

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

vs.

Case No. 12012447CI-011

HEATHER CLEM, *et al.*,

Defendants.

**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**

Undersigned counsel respectfully file this supplemental opposition on behalf of their clients – Gawker Media, LLC, Nick Denton, A.J. Daulerio (collectively, “Gawker”) – and on behalf of themselves in order to bring to this Court’s attention newly discovered facts that bear on the adjudication of Plaintiff’s Motion.

As demonstrated in their Joint Opposition (“Opp.”), filed August 11, 2015, neither Gawker, nor its counsel, have ever had access to video, audio or transcripts containing each of the racist and homophobic statements attributed to Bollea in the *National Enquirer*, and its reporter has publicly denied that Gawker was its source. Opp. at 5-7, 9-10, 14-16. Gawker and its counsel also demonstrated that many others, unconnected to this litigation, have had access to those materials. *See id.* at 2-7, 16; *id.* Conf. Ex. 12-C.

On August 17, 2015, after the Joint Opposition was filed, the FBI produced additional documents in connection with Gawker’s FOIA action that further amplify this point. Those documents reveal that, starting shortly after the publication of the Gawker post at issue in this case, a group of people were threatening to release additional sex tape footage and that those

threats were taken seriously enough that they were brought to the attention of the FBI separate and apart from Bollea's complaints about alleged extortion by Keith Davidson and his client. Because these documents are provisionally designated "CONFIDENTIAL – ATTORNEYS' EYES ONLY," they are more fully described in, and attached as Exhibits to, the Confidential Supplemental Joint Opposition being filed concurrently herewith.¹

The purpose of this filing is simply to bring these materials to the Court's attention in order to supplement the factual record submitted with the Joint Opposition. Gawker and its counsel otherwise stand on the legal arguments presented in that Joint Opposition.

August 25, 2015

Respectfully submitted,

THOMAS & LOCICERO PL

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¹ For this same reason, the documents have not been shared with, or described to, any of the Gawker Defendants, including Heather Dietrick, Gawker Media, LLC's General Counsel. This is an additional example of why it is untenable that we as the Gawker Defendants' outside counsel cannot share large swaths of materials with our clients, even though they relate to allegations at the core of plaintiff's case and are directly relevant to plaintiff's meritless leak accusations. See Motion for an Order Declaring that Plaintiff Has Improperly Designated Certain Discovery Materials as "Attorneys' Eyes Only," filed on Aug. 20, 2015.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of August, 2015, I caused a true and correct copy of the foregoing to be served via the Florida Courts' E-Filing Portal on the following counsel of record:

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