

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

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

vs.

Case No. 12012447CI-011

HEATHER CLEM, *et al.*,

Defendants.

MOTION TO DETERMINE CONFIDENTIALITY OF COURT RECORDS

Pursuant to Rule 2.420 of the Florida Rules of Judicial Administration and this Court's Agreed Protective Order Governing Confidentiality, dated July 25, 2013 (the "Confidentiality Order"), Defendant Gawker Media, LLC ("Gawker"), by and through its undersigned counsel, hereby moves to determine the confidentiality of Exhibit 19 to its Motion to Overrule Objections to Third-Party Subpoenas and Opposition to Motions for Protective Orders ("Motion to Overrule Objections"). As grounds for this motion, Gawker states:

1. Florida Rule of Judicial Administration 2.420(c)(9)(A)(iv) provides that certain court records are confidential if the Court determines that confidentiality is required in order to "obtain evidence to determine legal issues in a case."
2. This Court's Confidentiality Order permits parties to designate deposition testimony as "Confidential."
3. Following his deposition, Plaintiff Terry Gene Bollea ("Bollea") designated substantial portions of his testimony as "Confidential" pursuant to that order.

4. Concurrent with this Motion, Gawker is filing its Motion to Overrule Objections, which relies in part on Bollea's deposition testimony to establish the relevance of the discovery it seeks from third parties.

5. The portions of that testimony that have been designated as "Confidential" by Bollea are collected together in Exhibit 19 to Gawker's Motion to Overrule Objections, which is being treated as confidential.

6. Counsel for Gawker certifies that this motion is made in good faith and is supported by a sound factual and legal basis. Without conceding that Bollea has properly designated the testimony collected in Exhibit 19 as "Confidential," Gawker is filing this motion in compliance with Rule 2.420 and this Court's Confidentiality Order.

WHEREFORE, Gawker respectfully requests that this Court determine the confidentiality of Exhibit 19 to its Motion to Overrule Objections.

Dated: August 21, 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

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
jehrich@lskslaw.com

Counsel for Gawker Media, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of August 2014, I caused a true and correct copy of the foregoing to be served via the Florida Courts' E-Filing Portal upon the following counsel of record:

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.
dhouston@houstonatlaw.com
Law Office of David Houston
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, Esq.
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

/s/ Gregg D. Thomas
Attorney