


# EXHIBIT 5-C

to the

**CONFIDENTIAL SUPPLEMENTAL OPPOSITION TO  
PLAINTIFF'S EMERGENCY MOTION TO CONDUCT  
DISCOVERY CONCERNING POTENTIAL VIOLATION OF  
PROTECTIVE ORDER, TO COMPEL TURNOVER OF  
CONFIDENTIAL DISCOVERY MATERIALS AND FOR ORDER  
TO SHOW CAUSE**

# Tampa Bay Times

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## Did investigation into war of words between Bubba, blogger cross the line?

By Jessica Vander Velde, Sue Carlton and John Martin, Times Staff Writers

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TAMPA — With one email to the most powerful lawman in town, a Tampa attorney had two top Hillsborough sheriff's detectives investigating his client's enemy.

The attorney: Stephen Diaco.

The client: loudmouth radio personality Bubba the Love Sponge Clem.

The suspect: a 46-year-old AAA employee with perhaps a little too much time on his hands.

Morgan "Joshua" Morey now says Diaco used the Sheriff's Office to have him criminally investigated last year. And that's an eyebrow-raising claim, since Diaco is at the center of separate allegations that his firm used a Tampa police connection to set up a courtroom enemy for a DUI arrest.

Morey's case also exposes a culture probably unfamiliar to those who do not follow shock-jock radio: a fierce army of fans who hang on Clem's every word, and those who dare criticize him.

Clem's claims against the critical blogger are also ironic.

Morey was investigated on accusations of "aggravated stalking" related to allegedly harassing and possibly threatening statements online about Clem — an in-your-face personality who sometimes derides people on his show.

Are Morey's tweets and blog posts worse?

The Sheriff's Office says a comparison to Clem isn't relevant. Col. Donna Luszczynski said deputies have an obligation to investigate tips like Diaco's email, sent in October 2012 to Sheriff David Gee.

Detectives homed in on two tweets that appeared threatening. They also noted Diaco's suspicion that Morey had something to do with items Diaco found in front of his Bayshore Boulevard home:

Half a mutilated cat and some "anonymous" Halloween candy.

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Morey has two homes, no criminal record and a job he says he has held for 23 years.

In a complaint last month to Sheriff Gee, he says he has lived in Pinellas County all his life, has excellent credit and has never sued or been sued.

He also has an alter-ego: Ludlow Lebron.

On a blog and his Twitter profile — @LudlowLebron — Morey criticizes Clem. With other bloggers, Morey calls Clem a sellout and, sometimes, "Tubby."

Clem didn't like it. He said Lebron invaded his privacy and crossed the line. Clem likened it to rape. He railed on-air

about Ludlow Lebron, He talked of "threats, defamatory statements, slander."

"It's written out there about me, and he's being a f----- a-----."

In 2011, Clem accused a St. Petersburg political blogger of being Lebron but later admitted he was wrong. The blogger threatened to sue and demanded compensation after he was harassed by the Bubba Army, according to Clem's agent at the time.

Later, Clem pinned Lebron to Morey, and Morey didn't deny it.

Hillsborough sheriff's Detectives John McDarby and John Palomino met with Clem's attorney, Diaco, at his downtown Tampa office four days after Diaco's email to the sheriff. On Nov. 5, 2012, the detectives visited Clem at the Tampa radio station offices. Clem said Lebron had "taken a toll" on him. He wanted to prosecute.

At that point, the entire investigation had taken place in the Tampa city limits — an area where the Sheriff's Office has jurisdiction but usually hands off cases to city police.

Sheriff's officials say they kept it because it was a possible cybercrime and they have specially trained detectives. And with cybercrime, it easily could have spread to another part of unincorporated Hillsborough County, Luszczynski said.

It didn't. Everyone involved lives and works in Tampa or St. Petersburg.

Detectives subpoenaed Morey's Twitter account. They visited AAA in St. Petersburg and questioned his boss. They got more subpoenas to prove that Morey was indeed @LudlowLebron.

McDarby and Palomino found two tweets they considered threatening.

On Sept. 24, 2011, @LudlowLebron writes: "I'm only about a mile away from the brn on Lemon St. #bubbaarmy Might do a drive by."

A year later, @LudlowLebron writes: "@imwatching448 I've been home. Just cleaning the shotgun up. :) "

Smiley face or not, Luszczynski says, that statement is concerning.

But a check shows the shotgun post was in response to @imwatching448 saying: "when are you coming home?" @LudlowLebron soon follows up with: "Actually I don't own a gun. I was trying to be funny."

The tweets seem to have been "intentionally taken out of context and timelines . . . to paint me in a negative light," Morey wrote in a complaint to the sheriff last month.

Instead of arresting Morey, the Sheriff's Office passed the case to prosecutors in February. It ended up with the Polk State Attorney's Office because the Hillsborough state attorney had testified in a lawsuit involving Clem.

Prosecutors dropped the case against Morey.

Morey's seemingly threatening statements were not in context, which jurors would have to consider, Assistant State Attorney Bradford Copley wrote. A civil courtroom might be more appropriate, he wrote.

The prosecutor also chastised the blogger about any escalation of his "deviant actions."

"The defendant in this case must surely have something more constructive to do with his time," Copley's letter concluded. "If not, perhaps a mental health professional should be utilized."

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Last week, sheriff's officials told the *Times* the case turned out to be weak, but they stand by their decision to investigate. If they hadn't, and something bad happened, "we'd be crucified for not investigating," agency attorney Thea Clark said.

"It's not the strongest case," Luszczynski said. ". . . But I'm certainly concerned when I see, 'I'm polishing my shotgun.'"

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They say this case is different from the DUI setup involving the Tampa police. The Sheriff's Office made no arrest, they point out, and their detectives were assigned — not contacted directly by a friend. There are no personal connections between Diaco or Clem and the detectives or the sheriff, officials said.

That was the problem in January when Adams & Diaco firm attorney Adam Filthaut tipped off his close friend, Tampa police DUI Sgt. Ray Fernandez, about a lawyer who would soon be leaving Malio's bar drunk. Meanwhile, a firm paralegal bought drinks for that lawyer, C. Philip Campbell.

Campbell was pulled over driving the paralegal's car. His DUI charge has since been dropped, Fernandez was fired, and the FBI and Florida Bar are investigating several people, including Diaco.

Sheriff's officials told the *Times* they know they are regularly contacted by those with questionable motives — classically, in custody disputes when one partner wants to put the other in a bad light. They do not believe Diaco used the Sheriff's Office in this case.

Diaco and Morey each told the *Times* they believe the records in this case speak for themselves. In a prepared statement, Clem added that he champions free speech and only contacted authorities after "feeling threatened and concerned for the safety of my family, employees and myself."

Asked if this was over, Morey said, "There's definitely things we're looking at pursuing in the future," but did not elaborate.

Meanwhile, Bubba's show rolls on. Thursday, Diaco's doctor brother was on, dispensing helpful advice for breast implants gone awry. There was talk of Bubba's "Twelve Boobs of Christmas" contest with the promised prize of a dozen breast jobs.

Elsewhere, @LudlowLebron tweeted this week about privately talking to a former Bubba staffer.

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