

12-12447-CI

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EXHIBIT “13”

From: Charles Harder [mailto:charder@hmafirm.com]
Sent: Monday, October 07, 2013 3:58 PM
To: Seth Berlin; Douglas Mirell
Cc: Paul Safier; Alia Smith; 'gthomas@tlolawfirm.com'; 'Rachel E. Fugate'; 'cramirez@BajoCuva.com'; 'Ken Turkel (KTurkel@bajocuva.com) (KTurkel@bajocuva.com)'; 'dhouston@houstonatlaw.com'
Subject: RE: Bollea v. Clem, Gawker -- Corporate Defendants

Based on the deposition testimony, we are dismissing Gawker Sales, Gawker Technology and Gawker Entertainment. My local counsel has the dismissal and I expect that they will file it this afternoon.

We will grant Gawker Media Group Inc. an extension until Oct. 11 to respond to the Complaint.

From: Seth Berlin [mailto:SBerlin@lskslaw.com]
Sent: Monday, October 07, 2013 12:45 PM
To: Charles Harder; Douglas Mirell
Cc: Paul Safier; Alia Smith; 'gthomas@tlolawfirm.com'; 'Rachel E. Fugate'; 'cramirez@BajoCuva.com'; 'Ken Turkel (KTurkel@bajocuva.com) (KTurkel@bajocuva.com)'; 'dhouston@houstonatlaw.com'; Seth Berlin
Subject: RE: Bollea v. Clem, Gawker -- Corporate Defendants

Counsel,

Might we please have the courtesy of a response to the email below? Thank you.

Seth

Seth D. Berlin

From: Seth Berlin
Sent: Friday, October 04, 2013 9:29 AM
To: charder@HMAfirm.com; Douglas Mirell (dmirell@hmafirm.com)
Cc: Seth Berlin; Paul Safier; Alia Smith; gthomas@tlolawfirm.com; Rachel E. Fugate; cramirez@BajoCuva.com; Ken Turkel (KTurkel@bajocuva.com) (KTurkel@bajocuva.com); dhouston@houstonatlaw.com
Subject: Bollea v. Clem, Gawker -- Corporate Defendants

Charles and Doug,

As Charles knows, we jointly agreed to postpone until October 18 the time to file a motion to dismiss two of the corporate defendants that had recently been served – Gawker Sales LLC and Gawker Technology LLC. A third such entity – Gawker Media Group, Inc. – was subsequently served and its response is due October 9. Although Gawker’s corporate structure and the involvement of these entities in the conduct at issue – or, as is the case, the lack thereof – were previously disclosed under oath in Gawker’s responses to plaintiff’s second set of interrogatory responses (see Gawker’s Response to Interrogatory No. 12), this extension was designed to allow you to probe the issue further at the depositions.

We believe that the discovery and testimony to date conclusively demonstrates that none of these three entities played any role in the publication, that Gawker Media LLC (the actual publisher) is the proper corporate defendant, and that Gawker Sales and Gawker Technology are now dissolved. Even assuming that plaintiff had a good faith basis to sue these entities at the outset of the case, that can no longer be true. Please let us know whether you will voluntarily dismiss these three entities. If you will not do so, we plan to file one motion to dismiss all three entities on Wednesday, when Gawker Media Group, Inc.’s answer or response to the Complaint is due. If you are not able to get back to us today, and need a few days to consider our request, we would ask that, at a minimum, you agree today to extend the time for Gawker Media Group, Inc. to respond, since we think the Court would prefer to receive one combined motion. If that is the case, we would propose an extension for Gawker Media Group, Inc. to respond to the complaint until October 11, assuming you can respond by COB on Tuesday 10/8 to the substance of our request.

Should you wish to discuss this, please let me know. Thank you.

Seth

Seth D. Berlin

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