

EXHIBIT B

**(to Reply of Terry Bollea in Support of Emergency Motion for Leave to
Conduct Discovery Concerning Potential Violation of Protective Order)**

Shane B. Vogt

From: Doug Jacobs <DJacobs@cdas.com>
Sent: Thursday, August 20, 2015 1:59 PM
To: Shane B. Vogt
Subject: Bollea v. Clem, Gawker Media, LLC, et. al

Dear Mr. Vogt:

American Media, Inc. ("AMI") has received your email correspondence regarding the requested hold placed on certain information pertaining to the above captioned case, which you assert may be found in the files of AMI. In your correspondence you also state that you may subpoena this material and that it is your belief that the material you might subpoena would be producible under Florida law. That email has been referred to me for response.

Without discussing the merits of the court's order regarding preservation of documents, as my client has taken and will take all appropriate steps to comply with applicable law regarding documents it may or may not have in its files, I respectfully point out that any subpoena issued to obtain documents in AMI's possession will be governed by New York law, as that subpoena will have been issued to a publication located and publishing in New York, whose reporters and editors are located in New York. Accordingly, under New York law, a subpoena for confidential information assertedly in the files of a press organization must fail. (I can supply citations when necessary.)

Moreover, while NY applies the "most significant relationship" test in determining which state's law applies, and the cases are clear that a subpoena issued to a press organization such as AMI requires the application of New York law, the application of Florida law does not change the outcome here. In Florida, "professional journalists" have a qualified privilege "not to disclose the information, including the identity of any source, that the professional journalist has obtained while actively gathering news." Fla. Stat. § 90.5015(2). As you are certainly aware, if the court were to apply Florida law, that privilege can only be overcome by a "clear and specific showing that: (a) The information is relevant and material to unresolved issues that have been raised in the proceeding for which the information is sought; (b) The information cannot be obtained from alternative sources; and (c) A compelling interest exists for requiring disclosure of the information." *Id.*

In light of the above, we wanted you to be aware in advance that AMI will not divulge any confidential sources or other confidential information, if any, in its files.

Moreover, by this letter, AMI is neither admitting nor denying the existence of any confidential sources or confidential information, and is not waiving any of its rights or defenses, all of which are expressly reserved.

Very truly yours,

Doug Jacobs



Doug Jacobs
Partner
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