

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

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Case No.: 12012447-CI-011

Plaintiff,

vs.

HEATHER CLEM; GAWKER MEDIA,
LLC aka GAWKER MEDIA, et al.,

Defendants.

**BOLLEA'S OPPOSITION TO DENTON AND DAULERIO'S
MOTION FOR STAY TO SEEK APPELLATE REVIEW**

Plaintiff, Terry Bollea known professionally as Hulk Hogan ("Mr. Bollea"), by counsel, objects to and opposes Defendants, Nick Denton and A.J. Daulerio's July 26, 2016 Motion for Stay to Seek Appellate Review as follows:

1. For the reasons set forth in Mr. Bollea's Emergency Motion to Vacate, which is incorporated herein by reference, Mr. Denton and Mr. Daulerio have unclean hands and are not entitled to any equitable relief from this Court.

2. Mr. Denton and Daulerio have abused this Court's equitable authority and the integrity of the judicial process. In doing so, they have already severely prejudiced Mr. Bollea's rights as a judgment creditor; rights which have now been denied for over fifty (50) days, during which time Mr. Denton and Mr. Daulerio have had free reign to dissipate, divert, remove and protect their assets without Mr. Bollea having the benefit of any discovery in-aid-of execution.

3. This Court already graciously awarded Mr. Denton and Mr. Daulerio a temporary stay of execution; unaware that they had engaged in "sneaky and deceitful," "unscrupulous,"

“concealment,” “trickery” and “unconscientious” conduct that would be condemned by an honest and reasonable person.

4. Incredibly, Mr. Denton and Mr. Daulerio rejected that stay because they believe that the associated conditions this Court imposed, which are required under Florida law in order to protect Mr. Bollea, were “onerous.”

5. Rule 9.310, *Fla. R. App. P.*, affords this Court substantial discretion to deny a stay where the moving party attempts to impede the plaintiff’s security. Under Rule 9.310(a), this Court has “continuing jurisdiction, in its discretion, to grant, modify, or deny” a stay pending review.

6. Stays pending review are equitable in nature and determined based on a balance of equities between the parties. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010). It is a fundamental maxim of equity that one who seeks such equitable relief must do so with clean hands. *Epstein v. Epstein*, 915 So.2d 1272, 1275 (Fla. 4th DCA 2005).

7. Unclean hands is “a self-imposed ordinance that closes the doors of a court of equity to one tainted with inequitableness or bad faith relative to the matter in which he seeks relief.” *Congress Park Office Condos II, LLC v. First Citizens Bank & Trust Co.*, 105 So.3d 602, 609 (Fla. 4th DCA 2013). “Sneaky and deceitful” are equated with “unclean hands.” *Id.* “Equity will stay its hand where a party is guilty of conduct condemned by honest and reasonable men. Unscrupulous practices, overreaching, concealment, trickery or other unconscientious conduct are sufficient to bar relief.” *Id.*

8. Here, Denton and Daulerio intentionally misled Mr. Bollea and this Court by purposely concealing material facts associated with their assets and the value and legitimacy of the alternative security they pledged in exchange for a request, which this Court orally granted,

to stay execution of a \$140.1 million Final Judgment. At the time they asked this Court for the extraordinary remedy of staying execution without having to post a “good and sufficient bond” required under Florida law, they were concealing significant assets. Then, because they were upset that Mr. Bollea and this Court unknowingly accepted their false representations and illusory stock pledge, they made an end-around this Court and misrepresented facts to a bankruptcy court to obtain a stay on more preferable conditions to them.

9. Without question, Denton and Daulerio’s actions qualify as “sneaky and deceitful,” “unscrupulous,” “concealment,” “trickery” and “unconscientious” conduct that would be condemned by an honest and reasonable person. They are not entitled to any equitable relief.

WHEREFORE, Mr. Bollea respectfully requests that this Court deny Mr. Denton’s and Mr. Daulerio’s Motion for Stay to Seek Appellate Review, and grant any other relief this Court deems just and appropriate.

DATED: July 27, 2016.

/s/ Kenneth G. Turkel

Kenneth G. Turkel, Esq. – FBN 867233
Shane B. Vogt – FBN 257620
BAJO CUVA COHEN & TURKEL, P.A.
100 North Tampa Street, Suite 1900
Tampa, Florida 33602
Tel: (813) 443-2199
Fax: (813) 443-2193
Email: kturkel@bajocuva.com
Email: svogt@bajocuva.com

Charles J. Harder, Esq.
PHV No. 102333
HARDER MIRELL & ABRAMS LLP
132 S. Rodeo Drive, Suite 301
Beverly Hills, CA 90212
Tel: (424) 203-1600
Fax: (424) 203-1601
Email: charder@hmafirm.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-Mail via the e-portal system this 27th day of July, 2016 to the following:

Barry A. Cohen, Esquire
The Cohen Law Group
201 E. Kennedy Blvd., Suite 1950
Tampa, Florida 33602
bcohen@tampalawfirm.com
jhalle@tampalawfirm.com
mwalsh@tampalawfirm.com
Counsel for Heather Clem

Gregg D. Thomas, Esquire
Rachel E. Fugate, Esquire
Thomas & LoCicero PL
601 S. Boulevard
Tampa, Florida 33606
gthomas@tlolawfirm.com
rfugate@tlolawfirm.com
kbrown@tlolawfirm.com
abeene@tlolawfirm.com
Counsel for Gawker Defendants

David R. Houston, Esquire
Law Office of David R. Houston
432 Court Street
Reno, NV 89501
dhouston@houstonatlaw.com
krosser@houstonatlaw.com

Seth D. Berlin, Esquire
Paul J. Safier, Esquire
Alia L. Smith, Esquire
Michael D. Sullivan, Esquire
Levine Sullivan Koch & Schulz, LLP
1899 L. Street, NW, Suite 200
Washington, DC 20036
sberlin@lskslaw.com
psafier@lskslaw.com
asmith@lskslaw.com
msullivan@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

Michael Berry, Esquire
Levine Sullivan Koch & Schultz, LLP
1760 Market Street, Suite 1001
Philadelphia, PA 19103
mberry@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

Timothy J. Conner
Holland & Knight LLP
50 North Laura Street, Suite 3900
Jacksonville, FL 32202
timothy.conner@hkllaw.com

Allison M. Steele
Rahdert, Steele, Reynolds & Driscoll, P.L.
535 Central Avenue
St. Petersburg, FL 33701
amnstec@aol.com
asteelc@rahdertlaw.com
ncampbell@rahdertlaw.com
*Attorneys for Intervenor Times Publishing
Company*

Charles D. Tobin
Holland & Knight LLP
800 17th Street N.W., Suite 1100
Washington, D.C. 20006
charles.tobin@hkllaw.com

Attorneys for Intervenors, First Look Media, Inc., WFTS-TV and WPTV-TV, Scripps Media, Inc., WFTX-TV, Journal Broadcast Group, Vox Media, Inc., WFLA-TV, Media General Operations, Inc., Cable News Network, Inc., BuzzFeed and The Associated Press.

Stuart C. Markman, Esquire
Kristin A. Norse, Esquire
Kynes, Markman & Felman, P.A.
Post Office Box 3396
Tampa, Florida 33601
smarkman@kmf-law.com
knorse@kmf-law.com
plawhead@kmf-law.com
Appellate Co-Counsel for Plaintiff

Steven L. Brannock, Esquire
Celene H. Humphries, Esquire
Brannock & Humphries
1111 West Cass Street, Suite 200
Tampa, FL 33606
sbrannock@bhappeals.com
chumphries@bhappeals.com
eservice@bhappeals.com
Co-Counsel for Gawker Defendants

/s/ Kenneth G. Turkel

Attorney