

IN THE CIRCUIT COURT OF THE 6TH
JUDICIAL CIRCUIT, IN AND FOR PINELLAS
COUNTY, FLORIDA

CASE NO.: 12-012447 CI-011

TERRY GENE BOLLEA, professionally
known as HULK HOGAN

Plaintiff,

v.

GAWKER MEDIA, LLC, aka GAWKER
MEDIA, NICK DENTON, and A.J. DAULERIO

Defendants.

**LEVINE, SULLIVAN, KOCH & SCHULZ, LLP'S MOTION TO DETERMINE
CONFIDENTIALITY AND FOR SEAL ORDER RE: RESPONSE IN OPPOSITION TO
PLAINTIFF'S AMENDED SANCTIONS MOTION**

COMES NOW, LEVINE SULLIVAN KOCH & SCHULZ, LLP, ("LSKS"), by and
through the undersigned counsel, files this Motion to Determine Confidentiality and for Seal
Order, and in support thereof, states as follows:

1. On October 13, 2016, Plaintiff, TERRY GENE BOLLEA's, p/k/a HULK HOGAN ("Plaintiff" or "Bollea") filed his Amended Motion for Sanctions and For Order to Show Cause Against A.J. Daulerio and His Counsel ("Amended Sanctions Motion").
2. The Amended Sanctions Motion is set to be heard before this Honorable Court on November 21, 2016 at 1:30 p.m.
3. LSKS has drafted a written response to the Amended Sanctions Motion ("Response to Amended Sanctions Motion").

4. However, many of the exhibits and attachments to LSKS' Response to the Amended Sanctions Motion are deemed "Confidential Information" pursuant to the parties' Agreed Protective Order dated July 25, 2013 ("Agreed Protective Order").

5. Paragraph 11 of the Agreed Protective Order provides that "in the event a party wishes to use any Confidential Information in affidavits...or other paper filed in Court in this litigation, such Confidential Information used therein shall be filed under seal with the Court consistent with Florida Rule of Judicial Administration 2.420."

6. Florida Rule of Judicial Administration 2.420(e)(1) provides that "a request to determine the confidentiality of trial court records... must be made in the form of a written 'Motion to Determine Confidentiality of Court Records.'"

7. Likewise, 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."

8. Florida Rule of Judicial Administration 2.420 also governs the sealing of court records. Among other things, it calls for sealing court records when confidentiality is necessary to "avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed." Fla. R. Jud. Admin. 2.420(c)(9)(A)(vi).

9. Here, LSKS' Response to the Amended Sanctions Motion contains Confidential Information. Indeed, it is appropriate for the Court to seal the Response. *See Wilson v. Goodman*, 2011 Fla. Cir. LEXIS 4013 (Fla. 15th Cir. Ct. Oct. 24, 2011) (citing to Fla. Const. art I, § 23; Fla. R. Jud. Admin. 2.420).

10. As such, LSKS requests that the parties, through their counsel, shall have access to the filing (in accordance with the Agreed Protective Order and Fla. R. Jud. Admin. 2.420) but that no other member of the public shall be able to view the filing made confidential herein.

11. The degree, duration, and manner of confidentiality ordered by the Court are no broader than necessary to protect the interests above and no less restrictive measures are available to protect the interests set forth above.

12. The undersigned counsel certifies that the instant motion is made in good faith, is supported by a sound factual and legal basis, and is being filed to comply with Rule 2.420 and the Agreed Protective Order entered in this case.

WHEREFORE, LSKS moves this Court to enter an Order:

- (a) Determining the confidentiality of LSKS' Response to the Amended Motion for Sanctions in light of the Confidential Information attached thereto;
- (b) Permitting LSKS to file its Response to Amended Motion for Sanctions under seal;
- (c) Directing the Clerk to maintain the Response to Amended Motion for Sanctions under seal; and
- (d) Granting any further relief appropriate.

Dated: November 15, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that, on this 15th day of November, 2016, we have filed the foregoing with the Clerk using the Florida Courts' ePortal System which will furnish a true and correct copy to counsel listed on the below Service List, at each counsel's respective designated electronic mail address.

s/ Jonathan Vine

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