

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

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

Case No.: 12012447-CI-011

vs.

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

Defendants.

_____ /

MOTION FOR STAY PENDING APPEAL

Defendant GAWKER MEDIA, LLC (“Gawker”), by and through undersigned counsel, hereby moves the court for an order suspending and staying the temporary injunction orally entered in favor of Plaintiff on April 24, 2013. In support of this motion, Gawker states:

1. On April 24, 2013, this Court held a hearing on Plaintiff’s Motion for Temporary Injunction and orally granted Plaintiff’s Motion.
2. The Court directed the Plaintiff to submit a written order, which is expected to be entered shortly.
3. At the conclusion of the hearing, counsel for Gawker requested a stay of the temporary injunction so Gawker could pursue appellate remedies. The Court orally denied Gawker’s request.
4. Rule 9.310 requires that a party seeking to stay a final or non-final order pending review file a motion in the lower tribunal.

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5. Given the important First Amendment issue of prior restraint of the press, the Defendant requests that this Court stay its ruling granting a temporary injunction.

6. Failure to grant this motion for stay will cause Defendant irreparable harm primarily because the order is a presumptively unconstitutional prior restraint of the press. See Times-Picayune Pub. Corp. v. Schulingkamp, 419 U.S. 1301, 1302, 1307 (1974) (granting media entity's motion to stay a trial court's order, due to the substantial possibility the order was an unconstitutional prior restraint of the media that would cause irreparable harm, and stating that prior restraints are presumptively unconstitutional).

7. Because this Court's order both upsets the status quo and causes irreparable harm, the motion for stay should be granted. See Perez v. Perez, 769 So. 2d 389, 391 n. 4 (Fla. 3d DCA 1999) (stating that appellate court has authority to grant a motion for stay to preserve the status quo, and may consider potential harm to the moving party if the motion is denied).

WHEREFORE, Gawker respectfully requests that this Court grant its motion for stay pending appeal.

Respectfully submitted,

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April 2013, I caused a true and correct copy of the foregoing to be served by mail and email upon the following counsel of record:

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