EXHIBIT A

Filing # 19523796 Electronically Filed 10/17/2014 02:28:05 PM

IN THE SECOND DISTRICT COURT OF APPEAL
STATE OF FLORIDA

CASE NO. 2D14-2630

BLOGWIRE HUNGARY SZELLEMI
ALKOTÁST HASZNOSÍTÓ, KFT

Specially Appearing Defendant-Appellant,

v.

TERRY GENE BOLLEA, professionally
known as HULK HOGAN,

Plaintiff-Appellee.

ON APPEAL FROM THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
(Case No. 12012447-CI-011)

REPLY BRIEF OF SPECIALLY APPEARING DEFENDANT-APPELLANT BLOGWIRE HUNGARY SZELLEMI ALKOTÁST HASZNOSÍTÓ, KFT

SETH D. BERLIN
Pro Hac Vice No. 103440
ALIA L. SMITH
Pro Hac Vice No. 104249
JULIE B. EHRLICH
Pro Hac Vice No. 108190

LEVINE SULLIVAN
KOCH & SCHULZ, LLP
1899 L Street, NW, Suite 200
Washington, DC 20036
Telephone: (202) 508-1122
Facsimile: (202) 861-9888

GREGG D. THOMAS
Florida Bar No.: 223913
RACHEL E. FUGATE
Florida Bar No.: 0144029

THOMAS & LoCICERO PL
601 South Boulevard
P.O. Box 2602 (33601)
Tampa, FL 33606
Telephone: (813) 984-3060
Facsimile: (813) 984-3070

Attorneys for Specially Appearing Defendant-Appellant Blogwire Hungary Szellemi Alkotást Hasznosító, KFT

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

Statutes

Other Authorities

In its initial brief ("Br."), Blogwire Hungary demonstrated that Bollea had not *pled* and could not meet his burden of *proving* that Blogwire Hungary (a) is subject to general jurisdiction in Florida, Br. 20, (b) engaged in any tortious conduct in or directed at Florida, *id.* at 20-25, (c) was responsible for the conduct of Gawker Media, LLC ("Gawker"), the fully functioning and properly capitalized entity solely responsible for the content of the post at issue, *id.* at 6-9, 21, 25-28, and/or (d) can be sued in Florida consistent with the Due Process Clause, *id.* at 30-34. *See also* Br. 16-19 (discussing plaintiff's burden of pleading and proof).

Name calling aside,[1] Bollea's Answer Brief ("Opp.") does not respond to *any* of this. As below, he does not, despite extensive discovery over two years, identify any conduct by Blogwire Hungary in or directed at Florida that would satisfy the test for specific jurisdiction under *Venetian Salami Co. v. Parthenais*, 554 So. 2d 499 (Fla. 1989) (Br. 5, 17-18). He does not identify any basis for establishing jurisdiction under a veil piercing theory as required by *Dania Jai-Alai Palace, Inc. v. Sykes*, 450 So. 2d 1114 (Fla. 1984) (Br. 25-26). And he does not identify any reason why the Supreme Court's recent decision in *Daimler AG v. Bauman*, 571 U.S. ---, 134 S. Ct. 746 (2014) (Br. 30-34), limiting jurisdiction over foreign companies under the Due Process Clause, does not apply here.

---

[1] Substituting invective for reasoned argument, Bollea accuses Blogwire Hungary of "obfuscation," "complete fabrication," "deliberate misdirection," being "manifestly dishonest," and pulling a "trick." Opp. 1, 3, 14 n.2, 17.

Bollea thus effectively concedes that, on the present record, there is no basis for jurisdiction. Instead, he contends that "the sole question presented" is whether the "trial court abuse[d] its discretion in requiring [Blogwire Hungary] to submit to jurisdictional discovery before determining its motion to dismiss." Opp. 1; *see also id.* at 15 ("This is an appeal about one issue – jurisdictional discovery"). That is a demonstrably incorrect description of these proceedings and, in any event, Bollea has already received the very discovery needed to address jurisdiction.

A. The Orders on Appeal: According to Bollea, the only thing being appealed is a *portion* of the first of two orders which authorized additional discovery. But this characterization excises much of the actual text of the orders under review and disregards large swaths of what actually happened below:

- ∑ Bollea ignores the fact that, following substantive briefing and argument about the merits of exercising jurisdiction, *see* Tabs D-F, Tab G (Jan. 17, 2014 Tr.) at 76:12-18, 84:1 – 89:10, the first order denied (albeit without prejudice) Blogwire Hungary's motion arguing that he had failed to plead or prove jurisdiction on its *merits*.
- ∑ Bollea ignores the fact that the jurisdictional discovery contemplated by the first order was *completed* before the second ruling, as he conceded and the trial court recognized, Tab L at 44:5-8 (Bollea's counsel: the "document production occurred . . . in substantial part"); *id.* at 43:8-17 (THE COURT:

on the prior motion to dismiss, "discovery had not progressed much at that point in time" but "at this point in time discovery has come about").[2] Thus, while Blogwire Hungary believes that no further discovery was warranted after the first hearing, any such issue is effectively moot because that discovery was fully provided.

∑ Bollea dismisses in its entirety the second order denying Blogwire Hungary's motion to dismiss without qualification, *see* Opp. 10, 14, as well as the trial court's consideration of the jurisdictional issue at the second hearing, *see, e.g.*, Tab L at 43:8-20 (court separately addressing whether Bollea could "connect" Blogwire Hungary "to the rest of the case"); *see also id.* at 62:21 – 63:6; Br. 12-13.

In effect, Bollea contends that, despite two years of litigation, copious discovery, two hearings, and two orders, jurisdiction has still not in fact been "determined by the trial court." Opp. 3. This is simply wrong. First, Bollea already advanced the identical argument on his motion to dismiss this appeal, *see* Bollea Tab E at 1, 2 n.3 (arguing both orders should be treated "as a single order,"

---

[2] Bollea's counsel conceded at the second hearing that the only outstanding discovery issue involved items covered by a then-pending meet and confer process. Tab L at 44:8 – 45:3; *see also id.* at 62:25 – 63:6 (THE COURT: "I'm inclined to grant the Kinja motion to dismiss" if "[a]fter the meet and confer, there isn't more showing up to me"). Bollea does not dispute that this process was completed before the trial court rendered its orders denying Blogwire Hungary's motion, nor does he cite *any* evidence obtained from it supporting the exercise of jurisdiction.

a denial "without prejudice" that had "not determined jurisdiction"), and this Court denied his motion, *see* Tab O.

Second, and more to the point, the trial court is in fact exercising its jurisdiction. Even if the Court were to credit Bollea's truncated description of the proceedings below and to conclude, for example, that the second hearing was limited to adjudicating the substantive viability of his causes of action, there is no dispute that, on its face, the resulting order denied Blogwire Hungary's motion and effectively required it to answer and to proceed to trial. Keeping Blogwire Hungary in the case after more than two years and deciding motions on the merits is the essence of exercising jurisdiction: the trial court could not have adjudicated the substantive merits of Bollea's claims against Blogwire Hungary *unless* it possessed personal jurisdiction over it. *See, e.g., Oasis Staffing, Inc. v. Lindeman*, 840 So. 2d 342, 342-43 (Fla. 4th DCA 2003) (trial court precluded from ruling on motion to dismiss for failure to state a claim where it lacked personal jurisdiction); *Singer v. Unibilt Dev. Co.*, 43 So. 3d 784, 788 (Fla. 5th DCA 2010) (same).[3]

---

[3] Bollea also argues repeatedly that Blogwire Hungary has somehow waived its arguments on the substantive merits (*i.e.*, other than jurisdiction) by not addressing them here. Opp. 1, 15, 18. But, under Rule 9.130, only the jurisdictional question is before the Court on this appeal. In any event, the merits are in fact being addressed separately in Gawker's writ petition, which was expressly authorized by this Court. *See* No. 2D14-1951, July 14, 2014 Order (directing "commencement of a new proceeding in certiorari," No. 2D14-3230, concerning merits of Gawker defendants' motions to dismiss). After the Court directed a response, that writ petition is now fully briefed and awaiting decision.

At bottom, by asking this Court to ignore the orders the trial court *actually* entered and the discovery that *actually* occurred, Bollea is effectively asking this Court to affirm an order that the trial court never entered. Because both orders, taken in combination, have the effect of exercising jurisdiction, they are reviewed *de novo* – as Bollea necessarily concedes, *see* Opp. 20, and as his cited authorities make plain, *see id.* (citing *Patent Rights Prot. Grp., LLC v. Video Gaming Techs., Inc.*, 603 F.3d 1364, 1371 (Fed. Cir. 2010) ("Because personal jurisdiction is a question of law, we review de novo whether exercising personal jurisdiction" is proper); *Lakin v. Prudential Secs., Inc.*, 348 F.3d 704, 713 (8th Cir. 2003) ("We review *de novo* whether appellants have presented a prima facie case of personal jurisdiction.")). Because he nowhere addresses the merits, which confirm that exercising jurisdiction over Blogwire Hungary is improper both under Florida law and the Due Process Clause, dismissal is warranted.

B. No Additional Discovery is Warranted: Jurisdictional discovery, if appropriate at all, "should not be broad, onerous or expensive," *Gleneagle Ship Mgmt. Co. v. Leondakos*, 602 So. 2d 1282, 1284 (Fla. 1992), precisely because even limited discovery "presupposes that the court has acquired jurisdiction of the defendant," *Ward v. Gibson*, 340 So. 2d 481, 483 (Fla. 3d DCA 1976). Even if the rulings below were somehow limited to jurisdictional discovery, there has already been comprehensive discovery and no additional discovery is warranted.

As an initial matter, under settled law, Bollea is entitled to *no* discovery where, as here, the jurisdictional *allegations* in his complaint are lacking. He admits that his sole allegations against Blogwire Hungary are that he "uses the defined term 'Gawker Defendants' and alleges that [it] was involved in **all** of the acts alleged," that it "was responsible for the acts of its co-defendants" and that "it authorized and ratified the actions of Gawker" including "the publication of the Sex Video." Opp. 29. But such vague allegations against a foreign defendant are insufficient to establish personal jurisdiction, either directly or under a veil piercing theory. *See Reynolds American, Inc. v. Gero*, 56 So. 3d 117, 119-21 (Fla. 3d DCA 2011) (no jurisdiction where plaintiff's complaint alleged only that related defendants were all "agents" of each other). Perhaps realizing this, Bollea attempts to distinguish the adequacy of pleading facts for his *causes of action* from those pleading *jurisdiction*. Opp. 29-30. But this makes no sense. Where jurisdiction is premised on committing purportedly tortious conduct directed at Florida, the conduct alleged in pleading the alleged torts is what is relevant to jurisdiction. *See Telsur v. DOT (SR), Inc.*, 100 So. 3d 1232, 1235 (Fla. 2d DCA 2012) (Fla. Stat. § 48.193(1)(b) "provides for jurisdiction . . . where the '*cause of action* aris[es] from . . . [c]ommitting a tortious act within this state'" and plaintiff "did not allege

sufficient facts in its defamation or tortious interference counts to establish personal jurisdiction") (emphasis added; quoting statute).[4]

In any event, the Court need not tarry over whether Bollea's jurisdictional allegations were sufficient, or whether initially directing jurisdictional discovery was proper, because he has had the very discovery needed to address the two legal bases he raises for jurisdiction – direct tortious conduct aimed at Florida and veil piercing liability. *See* Br. 5-9. For his part, Bollea bizarrely asserts that he has been "deprived . . . of *any* jurisdictional discovery," Opp. 17 (emphasis added), and that Blogwire Hungary "points to no evidence in the record that supports [its] claim that there were 25,000 pages of documents produced," *id.* at 3; *see also id.* at

---

[4] Bollea's contention that, "even when the facts [alleged] are *insufficient* to establish personal jurisdiction," jurisdictional discovery is nevertheless warranted, Opp. 30 (emphasis added), is wholly contrary to *Venetian Salami*'s settled procedure, the first step of which requires dismissal unless "the plaintiff's complaint alleges sufficient jurisdictional facts," *Viking Acoustical Corp. v. Monco Sales Corp.*, 767 So. 2d 632 (Fla. 5th DCA 2000); *see* Br. 17-18. Bollea bases his contention on a one-paragraph denial of a writ petition that in no way announced a *per se* rule that any allegations concerning jurisdiction, no matter how sparse, warrant jurisdictional discovery. *See* Opp. 24, 28, 29, 30 (citing *Suroor Bin Mohammed Al Nahyan v. First Investment Corp.*, 701 So. 2d 561 (Fla. 5th DCA 1997)). For the same reason, his attempt to distinguish federal cases because they are supposedly at odds with *Al Nahyan* and *Leondakos*, Opp. 26-27, is without merit because, as Bollea elsewhere admits, *id.* at 22, *Leondakos* "adopted the rule of federal courts," which also requires dismissal where jurisdictional allegations are lacking. *See Henriquez v. El Pais Q'Hobocal.com*, 500 F. App'x 824, 830 (11th Cir. 2012) (affirming dismissal of claims against foreign publisher, "even before jurisdictional discovery occurs"); *United Tech. Corp. v. Mazer*, 556 F.3d 1260, 1280-81 (11th Cir. 2009) (affirming dismissal for lack of personal jurisdiction, and rejecting plaintiff's request for discovery).

16 ("*purported* production of '25,000' pages") (emphasis added). But there is no legitimate dispute that this discovery was provided. *See, e.g.*, Tab L at 24:11-15 (defendants' counsel stating that "we've produced another 22,000 pages" in addition to a prior production); *id.* at 44:2-9 (Bollea's counsel agreeing that "their document production occurred . . . in substantial part"); Opp. 4 n.1 (admitting that 25,000 pages of documents were produced). Indeed, Bollea has, when it has suited his purposes, conceded that discovery – not just jurisdictional discovery – is largely completed. *See* Tab L at 101:14-16 (telling trial court six months ago he was "getting close" to being "ready for trial"); Reply Tab A at 2-4 (Bollea's recent motion to set a trial date, reciting that "depositions have been taken of the major percipient witnesses," "[t]housands of pages of documents have been produced" and that any remaining discovery disputes are not "crucial to the core issues in this case," including "whether Mr. Bollea's privacy was invaded by Gawker").[5]

---

[5] Bollea also argues that Blogwire Hungary "has not met its burden to show that the jurisdictional discovery ordered . . . has been conducted or completed," Opp. 3, as if he thought it necessary to submit all discovery taken to date to establish that fact, rather than just the substantial portions of the record that demonstrate a lack of jurisdiction. Not only does Bollea have it backwards, since *he* bears the burden of establishing jurisdiction, *see* Br. 16-19, but the two cases he cites in arguing otherwise nowhere announce a different rule or even involve jurisdiction. *See* Opp. 25 (citing *Topp Telecom, Inc. v. Atkins*, 763 So. 2d 1197, 1199 (Fla. 4th DCA 2000) (dismissing writ petition involving routine discovery dispute where challenging party had not made the required showing of "burden" to trial court); *Dean v. Marineways, Inc. of Ft. Lauderdale*, 146 So. 2d 577, 577 (Fla. 2d DCA 1962) (four-sentence order summarily affirming final judgment where challenge was based on evidence not submitted in appellate record)).

Although Bollea then complains that "the documents produced . . . were not responsive to the issues relating to . . . personal jurisdiction," Opp. 16 n.3, he simply ignores the substantial record evidence before the trial court that directly addresses the merits of the jurisdictional arguments that he now completely sidesteps. *See* Br. 5-9 (detailing voluminous written discovery, document production and multiple full-day depositions, including of Scott Kidder, Blogwire Hungary's then-managing director). Remarkably, Bollea points to nothing from this vast record to support the exercise of jurisdiction and, for all his rhetoric, he actually identifies only two issues on which he claims he needs more discovery:

1. Bollea claims that he needs to "test the veracity" of Blogwire Hungary's allegations that it was not involved "in the publication of the Sex Video." Opp. 6. But Bollea has taken comprehensive discovery on the publication of the post at issue, and it unequivocally shows that Blogwire Hungary was in no way involved in creating, editing or publishing it. *See* Br. 6-7; Tabs D-F (record evidence of same). Indeed, Bollea concedes that the Gawker.com website "is operated by Gawker Media," Opp. 5-6, and discovery about "whether Mr. Bollea's privacy was invaded by Gawker" has been completed, Reply Tab A at 3.

2. Bollea claims to need discovery about Blogwire Hungary's licensing of "the domain name Gawker.com and related trademarks" to Gawker, and the revenue derived therefrom, including whether "such transactions are at arm's

length." Opp. 7. But this discovery is unwarranted for several reasons. First, because there is no dispute that Blogwire Hungary licenses the domain name and trademarks (and does *not* license the site's actual content, which is separately owned by Gawker), the issue is not whether more discovery is needed, but the legal significance of that undisputed fact. As Blogwire Hungary has explained, *see* Br. 27, licensing intellectual property to an affiliated company is insufficient to hold the licensor responsible for the licensee's acts. *See also Mobil Oil Co. v. Bransford*, 648 So. 2d 119, 120 (Fla. 1995) ("facts that Mobil owned the property, that Mobil products were sold in the station, [and] that Mobil trademarks and logos were used throughout the premises" were "legally insufficient" to establish agency relationship); *Am. Int'l Grp., Inc. v. Cornerstone Businesses, Inc.*, 872 So. 2d 333, 336 (Fla. 2d DCA 2008) ("Florida law is clear that the use of a logo or trademark symbol [by an affiliated company] alone cannot create an apparent agency."). Indeed, the licensing arrangements between Blogwire Hungary in *Budapest* and Gawker in *New York* are separate from the allegedly tortious publication of the post at issue purportedly directed at *Florida*, the conduct placed at issue. *See Gadea v. Star Cruises, Ltd.*, 949 So. 2d 1143, 1149 (Fla. 3d DCA 2007) (differentiating between contractual relationships and tort claims).

Second, although Bollea claims he needs discovery of Blogwire Hungary's "revenues relating to [Gawker.com] and Gawker Media, LLC generally" flowing

from the above-described licensing agreement, Opp. 7, the trial court already held that information about Blogwire Hungary's revenues and finances is *not* discoverable. *See* Tab I (Feb. 26, 2014 discovery order) at ¶ 9 (denying RFP No. 91, seeking "financial statements," including "balance sheets" and "income statements," for Blogwire Hungary for four-year period); Reply Tab B (text of RFP No. 91, referenced in order). While Bollea claims that this Court should affirm an order purportedly authorizing such financial discovery, the court below actually *denied* that relief and, taking Bollea at his word, that separate discovery order – which is not on appeal in any event – should not be disturbed absent a clear abuse of discretion.

Finally, to support his veil piercing theory that Blogwire Hungary is responsible for Gawker's conduct, Bollea says he needs discovery regarding whether the license agreement and payments thereunder "are at arm's length." Opp. 7. But, as described above, the trial court limited discovery into Blogwire Hungary's finances because the relevant question is not whether two related companies engaged in business dealings. Rather, the pertinent analysis focuses on whether *Gawker*: (1) is a "mere instrumentality" of Blogwire Hungary *and* (2) was "improperly formed" for a fraudulent purpose. *See* Br. 26. Judge Campbell properly rejected Bollea's arguments that he needed discovery about other affiliates' "corporate formalities" and "capitalization," instead recognizing that the

issue is whether *Gawker* is "just a shell," Tab G at 79:21 – 81:2, *i.e.*, whether it is "dominated and controlled" by Blogwire Hungary "to such an extent" that *Gawker's* "independent existence" is "in fact non-existent," *WH Smith, PLC v. Benages & Associates, Inc.*, 51 So. 3d 577 (3d DCA 2010) (reversing denial of motion to dismiss for lack of personal jurisdiction).

The vast record produced unequivocally confirms that Gawker – for which detailed financial information was produced and updated more than once – is a fully capitalized company with hundreds of employees and tens of millions of dollars in annual revenues. Br. 7-8. It is no shell, and thus "veil piercing" jurisdiction cannot be established, as numerous courts have recognized. *See, e.g.*, *Extendicare, Inc. v. Estate of McGillen*, 957 So. 2d 58, 64-65 (Fla. 5th DCA 2007) (veil piercing requires a "'high and very significant' degree of control over internal day-to-day operations," not found even where foreign entity "performed accounting and payroll functions," conducted "budget reviews and eventually collected revenue"); *Gadea*, 949 So. 2d at 1146 ("A substantial body of Florida law makes clear that," even for wholly-owned subsidiaries, veil piercing requires "such extensive operational control over a subsidiary that the subsidiary is no more than an agent existing to serve only the parent's needs. . . . Sharing some officers and directors, having a unified or 'global' strategy and goals, cross-selling in promotional materials, and performing services for one another is not sufficient to

satisfy this test."); *WH Smith*, 51 So. 3d at 582 (such control is lacking even where foreign entity "made 'all significant decisions' for the . . . U.S. Defendants," because they were "far from being 'shams' or 'shells'") (citation omitted).[6]

At the end of the day, rather than address any aspect of the jurisdictional merits, Bollea simply incants the phrase "jurisdictional discovery," hoping it can magically stave off dismissal and ignoring the fact that he has already taken comprehensive discovery on the very topics at issue. A party can always claim that still more discovery is warranted, but even Bollea's own authorities make clear that jurisdictional discovery is not warranted where, as here, "'it is clear that further discovery would not demonstrate facts sufficient to constitute a basis for jurisdiction.'" *Patent Rights Prot. Grp., LLC* 603 F.3d at 1371 (Opp. 20) (citation omitted); *see also Clayton v. Landsing Corp.*, 254 F.3d 315 (D.C. Cir. 2000) (Opp. 20) ("further jurisdictional discovery" is unwarranted "when plaintiff had already

---

[6] Bollea also says he needs responses to discovery requests served on Blogwire Hungary after the second hearing, claiming they address jurisdiction, but he tellingly does not attach them. Putting aside that the proper focus for veil piercing is on Gawker, those requests, including 116 document requests and 22 interrogatories, go far beyond anything that could reasonably be considered limited jurisdictional discovery and directly target the *merits*. For example, he seeks "all documents" that relate to Blogwire Hungary's internal policies related to record-keeping, intellectual property clearance practices, and publishing decisions. *See* Blogwire Hungary's Opp. to Mot. to Dismiss Appeal, Ex. G. He also literally asks for "all documents which relate to business activities conducted by [Blogwire Hungary] in Hungary," which, given that it is a Hungarian entity, essentially seeks every document it has. *Id.*; *see also Leondakos*, 602 So. 2d at 1284 (discovery at jurisdictional motion stage may not "address the merits of the case").

enjoyed 'ample opportunity to take discovery'") (citation omitted); *Wenz v. Nat'l Westminster Bank, PLC*, 91 P.3d 467, 469 (Colo. App. 2004) (Opp. 20) ("Where a plaintiff has failed to present facts that show how personal jurisdiction might be established if discovery were permitted," denial of additional discovery proper).

C. Amendment is Futile: Bollea concedes that amendment should only be permitted "where there is a reasonable possibility that the defect can be cured." Opp. 30. Here, any amendment would be futile given the comprehensive record already amassed, *see* Br. 5-9, and dismissal should therefore be with prejudice, *id.* at 20 n.4. *See Hotchkiss v. FMC Corp.*, 561 So. 2d 1261, 1263 (Fla. 2d DCA 1990) (amendment futile where "there is no basis for long-arm jurisdiction"); *Pluess-Staufer Indus., Inc. v. Rollason Eng'g & Mfg., Inc.*, 635 So. 2d 1070, 1073 (Fla. 5th DCA 1994) ("in light of our analysis" of personal jurisdiction, "continued amendments of the complaint would be futile."); Bruce J. Berman, *Berman's Fla. Civ. Proc.* § 1.190:14 (amendment permitted only where it would not be "futile").

CONCLUSION

The "long-arm statute must be strictly construed," and the Due Process Clause's limitations meaningfully applied, such that "any doubts" are "resolved in favor of the defendant and against a conclusion that personal jurisdiction exists." *Gadea*, 949 So. 2d at 1150. Here, after more than two years of litigation, copious discovery, and *no* showing by Bollea either below or in this Court, Blogwire

Hungary is still in this case. As explained above, and for the reasons stated in its initial brief, Blogwire Hungary respectfully submits that the time has come to dismiss it with prejudice.

Dated: October 17, 2014

Respectfully submitted,

Seth D. Berlin
Pro Hac Vice Number: 103440
Alia L. Smith
Pro Hac Vice Number: 104249
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
asmith@lskslaw.com
jehrlich@lskslaw.com

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@tloloawfirm.com

Attorneys for Specially Appearing Defendant-Appellant Blogwire Hungary Szellemi Alkotást Hasznosító, KFT

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the requirements set forth in Fla. R. App. P. 9.210.

/s/ Gregg D. Thomas
Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October 2014, I caused a true and correct copy of the foregoing, together with the accompanying Appendix, to be served 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.
Law Office of David Houston
dhouston@houstonatlaw.com
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 Appellee

Barry A. Cohen, Esq.
bcohen@tampalawfirm.com
Michael W. Gaines, Esq.
mgaines@tampalawfirm.com
Barry A. Cohen Law Group
201 East Kennedy Boulevard, Suite 1000
Tampa, FL 33602
Tel: (813) 225-1655; Fax: (813) 225-1921

Attorneys for Defendant Heather Clem

/s/ Gregg D. Thomas
Attorney