

Exhibit 1

August 16, 2016

VIA EMAIL AND FEDERAL EXPRESS

The Honorable Pamela A.M. Campbell
Civil Division, Section 11
St. Petersburg Judicial Building
545 1st Avenue North, Room 300
St. Petersburg, Florida 33701

**Re: *Bollea v. Gawker Media, LLC et al.*
Case No. 12012447 CI-011**

Dear Judge Campbell:

I am writing on behalf of A.J. Daulerio regarding the Order on Proceedings Supplementary that Your Honor entered earlier today. Prior to the Court entering the Order, Mr. Daulerio was unable to articulate his complete objections to the Court, as the proposed Order included relief that was not raised by Plaintiff's *ex parte* motion, and findings that were neither requested, nor made, at the hearing. We take this opportunity to set forth Mr. Daulerio's objections now, and ask that the Court reconsider or amend the Order based on these objections.

In addition to the reasons set forth in the Response filed last week, the Order on Proceedings Supplementary is contrary to law in three principal ways:

First, the Order makes factual findings that were not made at the hearing, and on matters where Plaintiff did not seek such findings or submit evidence to the Court supporting such findings.

Second, the Order purports to effect an immediate transfer of Mr. Daulerio's stock in GMGI and RGFree to Plaintiff. Order, ¶¶ 2-3 (section proposing what is "ORDERED and ADJUDGED"). Leaving aside the question of whether Plaintiff can execute in Florida on stock residing outside of Florida (which the case law holds cannot be done), Plaintiff did not ask for such relief, and, as a matter of law, the Court cannot grant it. Specifically, Fla. Stat. § 56.29(6) provides that the relief furnished to a judgment creditor is by means of levy and sale with proceeds being applied towards the outstanding judgment amount, *not* a transfer of assets, which (among other things) denies Mr. Daulerio his due process rights as to the sale of the shares. This is further supported by Fla. Stat. § 56.061, which states that "stock in corporations shall be subject to levy and sale under execution." This is the proper procedure for good reason: The purpose of permitting Plaintiff to execute on Mr. Daulerio's assets is so that the value of those

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assets can be applied to his indebtedness. That requires a process for *valuing* the assets, rather than one in which they are simply handed over without any understanding of how, if at all, that affects Mr. Daulerio's indebtedness.

Third, the Order purports to make findings relating to, and effect an immediate transfer of, Mr. Daulerio's indemnification rights. Order, ¶ 1 (section proposing what is "ORDERED and ADJUDGED"). As we have previously noted, those rights are under the exclusive jurisdiction of the bankruptcy court. In any event, any such rights Mr. Daulerio has are not subject to execution in this manner. *See* 24A Fla. Jur. 2d Executions § 9 ("Mere contractual rights or choses in action . . . are not among the types of property that have been statutorily designated as subject to execution. Therefore, they may not be levied upon and sold under execution unless voluntarily given up for that purpose . . .") (citing *Peninsula State Bank v. United States*, 211 So. 2d 3 (Fla. 1968)). Rather, unless Mr. Daulerio chooses to voluntarily turn over such rights based on an agreed-upon valuation, Plaintiff must implead Gawker and/or GMGI, which he cannot do at present because both are in bankruptcy.


We ask that, if this Court is not going to reconsider or amend those portions of the Order that transfer Mr. Daulerio's property directly to Plaintiff, the Court amend the Order to indicate how those transfers affect Mr. Daulerio's progress towards satisfying the judgment. At the hearing last week, Mr. Vogt described Mr. Daulerio's indemnification rights as "a Get Out of Jail Free card to cover the entire judgment against him." Tr. 19:13-20. Taking that representation to the Court at face value, we ask that the Court declare that Mr. Daulerio has satisfied the judgment in full, if the Court does not otherwise amend the Order.

Lastly, I wish to apologize to the Court for being unable to appear at the hearing on August 11, 2016. I had to argue a dispositive motion at a long-scheduled court hearing in Cumberland County, Pennsylvania at 9:00 a.m. that Friday morning. My partner, Seth Berlin, was unable to attend for the reasons discussed at the Bench during the hearing.

Thank you for your consideration.

Respectfully yours,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: 
Michael Berry

cc: Counsel of record (via email)