

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.

**STATEMENT OF DEFENDANT BLOGWIRE HUNGARY SZELLEMI ALKOTÁST
HASZNOSÍTÓ, KFT, SPECIALLY APPEARING, IN RESPONSE TO PLAINTIFF'S
MOTION FOR SETTING OF TRIAL DATE AND FOR SEVERANCE OF CLAIMS IT**

Defendant Blogwire Hungary Szellemi Alkotást Hasznosító, KFT (referred to by plaintiff as “Kinja, KFT” and referred to herein as “Blogwire Hungary”), specially appears for the limited purpose of filing this statement to address the Court’s jurisdiction to adjudicate plaintiff’s motion to set a trial date and sever his claims against Blogwire Hungary.

On May 27, 2014, Blogwire Hungary filed a notice of appeal contending that this Court lacks personal jurisdiction over it. In light of that appeal, this Court does not have jurisdiction to consider matters bearing on Blogwire Hungary’s rights in this litigation, including severing the claims against it. *See, e.g., Far Out Music, Inc. v. Jordan*, 438 So. 2d 912, 913 (Fla. 3d DCA 1983) (“until we have determined the issue on appeal, that is, whether the trial court has jurisdiction over their persons, the trial court’s exercise of jurisdiction over them . . . is a departure from the essential requirements of law”); *Ward v. Gibson*, 340 So. 2d 481, 483 (Fla. 3d DCA 1976) (“Inasmuch as the jurisdiction of the trial court over the defendant 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.”); PHILIP PADOVANO, 2 FLA. PRACTICE, APPELLATE PRACTICE § 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.”).

Because this Court lacks jurisdiction over Blogwire Hungary while its appeal is pending, plaintiff’s motion to sever it from the case cannot be considered, let alone granted. While the District Court of Appeal considers its appeal, Blogwire Hungary does not consent to any severance or any other action that affects its rights with respect to this litigation.

Dated: October 16, 2014

Respectfully submitted,

THOMAS & LOCICERO PL

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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:

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