

# EXHIBIT I

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**From:** Joseph Diaco <jdiaco@adamsdiaco.com>  
**Sent:** Tuesday, October 01, 2013 4:28 PM  
**To:** Seth Berlin  
**Cc:** gthomas@tllawfirm.com; Paul Safier; charder@HMAfirm.com; Brian Motroni  
**Subject:** RE: Bollea v. Clem, Gawker -- Meet and Confer about Discovery from Bubba Clem

Gentleman,

I am in the process of answering 1-4 below, but I haven't gotten confirmation of Bubba's availability yet for a deposition on 11/11. If he is available, we will produce him at my office after he is done broadcasting for the day. I'll keep you posted.

I'll follow-up with you regarding the sufficiency of Confidentiality Order in place, the scope of responsive documents, to the extent any exist, as well as the scope of remaining MPO issues as soon as I have answers. I don't anticipate any issues with production of the settlement agreement and public statement, so long as the appropriate confidences are attached and it isn't published by Gawker or another similar entity.

I have a week-long trial in Orlando beginning 10/28 so I am not available on the 29<sup>th</sup> to address unresolved MPO issues. Although we are trying to be agreeable, I anticipate there will be some issues that we cannot agree on which will require the Court's assistance.

In this regard, I prefer we go to the Court only after we have exhausted our good faith efforts to resolve disputes. As an initial observation, I believe that the definition of "you" in the requests is overbroad as it includes attorneys and agents. As we discussed, any and all documentation regarding settlement negotiations/communications between Charles Harder and Stephen Diaco are privileged under Florida law, but regardless Bubba wouldn't be in possession of such documentation.

Please don't hesitate calling or emailing if you have any further questions or would like to speak with me directly. Jay

**From:** Seth Berlin [mailto:SBerlin@lskslaw.com]  
**Sent:** September 26, 2013 11:55 AM  
**To:** Joseph Diaco; Brian Motroni  
**Cc:** Seth Berlin; gthomas@tllawfirm.com; Paul Safier; charder@HMAfirm.com  
**Subject:** Bollea v. Clem, Gawker -- Meet and Confer about Discovery from Bubba Clem

Counsel,

Thank you for taking the time to speak with us on Tuesday about the discovery we seek from Bubba Clem. I think it was a very productive conversation, and appreciate your willingness to try to streamline things. I wanted to confirm our understanding that:

1. You will let us know whether the November 11 date works for Mr. Clem's deposition – if not, we will of course work with you and the other counsel on an alternative.
2. You will review the protective order already in place in this action and will let us know if you have any concerns not addressed by it. In that regard, I want to reiterate what I said during our call –Gawker's purpose in seeking discovery is simply to defend itself in this lawsuit.

3. With respect to Gawker's specific document requests, once you have conferred with your client to see what responsive documents he has, you will: (a) tell us if there are no documents responsive to particular requests so we don't burden the court fighting over something that doesn't exist, (b) will produce the responsive documents that you are not asserting are privileged; (c) provide a privilege log for documents you claim are protected by privilege; and, (d) although this seems unlikely, if you learn that a request is burdensome because it calls for a lot of documents, you will let us know and we will work with you to narrow the request. It seems like there are limited numbers of documents, and we just want to sort all this out before your client's deposition.
4. As a first step in addressing our request to photograph and videotape the equipment on which the "Bollea Video" was recorded, you will let us know, after talking to your client, whether he still has the same equipment as he did at the time the recording was made.

If I have any of that wrong, please let me know. Otherwise, please try to circle back to me some time over the next week -- we will hold off both on filing an opposition to your motion for a protective order and on filing our own motion to compel until we get additional information from you. In that regard, the Court just set a discovery motions hearing for October 29 at 10:30 AM, and if we are not able to resolve things, it would seem to make sense to tee up any issues up at that time (or at another time that works for the Court, you and the parties' counsel).

Thank you and please let me know if you would like to discuss these issues further.

Regards,  
Seth

Seth D. Berlin



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