

EXHIBIT 1

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TERRY GENE BOLLEA, professionally)
known as HULK HOGAN,)
)
Plaintiff,)

vs.)

Case No. 8:13-cv-1-T-27AEP

HEATHER CLEM; GAWKER MEDIA, LLC)
aka GAWKER MEDIA; GAWKER MEDIA)
GROUP, INC. aka GAWKER MEDIA;)
GAWKER ENTERTAINMENT, LLC;)
GAWKER TECHNOLOGY, LLC; GAWKER)
SALES, LLC; NICK DENTON; A.J.)
DAULERIO; KATE BENNERT, and)
BLOGWIRE HUNGARY SZELLEMI)
ALKOTAST HASZNOSITO KFT aka)
GAWKER MEDIA,)
)
Defendants.)

PLAINTIFF’S MOTION FOR REMAND
AND SUPPORTING MEMORANDUM

On January 2, 2013, Defendant Gawker Media, LLC aka Gawker Media (“Gawker”) removed this action from the Sixth Judicial Circuit Court in and for Pinellas County, Florida based on diversity of citizenship or, in the alternative, federal question jurisdiction, despite the fact that this action involves neither. Notice of Removal, Dkt. 1. Because this action lacks both diversity of citizenship and federal question jurisdiction, this case should be remanded pursuant to 28 U.S.C. § 1447.

The second necessary prong of procedural misjoinder also cannot be met by Gawker. The two prongs are phrased in the conjunctive, that is, “and” the claim against the diverse defendant has no real connection to the claim against the non-diverse defendant. Here, the claims against the diverse defendants and the non-diverse defendant are inextricably intertwined and involve questions of law or fact common to all of the defendants. The operative First Amended Complaint alleges that Heather Clem took part in the surreptitious videotaping of Bollea naked and engaged in private sexual relations in a private bedroom, and that, by Heather Clem’s actions, Gawker came to acquire that video and then posted it to the Internet at Gawker.com. Dkt. 2 at ¶ 27 (“Gawker Defendants, based on the actions of Clem and others, obtained a copy of the secretly-filmed recording depicting Mr. Bollea naked and engaged in sexual relations with Clem.”); ¶ 39 (“Clem further violated Plaintiff’s right of privacy by disclosing the secretly-filmed video to third parties, which then resulted in excerpts of the secretly-filmed video being posted on the Gawker Site.”); ¶ 50 (“Clem disclosed or caused to be disclosed to third parties the contents of the secretly-filmed video....”). Discovery against both Heather Clem and the Gawker Defendants will reveal the specific actions that Heather Clem took which allowed the Gawker Defendants to obtain the video. It may well be the case that the Gawker Defendants *paid* Heather Clem (either directly or through an intermediary) for the delivery of the video. Whatever Heather Clem’s and the Gawker Defendants’ specific involvement with one another, Bollea has valid claims against all such named defendants (Heather Clem and the Gawker Defendants), and his claims **arise out of the same “series of occurrences” and there are questions of law and fact common to all defendants**, thus satisfying the standard under Rule 20(a)(2) for permissible joinder. Accordingly, *neither* of the

respectfully requests that this Court remand this case back to the Sixth Judicial Circuit Court in and for Pinellas County, Florida.

Dated: January 22, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send a notice of electronic filing to all persons registered to receive notice via the CM/ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to any non-CM/ECF participants.

/s/ Christina K. Ramirez
Attorney