

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

GAWKER MEDIA, LLC,, *et al.*,

Defendants.

MOTION TO DETERMINE CONFIDENTIALITY OF COURT RECORDS

Pursuant to Rule 2.420 of the Florida Rules of Judicial Administration and this Court's Agreed Protective Order Governing Confidentiality dated July 25, 2013 (the "Confidentiality Order"), Defendant A.J. Daulerio, by and through undersigned counsel, hereby moves to determine the confidentiality of an Exhibit to his Response to Plaintiff's Objection to Claim of Exemption and Motion to Determine Confidentiality and Notice of Withdrawal of Claim of Exemption ("Response"). As grounds for this motion, Mr. Daulerio states as follows:

1. Florida Rule of Judicial Administration 2.420(c)(9)(A)(iv) provides that certain court records are confidential if the Court determines that confidentiality is required in order to "obtain evidence to determine legal issues in a case."
2. This Court's Confidentiality Order provides that both the parties and non-party witnesses may designate testimony and/or documents as "confidential" if their substance falls into certain enumerated categories.
3. The document attached as Exhibit A to the Response consists of select pages from the transcript of Mr. Daulerio's August 17, 2016 deposition. Mr. Daulerio had initially marked the entire transcript as confidential. Now, in response to the Motion to Determine

Confidentiality filed by Plaintiff on August 26, 2016, Mr. Daulerio has agreed to de-designate the portions of his testimony included in Exhibit A save for the highlighted parts, which identify certain third-parties who have no connection to these proceedings. Accordingly, while Mr. Daulerio is only asking this Court to determine the confidentiality of the highlighted portions of Exhibit A, it is necessary to file the entire exhibit under seal in order to put that issue properly before the Court.

4. Counsel for Mr. Daulerio certifies that this motion is made in good faith and is supported by a sound factual and legal basis.

WHEREFORE, Mr. Daulerio respectfully requests that this Court determine the confidentiality of the highlighted portions of Exhibit A to the Response.

Dated: August 31, 2016

Respectfully submitted,
THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas
Gregg D. Thomas
Florida Bar No.: 223913
Rachel E. Fugate
Florida Bar No.: 0144029
601 South Boulevard, P.O. Box 2602 (33601)
Tampa, FL 33606
Telephone: (813) 984-3060
Facsimile: (813) 984-3070
gthomas@tlolawfirm.com
rfugate@tlolawfirm.com

Seth D. Berlin
Pro Hac Vice Number: 103440
Michael D. Sullivan
Pro Hac Vice Number: 53347
Michael Berry
Pro Hac Vice Number: 108191
Alia L. Smith
Pro Hac Vice Number: 104249
Paul J. Safier
Pro Hac Vice Number: 103437
LEVINE SULLIVAN KOCH & SCHULZ, LLP
1899 L Street, NW, Suite 200

Washington, DC 20036
Telephone: (202) 508-1122
Facsimile: (202) 861-9888
sberlin@lskslaw.com
msullivan@lskslaw.com
mberry@lskslaw.com
asmith@lskslaw.com
psafler@lskslaw.com

Counsel for Defendant A.J. Daulerio

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August, 2016, 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:

Kenneth G. Turkel, Esq.
kturkel@BajoCuva.com
Shane B. Vogt, Esq.
shanc.vogt@BajoCuva.com
Bajo Cuva Cohen & Turkel, P.A.
100 N. Tampa Street, Suite 1900
Tampa, FL 33602
Tel: (813) 443-2199; Fax: (813) 443-2193
Attorneys for Plaintiff

Kristin A. Norse
knorse@kmf-law.com
Stuart C. Markman
smarkman@kmf-law.com
Kynes, Markman & Feldman, P.A.
Post Office Box 3396
Tampa, FL 33601-3396
Tel: (813) 229-1118
Attorneys for Plaintiff

David Houston, Esq.
Law Office of David Houston
dhouston@houstonatlaw.com
432 Court Street
Reno, NV 89501
Tel: (775) 786-4188
Attorney for Plaintiff

Charles J. Harder, Esq.
charder@HMAfirm.com
Harder Mirell & Abrams LLP
132 South Rodeo Drive, Suite 301
Beverly Hills, CA 90212-2406
Tel: (424) 203-1600; Fax: (424) 203-1601
Attorneys for Plaintiff

Gregg D. Thomas

Attorney