respondeat superior* and negligent hiring and retention. *See id.* During the course of the litigation, the mother sought to sever the claims against the regional and national churches, and the trial court granted the severance. *See id.* After those two entities filed a petition for writ of certiorari, the District Court of Appeal ruled that the severance was improper because "the claims all arise from allegations of a single injury and it makes sense to try them together." *Id.*

In *Solari v. Zublin Chile Ingenieria Y Construcciones*, 987 So. 2d 161, 163 (Fla. 3d DCA 2008), the District Court of Appeal upheld a trial court's decision to deny a severance and to try all claims against a group of defendants together because those claims involved a single scheme and injury. In that case, a company alleged that its attorney conspired to steal money from it and then channeled the stolen money through a bank. The company sued the attorney, his law firm, and the bank. The attorney and law firm then sought to sever the claims against the bank, but the trial court rejected that request. *See id.* The appellate court affirmed that ruling because the company's claims "all revolve around the same inextricably interwoven facts – that the [attorney

and law firm] conspired to steal money from [the company] . . . and that those funds were channeled through the [bank] to accounts outside of the United States." *Id.*

Plaintiff's claims mirror the claims in those two cases, as plaintiff alleges that the defendants' conduct caused him to suffer a single injury. *See, e.g.*, Am. Compl. ¶¶ 5, 19, 24 (alleging that the Gawker Defendants and Blogwire Hungary combined and conspired to cause plaintiff's alleged injuries). And, just as the mother in *Bethany Evangelical Covenant Church* sought to hold the regional and national churches liable under a theory of vicarious liability, plaintiff is proceeding against Blogwire Hungary based on his theory that if the Gawker defendants are "held liable" that liability will attach to Blogwire Hungary if it is Gawker's "alter ego" or "directly liable for Gawker's conduct." Mot. at 4. In addition, like the company that filed suit in *Solari*, plaintiff claims that the Gawker defendants engaged in a tortious scheme with Blogwire Hungary and then channeled profits from their scheme to Blogwire Hungary. Indeed, plaintiff's complaint does not allege separate conduct by Blogwire Hungary. Instead, he lumps it together with the Gawker defendants and then alleges that they are all responsible for the purportedly tortious conduct alleged. Am. Compl. at 1, ¶ 24.

In short, severance is not appropriate.[2] Accordingly, plaintiff should not be permitted to avoid the rule that a trial date cannot be set until Blogwire Hungary has answered, and his motion for a severance should be denied.

---

[2] The premise of plaintiff's request for a severance appears to be that he will use findings made against Gawker at one trial in a later trial against Blogwire Hungary. *See* Mot. at 4. But, to the extent that plaintiff believes that the doctrine of collateral estoppel applies, a judgment becomes final for estoppel purposes only after any appeal is adjudicated. *See Cicero v. Paradis*, 184 So. 2d 212, 214 (Fla. 2d DCA 1966) ("a judgment becomes final only when the appellate process, once started, has been completed"). Thus, plaintiff's proposed severance would neither expedite the ultimate resolution of plaintiff's claims nor "conserve judicial resources." Mot. at 4. It simply would delay the ultimate resolution of plaintiff's litigation.

III. A JUNE 2015 TRIAL DATE IS UNREASONABLE.

Even if setting a trial date were permissible at this stage (which it is not), plaintiff's request for a June 1, 2015 trial date is unreasonable. That request rests on three mistaken premises.

First, plaintiff's claim that "[t]his case has been pending for two years, since October 2012," is misleading. Mot. 2. This case has been pending against Ms. Clem since October 2012. It has only been pending in this Court against the Gawker defendants since late March 2013,[3] after which this Court and then the District Court of Appeals devoted a number of months to adjudicating the preliminary question of whether a temporary injunction could issue. Moreover, throughout most of the case's history, the legal viability of plaintiff's complaint was in question, as Gawker's motion to dismiss was not decided until the Court entered an order on May 14, 2014, just five months ago.

Second, plaintiff's suggestion that "[t]he parties have conducted most of the necessary discovery" is simply wrong. Mot. at 1. His related claim that the remaining discovery is not "crucial to the core issues of the case" is similarly off base. Mot. at 3. Indeed, the day before he asked the Court to set a trial date, he filed a brief in support of his request for 30 additional interrogatories because he needed to take more "discovery on *key issues in the case*." Pl.'s Resp. to Exceptions to Referee's Recommendation that Mr. Bollea Be Permitted to Serve 30 Additional Interrogs. at 3 (emphasis added).

---

[3] Plaintiff first added the Gawker defendants as parties to this case on December 28, 2012, after he voluntarily dismissed his federal lawsuit against Gawker, which had moved to dismiss his complaint already, had defeated his motion for a preliminary injunction, and had completed briefing on his appeal of the trial court's decisions denying the injunction. The Gawker defendants promptly removed the case to federal court. The district court then granted plaintiff's motion to remand on March 28, 2013.

Substantial discovery remains to be done, particularly with respect to third-party witnesses. Discovery commenced when plaintiff served his first interrogatories and document requests on May 21, 2013. Since that time, the Gawker defendants and plaintiff have exchanged substantial written discovery. But, as plaintiff notes, the only deposition discovery that has taken place has involved the parties and Bubba the Love Sponge Clem, who was originally named as a defendant. Mot. 2-3. The parties have taken very little third-party discovery. The remaining third-party discovery is critical to core issues in this case, particularly with respect to plaintiff's alleged damages. *See* Ex. 2 (correspondence to Judge Case detailing remaining third-party discovery); *see also* Ex. 3 (response by plaintiff's counsel); Ex. 4 (further response from Gawker's counsel).

Much of the remaining discovery that Gawker needs for its defense has been delayed significantly because Gawker has been forced to seek the Court's intervention to overrule plaintiff's objections to producing relevant evidence. Indeed, while plaintiff is pressing the Court to set a trial date here, he has otherwise done everything in his power to slow down discovery. For example:

- In December 2013, Gawker asked plaintiff to produce his phone records so that Gawker could identify the people with whom plaintiff communicated about the sex tapes and the Gawker posting. Plaintiff objected, and Judge Case then recommended that the records be produced on February 28, 2014, prior to plaintiff's deposition. Plaintiff responded by filing exceptions, which this Court denied on April 23, 2014. Plaintiff then filed another request for a protective order, which Judge Case denied. Finally, plaintiff produced the complete phone records in late July. Now that Gawker has received the records, it has served interrogatories asking plaintiff to use them to identify

the people with whom he communicated about the sex tapes, the Gawker posting, and other media reports about the tapes. After asking for and receiving two extensions to respond, plaintiff provided responses yesterday, on October 15. This discovery is significant because, to date, Gawker has been stymied in its efforts to learn the identity of people who might have knowledge of plaintiff's claims and alleged damages. For example, in June 2013, at the outset of discovery, Gawker asked plaintiff to identify such people, but the only people plaintiff named were other parties to the litigation. *See* Pl.'s Resp. to Daulerio's Interrog. No. 8. Then, at plaintiff's deposition, he claimed not to be able to identify a single person with whom he spoke about the tapes or the Gawker posting, other than his lawyers, family, and Bubba Clem. *See, e.g.*, Bollea Dep. (Ex. 5) at 370:1-7 (testifying that he cannot recall whether he discussed the sex tape with anyone other than David Houston or Bubba Clem following April 2012 publication of images from sex tape); *id.* at 427:12-17 (testifying that he cannot recall whether he discussed Gawker Story with anyone following its publication). Gawker obviously cannot take third-party discovery until plaintiff begins to identify the people who are witnesses. *See* Ex. 2. Thus, assuming that plaintiff's latest interrogatory responses are full and complete, it will have taken the better part of 16 months to get the identities of, and basic information concerning, the people with whom plaintiff communicated about the events at issue.

- In November 2013, based on published reports about plaintiff's intent to pursue criminal charges relating to the filming and dissemination of the sex tapes,[4] Gawker asked for plaintiff and his counsel to sign authorizations permitting it to submit

[4] *See, e.g.*, TMZ, *Hulk Hogan Contacts FBI Over Leaked Sex Tape* (Oct. 14, 2012) (http://www.tmz.com/2012/10/14/hulk-hogan-sex-tape-fbi/).

Freedom of Information Act requests to the federal government seeking information about any FBI investigation into the sex tapes. After plaintiff objected, Judge Case entered a report on February 5, 2014 recommending that the authorizations be provided. This Court accepted that recommendation in an order dated February 26, 2014. Plaintiff challenged that order by filing a petition for a writ of certiorari with the District Court of Appeal. The appellate court denied the petition in August. Plaintiff finally produced the authorizations on September 29. Only now, almost a year after first requesting the authorizations from plaintiff and his counsel, is Gawker nearly able to make the request. (Judge Case must sign off on their agreed-upon protocol for handling material produced by the government.) Plainly, Gawker cannot take third-party discovery of people implicated in or connected to the criminal investigation until after it receives the government's records because those records undoubtedly will bear on the witnesses' testimony. *See* Ex. 2. At the last hearing, the Court recognized the importance of information that would tend to identify the source of the sex tape, asking about it specifically, *see* April 23, 2014 Hrg. Tr. (Ex. 6) at 25:23 – 26:1, and this key discovery has been delayed for the better part of a year.

- Last October, the Court directed plaintiff to respond to an interrogatory asking him to identify his damages and "explain[] with particularity the basis for your calculation of such damages." Oct. 29, 2013 Hrg. Tr. (Ex. 7) at 95-96; *see also id.* at 14 (Court instructing plaintiff that "the time to let [defendants] know [his damages theory] is now. We're doing the discovery now."). Plaintiff has responded to that interrogatory, supplementing it several times, most recently on June 24, 2014. *See* Pl.'s Third Supp. Resp. to Interrog. No. 12 (Ex. 8). Nevertheless, he has never stated how he calculates his

damages. In an effort to discover information bearing on his damages and in accordance with Florida precedent on calculating damages in misappropriation cases, Gawker noticed its intent to subpoena plaintiff's publicists, two of his employers, and a few of his business partners in early July. Plaintiff objected to certain requests in those subpoenas, and Judge Case is now considering Gawker's motion to overrule those objections, with a hearing set for October 20. Once those objections are resolved, subpoenas are issued, and the witnesses produce documents, Gawker will seek to depose at least some of these third parties so that it can discover information bearing on plaintiff's damages.[5] This information, which is the subject of one of the "outstanding discovery disputes" mentioned in plaintiff's motion, obviously concerns one of "the main issues in this case," despite plaintiff's claim to the contrary. Mot. at 1.

At bottom, plaintiff should not be able to run out the clock by blocking Gawker's ability to take relevant discovery for many months, and then at the same time pressing for a trial date prematurely. Gawker should be afforded time to take key discovery based on relevant information that plaintiff has long withheld.

Third, plaintiff is mistaken when he suggests that a June 1, 2015 trial date would "provide for sufficient time for trial preparation, expert discovery, and in limine motions." Mot. at 3. Plaintiff has indicated that he likely will designate two damages experts, as well as a

---

[5] Once the subpoenas are served, discovery could be further delayed if the third-party witnesses object, as was the situation with plaintiff's New York-based publicist. On January 6, 2014, Gawker served a subpoena on the publicist. The publicist refused to produce certain records and, represented by plaintiff's counsel, claimed they were somehow protected by the attorney-client privilege. After a New York trial court ordered the publicist to produce the records, she appealed that ruling to New York's intermediate appellate court, again represented by plaintiff's counsel. Then, after the appeals court refused to stay the lower court's order, the publicist sought reargument, which also was denied. Finally, on October 7 – nine months after the subpoena was served – the publicist produced the documents.

journalism expert. *See* Ex. 2. Depending on the nature of plaintiff's designations, Gawker likely will designate between one and three experts. Given the subject matter of the expected expert designations, the parties will need to wait until fact discovery closes to begin taking expert discovery and depositions. Then, when all discovery closes, Gawker intends to file a motion for summary judgment. Even if that motion is not granted in full, the Court's ruling likely will narrow the claims that proceed to a jury and certainly will shape the issues for trial. *See* April 23, 2014 Hrg. Tr. at 106:5-6 (THE COURT: "I think some of the issues are going to become narrower here").

If the case proceeds beyond summary judgment, the Court will need to rule on a variety of motions *in limine* submitted by both parties. Given the nature of the case, the motions *in limine* are likely to raise significant legal and evidentiary issues. As this Court observed earlier in the litigation, this case is "unique," and those pretrial motions will raise issues that do not arise in most cases, but which could greatly alter the parties' presentations to the jury. *See* Oct. 29, 2013 Hrg. Tr. at 58:23.

In light of the nature of the case and the sensitive issues involved, the Gawker defendants believe that it is imperative that, when the time comes to set a trial date, any schedule provide reasonable timeframes for completing the remaining fact and expert discovery and for considering dispositive and evidentiary motions before trial so that any trial will proceed efficiently. With the amount of discovery remaining to be done, and the significant legal and factual issues that remain to be decided, Gawker respectfully submits that a June 1, 2015 trial date would be unreasonable.

CONCLUSION

Like plaintiff, the Gawker defendants are eager for this case to be resolved on the merits. While the Gawker defendants firmly believe that plaintiff's claims are not viable as a matter of law, if his case is not dismissed, they are eager to defend the Gawker posting as a matter of fact. But, given the procedural history of the case, much work remains to be done before trial. When the time comes to set a pretrial and trial schedule, Gawker respectfully requests that the parties and Court work together to establish a pretrial and trial schedule that provides realistic timeframes for the orderly completion of the remaining fact discovery, expert discovery, dispositive motions, and evidentiary motions.

For the foregoing reasons, Gawker respectfully requests that the Court deny plaintiff's motion to set a trial date and sever the claims against Blogwire Hungary.

Dated: October 16, 2014

Respectfully submitted,

THOMAS & LOCICERO PL

By: */s/ Gregg D. Thomas*
Gregg D. Thomas
Florida Bar No.: 223913
Rachel E. Fugate
Florida Bar No.: 0144029
601 South Boulevard
P.O. Box 2602 (33601)
Tampa, FL 33606
Telephone: (813) 984-3060
Facsimile: (813) 984-3070
gthomas@tlolawfirm.com
rfugate@tlolawfirm.com

and

Seth D. Berlin
Pro Hac Vice Number: 103440
Michael Sullivan
Pro Hac Vice Number: 53347
Michael Berry
Pro Hac Vice Number: 108191
Alia L. Smith
Pro Hac Vice Number: 104249
Paul J. Safier

Pro Hac Vice Number: 103437
Julie B. Ehrlich
Pro Hac Vice Number: 108190
LEVINE SULLIVAN KOCH & SCHULZ, LLP
1899 L Street, NW, Suite 200
Washington, DC 20036
Telephone: (202) 508-1122
Facsimile: (202) 861-9888
sberlin@lskslaw.com
msullivan@lskslaw.com
mberry@lskslaw.com
asmith@lskslaw.com
psafier@lskslaw.com
jehrlich@lskslaw.com

Counsel for Defendants Gawker Media, LLC, Nick Denton and A.J. Daulerio

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of October, 2014, I caused a true and correct copy of the foregoing to be served electronically upon the following counsel of record at their respective email addresses via the Florida Courts E-Filing Portal:

Kenneth G. Turkel, Esq.
kturkel@BajoCuva.com
Christina K. Ramirez, Esq.
cramirez@BajoCuva.com
Bajo Cuva Cohen & Turkel, P.A.
100 N. Tampa Street, Suite 1900
Tampa, FL 33602
Tel: (813) 443-2199
Fax: (813) 443-2193

David Houston, Esq.
Law Office of David Houston
dhouston@houstonatlaw.com
432 Court Street
Reno, NV 89501
Tel: (775) 786-4188

Charles J. Harder, Esq.
charder@HMAfirm.com
Douglas E. Mirell, Esq.
dmirell@HMAfirm.com
Harder Mirell & Abrams LLP
1925 Century Park East, Suite 800
Los Angeles, CA 90067
Tel: (424) 203-1600
Fax: (424) 203-1601

Attorneys for Plaintiff

Barry A. Cohen, Esq.
bcohen@tampalawfirm.com
Michael W. Gaines
mgaines@tampalawfirm.com
Barry A. Cohen Law Group
201 East Kennedy Boulevard, Suite 1950
Tampa, FL 33602
Tel: (813) 225-1655
Fax: (813) 225-1921

Attorneys for Defendant Heather Clem

Gregg D. Thomas
Attorney