

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CASE NUMBER: 12012447-CI-011**

**TERRY GENE BOLLEA, professionally
known as HULK HOGAN,**

Plaintiff,

vs.

**HEATHER CLEM; GAWKER MEDIA,
LLC, a/k/a GAWKER MEDIA; et al.,**

Defendants.

_____ /

**OBJECTION TO SUPBOENA DUCES TECUM WITHOUT DEPOSITION AND
MOTION FOR PROTECTIVE ORDER**

BUBBA CLEM, by and through his undersigned counsel, and pursuant to Rule 1.280 (c), Florida Rules of Civil Procedure, hereby files his objections and files this Motion for Protective Order, and in support thereof, states the following:

1. At all times relevant, the law firm of Adams & Diaco, P.A. has represented Bubba Clem with regards to the issues raised in the pending lawsuit.
2. Despite this knowledge, counsel for Gawker, Gregg Thomas, inappropriately had direct communication with Bubba Clem in the form of a correspondence dated September 3, 2013.
3. The September 3, 2013 correspondence also included two extremely overbroad subpoenas; one of which was a subpoena duces tecum for deposition on November 11, 2013. This date was not coordinated with undersigned counsel, or with Mr. Clem.
4. The information requested in both the subpoena duces tecum without deposition and the subpoena duces tecum with deposition is overbroad, vague, burdensome and not reasonably calculated to lead to discovery of admissible evidence in the pending suit. Additionally, these overbroad requests include information protected by the attorney/client, work/product and settlement/negotiation privileges.

5. Mr. Thomas knew, or should have known, that Mr. Clem was represented by counsel at the time the discovery requests were made.
6. It was completely inappropriate for Mr. Thomas to unilaterally set Mr. Clem's deposition and to have any direct communication with someone known to be represented by counsel.
7. To the extent that the Court permits the deposition of Mr. Clem to move forward, we respectfully request that the following protective measures be taken:
 - a. The deposition not be videotaped, especially given Gawker's business as an internet tabloid that frequently posts videos and photographs in connection with its stories;
 - b. The deposition be conducted at a mutually agreeable place and time that is coordinated with all counsel involved, including undersigned counsel;
 - c. All documents that are produced following the Court's ruling on both this Motion for Protective Order and Mr. Clem's objections to the subpoena duces tecums be marked as confidential and produced only pursuant to a confidentiality agreement entered into by all parties involved;
 - d. The deposition transcript is sealed and opened only by order of the Court; and
 - e. The questions in the deposition be limited in time and scope and only include questions that are reasonably calculated to lead to the discovery of admissible evidence concerning the allegations raised by Mr. Bollea in the Complaint at bar.
8. Pursuant to Rule 1.280 (c), Florida Rules of Civil Procedure, Bubba Clem respectfully requests the Court to enter a protective order for the good cause shown above to protect him as a non-party from annoyance, embarrassment, oppression, undue burden and expense such that the requested discovery should not be permitted.

WHEREFORE, Bubba Clem, hereby requests the Court enter a protective order for the items listed in the subpoena duces tecum without deposition and subpoena duces tecum with deposition in the above-referenced matter.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was furnished by electronic mail to: Gregg D. Thomas, Esquire, gthomas@tlolawfirm.com, THOMAS & LOCICERO, 601 South Boulevard, Tampa, FL 33606 and Charles J. Harder, Esquire, charder@hmafirm.com, Harder, Mirell, and Abrams, LLP, 1801 Avenue of the Stars, Suite 1120, Los Angeles, CA, 90067 on this 19th day of September, 2013.

ADAMS & DIACO, P.A.

JOSEPH F. DIACO, JR., ESQUIRE

Bank of America Plaza
101 E. Kennedy Blvd., Suite 2175
Tampa, FL 33602
(813) 221-8669
FBN 0065201

Attorney for Bubba Clem

Designated service e-mail: jdiaco@adamsdiaco.com